

**Case Officer:** Tom Webster

**Recommendation:** Approval

**Applicant:** Peveril Securities Ltd

**Proposal:** Reserved matters approval for 17/02534/OUT - Proposed construction of a sub-station with all associated works

**Expiry Date:** 17 November 2023

**Extension of Time:** Yes

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises an irregular shaped parcel of land that forms part of a wider piece of arable land, which has been allocated in the Cherwell Local Plan 2015 as 'Bicester 4' for the creation of an office park.
- 1.2. The application site is adjacent to a Tesco superstore, and Lakeview Drive, a private road that provides access to the wider Bicester 4 site and the new Tesco store. A combination of trees, hedgerows, and woodland form the eastern boundaries together with a network of drainage ditches. An existing ditch passes through the site from Lakeview Drive and feeds a pond just beyond the southern boundary of the site.
- 1.3. To the east of the site lies Langford Brook and beyond this the sewage treatment works. To the south lies the remainder of the Bicester 4 Site (almost 13.1ha of arable land). The land between the eastern boundary of the site and Langford Brook is all within the floodplain.
- 1.4. The site sits outside of a conservation area, it is not near any listed buildings and is inside flood zone 2.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. This reserved matters application, following the grant of 17/02534/OUT, seeks permission to erect a primary sub-station with all associated works on land north of Bicester Avenue Garden Centre, Oxford Road, Bicester.
- 2.2. The sub-station development would comprise the following:
  - 6 car parking spaces
  - 4 sub stations
  - Standalone plant equipment
  - A spine road (which will link the site with the Oxford Road, via Lakeview Drive)
- 2.3. The measurements of the four sub stations would be:
  - Northern facing Sub station
    - 4.75m deep x 15.75 wide x 6.4m high

### Southern facing Sub Station

- 4.8m deep x 15m wide x 6.4m high

### The two central substations

- 6.4m deep x 10m wide x 4m high

- 2.4. The sub stations will be empire green colour.
- 2.5. The standalone plant equipment, which would be grey, would measure 3.3m deep x 3.1m wide x 4.2m high.
- 2.6. The sub-station compound will be framed by green Procter Pro-Sure 358 Mesh Fencing that would be 2.4m high.
- 2.7. The outline planning application was an environment impact assessment application. Accordingly, an environmental statement was submitted to the planning authority as part of that application. Although not a requirement, for completeness, the applicants have submitted an Environmental Compliance Statement as part of this reserved matters application.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning site history is relevant to this application:

- 3.2. Land North Of Bicester Avenue Garden Centre Oxford Road Bicester

*17/02534/OUT - OUTLINE - The erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks – Granted planning permission on the 6 May 2020*

## **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No pre-application discussions have taken place with regard to this proposal.

## **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **10 August 2023** and a Press notice on the **20<sup>th</sup> July 2023** expiring 19 August 2023.
- 5.2. No comments have been raised by third parties.

## **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Bicester Town Council: No Objection.

### STATUTORY CONSULTEES

- 6.3. Environmental Agency: We are not a statutory consultee for reserved matters applications.
- 6.4. Oxfordshire County Council (Highways): No objection.
- 6.5. Oxfordshire County Council (Local Lead Flood Authority): No objection subject to conditions
- 6.6. Oxfordshire County Council (Archaeologist): The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 6.7. Senior Economic Growth Officer: Supports – As the applicant states – “The proposed sub-station is required to deliver the infrastructure to serve the wider development proposal approved for the Bicester Arc site, which will deliver up to 60,000 sqm of employment floorspace.” The nature of the employment supported by the site will assist the development of the ‘knowledge economy’ locally, and the provision of this infrastructure will be of fundamental importance.
- 6.8. Thames Water: No objection – The planning application proposal sets out that FOUL WATER will NOT be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future, we would consider this to be a material change to the application details, which would require an amendment to the application, and we would need to review our position.
- 6.9. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.
- 6.10. CDC (Landscape Officer): He had initially objected but following the submission of a revised landscape plan (Proposed Landscaping Plan – Drawing Ref: F102) he is happy with the proposal subject to condition to secure a planting schedule.
- 6.11. CDC (Ecology): With regard to the above reserved matters application for the construction of a substation - the information with the Ecology Statement is generally satisfactory when assessed in conjunction with the Ecological appraisal submitted for 23/02354/DISC (I note this Ecological appraisal is not referenced within the Ecology Statement here and has not been submitted with this application) although there is no assessment of the particular impacts of the site for this reserved matters application (substation) alone.

