

EDGARS

Cherwell District Council
Planning Services
Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA

Our Ref: 689/2999

PP Reference: PP- 11139506

Date: 19th May 2022

Dear Sir / Madam,

VARIATION OF CONDITIONS 10 (ACCESS), 11 (REVISED ENERGY STRATEGY) AND 12 (TRAINING AND EMPLOYMENT PLAN) OF PLANNING PERMISSION REFERENCE 18/01253/F

We write to submit information to vary the pre-commencement conditions 10, 11 and 12 attached to planning permission 18/01253/F, which relates to Bicester Heritage, Buckingham Road, Bicester. Planning permission was granted in March 2020 for:

'Erection of hotel and conference facility with associated access, parking, and landscaping.'

The applicant wishes to vary the timing of the pre-commencement planning conditions, in line with recent government guidance on the use of pre-commencement planning conditions.

The application to vary these conditions has been made via the planning portal under reference PP-11139506.

The following documents are submitted as part of the application:

- Location Plan
- Decision Notice
- Planning Cover Letter

Background

The site is located to the north of Bicester, within the grounds of the former Bicester RAF airfield. The wider site is occupied by Bicester Heritage. The whole wider site is designated as a Conservation Area. There are a number of listed buildings within the main technical area of the wider airfield site. The application site is accessed from the A4421. There is no public access to the application site at present.

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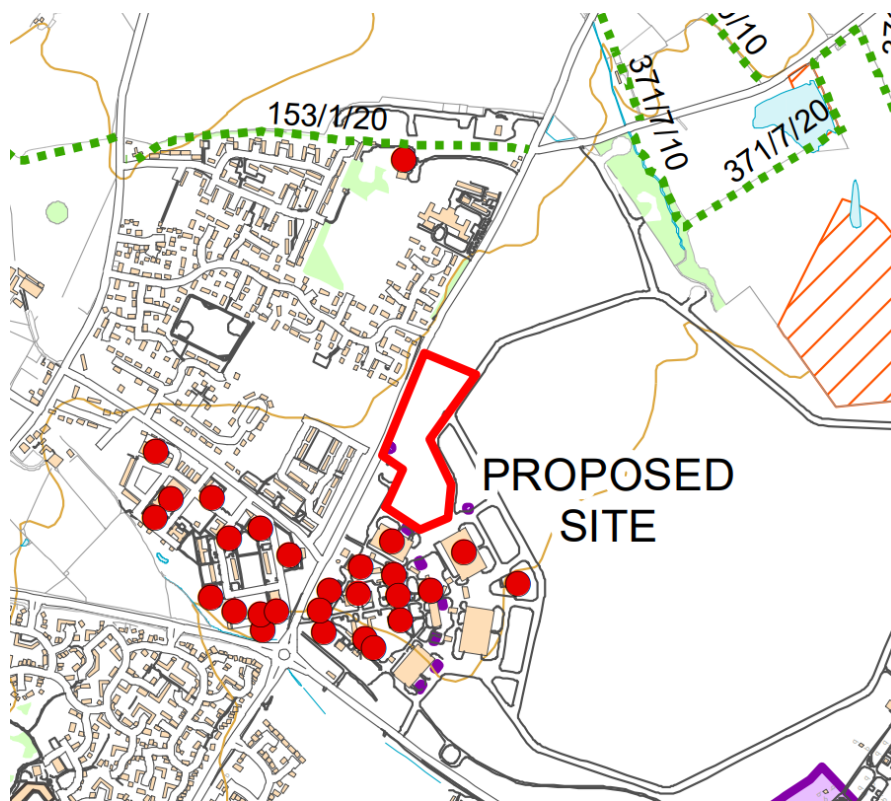


Figure 1 - Site Location

The planning permission for a hotel and conference facility allows for commencement of development to be made within 3 years of the decision date (i.e. prior to 11th March 2023).

The applicant is seeking to vary three planning conditions. This is to enable the submission of information at a stage beyond the commencement of development.

Planning Policy and Guidance

The planning policy context is comprised of the following relevant documents and policies/paragraphs:

Document	Relevant Policy / Paragraph / Section
Cherwell Local Plan 2011-2031 Part 1	Strategic Objective 3, Paragraph B.14, ESD1, ESD3, ESD15, SLE3
Cherwell Local Plan 1996	C28, C30
National Planning Policy Framework	81, 82, 111, 157

The full wording of the relevant policies above is included at Appendix 1 for ease of reference.

Variation of Conditions

Table 1 below sets out the specific conditions as they are worded currently and as the applicant proposes them to be worded in full. The altered text is marked in bold font.

The following conditions are identified as being in need of variation for the reasons set out below.

Condition 10 - Access

Condition 10 currently precludes any development taking place until full details of the means of access between the land and the highway position, layout, construction, drainage and vision splays has been submitted to and approved in writing by the LPA. The condition then precludes the first occupation of the building until the access has been constructed in accordance with the approved details.

