

Case Officer: Laura Bell

Recommendation: Approve

Applicant: Mr Kelvin Pearce

Proposal: Discharge of Condition 2 (External Lighting Layout) of 22/01945/REM

Expiry Date: 3 February 2023

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site relates to a parcel of land to the south of Bicester and east of Wendlebury Road comprising an existing chicken farm and associated buildings. The land benefits from outline planning permission for B1 office employment development. Planning permissions were granted under refs: 19/01746/OUT and 19/01740/HYBRID.
- 1.2. Reserved matters approval relating to 19/01746/OUT was granted by 22/01945/REM, which granted consent for 4no. units within three separate buildings with a cumulative gross floor area of 10,195sqm. Access is taken from the new roundabout constructed at the front of the wider site.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. This submission seeks consent to discharge condition 2 of 22/01945/REM, which relates to details of external lighting across the site.

3. RELEVANT PLANNING HISTORY

The following planning history is considered relevant to the current proposal:

Application: 19/01746/OUT Permitted 24 September 2020

Outline planning application (with all matters reserved excluding access) for B1 development (B1a and/or B1b and/or B1c); access and associated landscaping and infrastructure works

Application: 22/01945/REM Permitted 12 October 2022

Reserved matters application to 19/01746/OUT - layout, scale, appearance and landscaping details for employment development (10,195sqm GIA), with associated landscaping and infrastructure works.

Application: 22/03691/DISC

Discharge of Condition 2 (Phasing Plan Phase 3) of 19/01746/OUT

Application: 22/03692/DISC

Discharge of Condition 24 (lighting layout/vehicle tracking) of 19/01746/OUT

Application: 22/03693/DISC

Discharge of Condition 18 (SUDS/Drainage) of 19/01746/OUT

Application: 22/03694/DISC

Discharge of Condition 27 (Phase 3 Framework Travel Plan) of 19/01746/OUT

RESPONSE TO PUBLICITY

- 4.1 This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was **18 February 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 4.2 No comments have been raised by third parties.

RESPONSE TO CONSULTATION

- 5.1. CDC Environmental Health – No objection. Happy for the condition to be discharged.
- 5.2. CDC Ecology (from 22/03692/DISC) - With regard to the above discharge of conditions specifically the lighting aspect - I have had some trouble viewing the plan however it appears that there will be significant light spill into most of the trees on site and particularly there will be spill into the trees bordering the green space to the East of at least 2 lux on average. Most bats, particularly the rarer species, are deterred by this level of light. 1 lux is equivalent to twilight and lighter than this will affect the way nocturnal wildlife can use the site. If possible I would look to try to reduce this spill onto vegetation, in particular pulling it back from the vegetation bordering the biodiversity mitigation area. I could not see any information on the proposed timing of lighting (time of year in use, whether some will be responsive lighting, will it be on all night etc..) and this would make a significant difference to its potential impact. Ideally I would request this information is submitted.

APPRAISAL

- 6.1. Condition 2 states:

Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

- 6.2. Whilst the comments from the Ecology Officer are noted, the lighting details submitted to discharge this submission are listed as an approved drawing under the REM for phase 2 (22/01632/REM). The relationship between Phase 3 (to which this application to discharge conditions relates) and the open area to east is similar to Phase 2, but the shared boundary length is much less (circa 110m) – limiting the potential impacts of lighting in comparison to Phase 2.

- 6.3. Given that the lighting scheme has already been judged to be acceptable for Phase 2 (and therein there is no limitation on hours of operation), it is not considered that the current submission could be reasonably refused on the basis of light spill/operational hours. As such, the details are considered sufficient to discharge the requirements of the condition.
- 6.4. The original application was EIA development. This application is not a 'subsequent application' as it is not a pre-commencement requirement. The information submitted pursuant to the discharge of these conditions was not included within the Environmental Statement submitted with the application although it will support the development of the site to the satisfaction of the local planning authority in consideration of the environmental impacts. For these reasons, the EIA is considered adequate for the purpose of considering the information provided for this condition and it has been taken into account in considering this submission.

4. RECOMMENDATION

That Planning Condition 2 of 22/01945/REM be discharged based upon the following:

Condition 2

- External Lighting Layout ref: 1760-ESC-00-ZZ-DR-E-2104 - P1 dated 23/5/22.

Case Officer: Laura Bell

DATE: 27 February 2023

Checked By: Caroline Ford

DATE: 28/02/2023