The achievement of net gain is reliant on other parts of the wider application, namely an ‘eco-park’ area, but the justification for this is set out clearly enough.

A CEMP for biodiversity should be conditioned to ensure protection of biodiversity during construction and site clearance, and an LEMP to cover creation and management of the proposed planting on site around the substation. A lighting scheme for the substation area should also be submitted as this will have implications for nocturnal wildlife – I couldn’t see reference to a wider lighting scheme. There should also be additional biodiversity enhancements on site where possible – bat or bird bricks/boxes for example or measures for invertebrates included.

6.12. CDC (Drainage): No comments on surface water drainage strategy and details. However, more details required of foul drainage. A septic tank will not be acceptable.

6.13. Thames Valley Police: No objection.

6.14. CDC (Environmental Protection):

- General: No comments
- Noise: No comments
- Contaminated Land: No comments
- Air Quality: No comments
- Odour: No comments
- Light: No comments

#### OTHER CONSULTEES

6.15. Buckinghamshire Council: No comments to make.

### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD5: Renewable Energy
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Bicester 4 – Bicester Business Park

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1: Environmental pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017

## 8. APPRAISAL

The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highways
- Drainage
- Ecology/Biodiversity Net Gain
- Conclusion

### *Principle of development*

- 8.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 8.2. Policy Bicester 4 allocates this site, and the surrounding arable field, for a distinctive commercial development that will provide a gateway into Bicester.
- 8.3. The substations are necessary to ensure that the high-quality commercial development, sought by Policy Bicester 4, comes forward. To this end, the proposal complies fully with the NPPF and the Local Plan.

### *Design, and impact on the character of the area*

- 8.4. Paragraph 124 of the NPPF states that 'the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.'
- 8.5. The National Design Guide (September 2019) is also pertinent and explains (through the use of case studies and examples of good practice) how the Government's expectations for high quality design can be delivered.
- 8.6. Adopted Local Plan Policy ESD 15 requires that new development be required to meet high design standards. The policy notes that successful design is founded upon an understanding and respect for an area's unique built, natural, and cultural context. 9.3. Saved Policy C28 states:

*"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."*

- 8.7. The site proposed for the four sub-stations and standalone equipment will be within the following context: immediately adjoining a private road designed to access a designated employment area (Bicester 4) where a current s73 outline application for employment use is being considered by Officers (22/01080/OUT) and to the rear of the Tesco superstore which is the location for its delivery and servicing yard.
- 8.8. The substations and plant equipment would be industrial in appearance and relatively modest in scale and height. They would also be well screened by sensitive fencing which would be sympathetic to the location and appropriate in its context. The top parts of the proposed substations and plant equipment would only be glimpsed at from the private road and according to the submitted levels details, would only be minimally higher than existing and would be in keeping. In addition, from the wider area, only glimpsed views would be possible, if at all, given the A41 to the North of the site is elevated above it.
- 8.9. Given the context for the proposed development and the need to provide an appropriate electricity supply to the adjoining allocated employment site, Officers consider the proposals acceptable. Officers note that the use of green colours of the substation, and the surrounding fencing, and consider them to be the appropriate colours for this location.

#### *Residential Amenities*

- 8.10. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise and air pollution.
- 8.11. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which states that new development proposals should: consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting and ventilation and indoor and outdoor amenity space.
- 8.12. The separation distance between the nearest residential property and the substations, is, at approximately 500m, a significant distance away. Consequently, the amenity of the neighbouring residents will not be materially impacted by the new development.
- 8.13. The Council's Environmental Protection team raised no objections, and it is considered that the proposal complies with the NPPF and the Local Plan 2015. As this facility does not involve foul water, odour concerns covered by condition 11 of the outline permission is not relevant in this instance.

#### *Highways*

- 8.14. Paragraph 111 of the NPPF 2021 states that: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

- 8.15. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. Policy SLE4 relates to transport and connections. It sets out that development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It also sets out that the new development in the District will be required to provide financial and or in-kind contributions to mitigate the transport impacts of development.
- 8.16. Oxfordshire County Council's 'Parking Standards for New Developments' (2022) which requires there to be 1 bay per 75sqm for new Class B Use (General Industrial). The proposal satisfies this requirement, and the proposal complies with the NPPF and the Local Plan 2015