The applicant seeks variation to allow for the required details, in this instance relating to the means of access, to be submitted to the Local Planning Authority prior to works above the foundation level.

This variation would not have any impact upon the construction of the development and would still allow for the access to be implemented prior to the vast majority of construction taking place. The condition would remain to ensure that access is constructed prior to first occupation.

Policy ESD15 relates to the character of the built and historic environment, and the high design standards new development must meet. By changing the time at which details of the access are sent to the LPA it would not impact upon the character of the area and the development would remain to provide a high-quality environment.

Condition 11 – Energy Strategy

The applicant seeks that the Revised Energy Strategy be provided prior to the works above the foundation level stage.

The amended timing of the Revised Energy Strategy, until prior to above foundation slab level works, would not have any impact upon the construction, construction standard, or energy strategy quality of the development.

On the basis that this application seeks to move the required submission period of the Revised Energy Strategy to prior to any above foundation slab works it is, and that no change to the physically built environment is proposed, it is considered that the development continues to accord with the wording of Policy ESD1. Likewise, the delaying of the Revised Energy Strategy information will not have a detrimental impact upon sustainable construction standards (ESD3).

Condition 12 – Training and Employment Plan

The applicant seeks that the Training and Employment Plan be provided prior to works that are above foundation level stage.

The planning condition reasoning refers to *Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth, Para B. 14 of the Cherwell Local Plan 2011-2031, and Strategic Objective 3 of the Local Plan.*

Paragraph B.14 of the Cherwell Local Plan 2011 – 2031: Part 1 relates to ensuring that the population is sufficiently skilled to attract companies and investments to Cherwell.

Furthermore, Strategic Objective 3 of the adopted Local Plan relates to helping disadvantaged areas, supporting an increase in skills and innovation, improving the built environment and making Cherwell more attractive to business by supporting regeneration.

With regards to the NPPF, since the revision in July 2021 the relevant paragraphs outlined in the condition reasoning are now 81 and 82. Paragraph 81 outlines that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 82 outlines that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industry Strategies and other local policies for economic development and regeneration.

The amended timing of this Plan would not have any impact on its quality, contents or format. The timing of the Plan would simply allow minimal works on site to engage the planning permission. The Training and Employment Plan can still allow the potential for construction apprenticeship.

Table 1: Schedule of Conditions sought to be varied

Condition	Original Wording of Condition	Proposed Wording of Condition (Changes in bold)
10	<p><i>No development shall take place until full details of the means of access between the land and the highway including position, layout, construction, drainage and vision splays has been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, the means of access shall be constructed and retained in accordance with the approved details.</i></p> <p><i>Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</i></p>	<p><i>No development above foundation slab level shall take place until full details of the means of access between the land and the highway including position, layout, construction, drainage and vision splays has been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, the means of access shall be constructed and retained in accordance with the approved details.</i></p> <p><i>Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</i></p>
11	<p><i>No development shall take place until a Revised Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. This should include proposals to reduce energy demand, increase energy efficiency, and generate energy from renewable energy sources. It should also propose ways in which carbon emissions will be reduced and low carbon measures be embodied into the proposals. The development shall proceed in accordance with the approved Strategy.</i></p>	<p><i>No development above foundation slab level shall take place until a Revised Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. This should include proposals to reduce energy demand, increase energy efficiency, and generate energy from renewable energy sources. It should also propose ways in which carbon emissions will be reduced and low carbon measures be embodied into the proposals. The development shall proceed in accordance with the approved Strategy.</i></p>

	<p><i>Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</i></p>	<p><i>Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.</i></p>
<p>12</p>	<p><i>No development shall take place until a Training and Employment Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.</i></p> <p><i>Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011-2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills. This condition is a pre-commencement condition as it relates to the provision of construction apprenticeships.</i></p>	<p><i>No development above foundation slab level shall take place until a Training and Employment Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.</i></p> <p><i>Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011-2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills. This condition is a pre-commencement condition as it relates to the provision of construction apprenticeships.</i></p>

Summary

This application seeks to vary the wording of pre-commencement conditions 10, 11 and 12 attached to planning permission 18/01253/F. It is considered that this is reasonable and in accordance with national planning guidance and legislation.

We trust that the above contains all the necessary information for the variation of the aforementioned conditions but if any further information is required, please do not hesitate to contact me.

Yours sincerely,

Edgars Limited

Appendix 1 – Policy Wording

Policy SLE3 – Local Plan 2011-2031 Part 1

The Council will support proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District.

Policy ESD15 – Local Plan 2011-2031 Part 1

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.

All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting
- Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette

- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features
- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout
- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy)
- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality
- Use locally sourced sustainable materials where possible. The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

Policy C28 – Local Plan 1996

Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

Policy C30 – Local Plan 1996

Design control will be exercised to ensure: (i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity; (ii) that any proposal to extend an existing dwelling (in cases where planning permission is required) is compatible with the scale of the existing dwelling, its curtilage and the character of the street scene; (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the local planning authority.

National Planning Policy Framework

81. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.