#### *Drainage*

- 8.17. Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1, which promotes sustainability in water use, states that development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses. Policy ESD6 relates to sustainable flood risk management and Policy ESD7 relates to the use of sustainable drainage systems (SUDs).
- 8.18. The site is located inside Flood Zone 2. Accordingly, OCC Drainage were consulted and have raised no objection, subject to the imposition of two surface water conditions. The development has met the conditions on the outline permission which required details to be submitted and show finished floor levels at a minimum of 300mm above the 1 in 100 year flood level (including 35% allowance for climate change).
- 8.19. Cherwell District Council's Flood Risk Management service were also consulted. They had initially raised concerns about a plan showing a septic tank. In a phone conversation, the Flood Risk Officer explained that because the site is very close to Langford Brook and, given the size of the site, there is insufficient room to create an acceptable drainage field, it is likely that the foul sewage would seep into Langford Brook, polluting it. His advice is that a condition is imposed to ensure that, instead of a septic tank, a saniflo water drainage pump is installed which will connect with the main sewage system. This could be secured by condition.
- 8.20. However, there is no longer a need for this condition because the applicants have submitted revised plans F102 Rev B; 92003 PO4 and - 4GAD 011 Rev 2) which have removed proposals for a toilet and wash basin and make no reference to a septic tank.
- 8.21. On this basis, this aspect of the proposal is acceptable and policy compliant.

#### *Ecology/Biodiversity Net Gain (BNG)*

- 8.22. The NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity, where possible. Local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 8.23. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat, or species of known ecological value.

- 8.24. The PPG post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that ecological assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.25. The Council's ecologist is generally happy with the information submitted but notes that the overall BNG will be achieved once each parcel of land on the wider site allocation site has been developed.
- 8.26. The ecologist has requested that conditions are imposed to:
- Secure the protection of biodiversity during construction and site clearance and;
  - Secure additional biodiversity enhancements on site where possible – bat or bird bricks/boxes for example or measures for invertebrates included.
  - Covers the creation and management of the proposed planting on site around the substation; and
  - Secures a lighting scheme for the substation area should also be submitted as this will have implications for nocturnal wildlife.
- 8.27. The outline permission includes numerous conditions which cover some of the above matters and which are relevant to this site. There is no need for those to be repeated. Given the nature of this particular development, it is not considered that enhancements in the form of bat or bird bricks/ boxes would be relevant. The proposal includes a landscaping scheme. A condition to secure a lighting scheme is recommended.

#### *Environmental Impact Assessment*

- 8.28. The original application was EIA development, and this is a subsequent application and, for completeness, Officers sought a 'statement of conformity' relating to the ES documents for the site.
- 8.29. The 'statement of conformity' has undertaken a review of Environmental Statement documents and considered the implications of the proposed development on the conclusions therein.
- 8.30. The statement confirms that the conclusions of the relevant ES documents remain applicable and valid. For these reasons, the EIA is considered adequate for the purposes of considering the information provided for this reserved matters submission and it has been taken into account in considering this subsequent application.

#### **Conclusion**

- 8.31. The proposed development will provide infrastructure to enable the delivery of commercial developments across the remainder of Site Allocation Bicester 4, in an acceptable location and to an acceptable design and without causing any undue harm.
- 8.32. In light of the above, the proposal is considered to be acceptable and in accordance with the NPPF and relevant policies of the Cherwell Local Plan 2015.



## 9. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:

F100 Rev A – Site Location Plan  
F101 Rev A - Proposed Site Layout  
082005-CUR-XX-XX-DR-C-92003\_P04 – Revised Sustainable Drainage Plan  
082005 CUR 00 XX DR C 92010 P04 – Surface Water Drainage Plan  
GAD-011 Rev 2 - DNO Compound Layout  
GAD-012 Rev 1 - IDNO Compound Layout  
GAD-014 Rev 2 – Primary Compound Elevations (the layout of the compounds are not approved by this plan)  
F102 Rev B – Proposed Landscaping Plan

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

2. Prior to the first occupation of the development, an external lighting strategy (including management and maintenance) shall be submitted to and improved in writing by the Local Planning Authority. External lighting shall be implemented in accordance with the approved strategy.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site, and to protect biodiversity in accordance with Policies Bicester 4 and ESD10 of the Cherwell Local Plan Part 1 2011-2031, Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.

4. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both pdf and shp file format.
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company.

Reason: To ensure that sufficient capacity is made available to accommodate

the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

5. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the first occupation of the development hereby approved.

Substation Drainage Strategy 082005-CUR-OO-XX-DR-C-92003\_P04  
Site Wide Drainage Strategy 082005 CUR 00 XX DR C 92010 P04

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

Informative

In accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.

Case Officer: Tom Webster

DATE: 14.11.2023

Checked By: Caroline Ford

DATE: 17/11/2023

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