



## Supplement for

DEVELOPMENT CONTROL COMMITTEE - MONDAY, 27TH MARCH, 2023

Agenda No 5

5. **Application for Development - 22/03415/FUL (Pages 3 - 34)**

Purpose:

To consider applications for development, details of which are set out in the attached schedule.

Recommendation:

That the applications be determined in accordance with the recommendations of the Business Manager – Development Management.



22/03415/FUL

## Additional Reps report

### Further Consultation Response post preparation of the Committee Report.

**WODC Rural Development** - The Apprenticeship Scheme in the classic car world across 10 skill sets associated with the proposed development looks good and constructive.

### Major Planning Applications Team-OCC

#### Transport Schedule

**Recommendation:** No objection subject to conditions

#### Key issues:

This response responds to updated information submitted by the applicant and should be read in conjunction with the previous response dated 13/01/23.

The revised information includes an increase in staff and further detail on the members club and how members will be travelling to the site. This states that approximately 200-300 members will be on site per day on top of the visitors to the museum and staff.

The higher staff and servicing trips along with the members trips have been added to the original expected trip generation to give a better understanding of exactly what the site will generate. The junction capacity assessments have been updated with the revised trip generation which shows the local junctions are all operating within capacity.

Trip distribution has also been provided which gives better clarity over the impact on local villages. Contributions have been requested below to help mitigate the impact of the development on these villages.

The previously requested traffic monitoring condition and contribution has been removed. The site will be monitored through the travel plan and trips to the site controlled via car parking and ticket sales conditions.

The previous objection raised on Public Rights of Way grounds has been removed following further information regarding the route of the PROW and the crossing on Green Lane.

#### Legal agreement required to secure:

S106 Contributions	Amount £	Price base	Index	Towards (details)
<b>Contribution</b>				
Traffic calming for Enstone	£100,000	October 2022	Baxter	Traffic calming and signage for Enstone
Footway extension for Enstone	£150,000	October 2022	Baxter	Footway extension and build-out for Enstone

Traffic calming for Little Tew	£60,000	October 2022	Baxter	Traffic calming and signage for Little Tew
Traffic calming for Great Tew	£60,000	October 2022	Baxter	Traffic calming and signage for Great Tew
Traffic calming for Sandford St Martin	£60,000	October 2022	Baxter	Traffic calming and signage for Sandford St Martin
Traffic calming for The Bartons	£100,000	October 2022	Baxter	Traffic calming and signage for The Bartons
Traffic calming for Gagingwell	£40,000	October 2022	Baxter	Traffic calming and signage for Gagingwell
Travel Plan Monitoring	£2,563	December 2021	RPI-x	Towards a travel plan monitoring fee for the site.
Public Rights of Way	£230,000	October 2022	Baxter	To enable the negotiation, legal, admin and works to be undertaken to the local PRoW as mitigation measures.
<b>Total</b>			<b>£802,563</b>	

### **S278 Highway Works:**

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

Surface upgrade to Green Lane, to a specification agreed by OCC

Green Lane / B4022 Junction - Widening of Green Lane, removal of boulders (if necessary), advanced junction signage and visibility splay improvement as per Drawing No. J32-3927-001.

Provision of PRoW crossing and bridleway route at Green Lane / B4022 as per Drawing No. J32-3927-001 and including coloured surface treatment to be provided on approach to junction.

Informal PRoW crossing on the B4022 just north of the Green Lane junction as indicated in Drawing No. J32-3927-001

### **Notes:**

This is secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary to enter into the S278 agreements.

S278 agreements include certain payments that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.  
Commutated sums associated with the build outs and vehicle activated signs

£500 statutory consultation fee for the traffic calming mitigation measures (the vehicle activated signs will only require a local consultation).

### **S38 Highway Works – On-Site Rights of Way:**

An obligation to provide an on-site right of way will be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement.

The S106 agreement will identify for the purpose of the S38 agreement;  
Approximate location of right of way and information as to provision e.g. minimum width/surfacing/construction as appropriate.

Timing – this may be staged.

### **Recommended Conditions**

#### Travel Plan

A Full Travel Plan should be submitted and approved by the Local Planning Authority and then updated within 3 months of full occupation.

*Reason: To promote sustainable modes of transport.*

#### Residential Travel Plan

Prior to first occupation a Residential Travel Information Pack shall be submitted to and approved by the Local Planning Authority.

*Reason: To promote sustainable modes of transport.*

#### Access

Prior to the commencement of development, plans showing how the means of access to the development between the land and the existing highway boundary will be constructed, laid out, surfaced, lit and drained, shall be submitted to the approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the proposed development, construction of these accesses shall commence only in accordance with the approved details.

*Reason: To enable safe and suitable access to the development for all road users in accordance with the National Planning Policy Framework.*

#### Vehicle Tracking Plan

Prior to the commencement of development, a plan showing that a refuse vehicle of not less than 11.4m in length can enter, turn in, and exit the development safely in forward gear shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

*Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.*

## Construction Traffic Management Plan

Prior to the commencement of development, a Construction Traffic Management Plan (CTMP), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details. Where applicable, the CTMP must include the following:

The CTMP must be appropriately titled, include the site and planning permission number.

Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site. Details of and approval of any road closures needed during construction.

Details of and approval of any traffic management needed during construction.

Details of wheel cleaning/wash facilities – to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.

Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.

The erection and maintenance of security hoarding / scaffolding if required.

A regime to inspect and maintain all signing, barriers etc.

Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.

The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.

No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.

Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.

A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.

Local residents to be kept informed of significant deliveries and liaised with through the project.

Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.

Any temporary access arrangements to be agreed with and approved by Highways Depot.

Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

## Ticket Sales

No more than 200,000 visitor tickets should be sold per year. There shall be no increase in the number of annual visitor ticket sales without approval from the Local Planning Authority.

*Reason: To ensure there is no increase in vehicle trips generated from the site.*

## Car Parking Management Plan

Prior to commencement of development a Car Parking Management Plan must be submitted to, and approved by the Local Planning Authority. This should stipulate the total number of parking spaces on site and the areas available for overflow parking should this be required.

*Reason: To ensure adequate car parking provision is made, but that does not cause an increase in the trip rate approved as part of the planning permission.*

Conditions relating to PRow:

*Proposed Condition 1:* The width, routing, fencing drainage, surfacing, furniture, signing etc of the diverted and retained length of bridleway need to be agreed by OCC Countryside Access so it forms a year-round safe and attractive route for walkers, cyclists and equestrians. This should include works to appropriate shared use standards and low visual impact fencing where appropriate.

*Reason:* to ensure that the bridleway is a safe and convenient route for all users with a continuity of experience and quality along its length.

*Proposed condition 2:* The diversion application, construction and certification of the bridleway should be completed before the development is implemented. *Reason to ensure that the bridleway is available to the public throughout the construction period.*

**a) Temporary obstructions.** No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place. *Reason: To ensure the public right of way remains available and convenient for public use.*

**b) Route alterations.** The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council. *Reason: To ensure the legal public right of way remains available and convenient for public use.*

**c) Vehicle access (construction):** No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council. *Reason: To ensure the public right of way remains available and convenient for public use.*

**d) Vehicle access (Occupation):** No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council. *Reason: To ensure the public right of way remains available and convenient for public use*

#### **Informatives:**

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for all works on and immediately adjacent to the highway under S278 of the Highway Act. Contact: 01865 815700:RoadAgreements@oxfordshire.gov.uk

**e) Gates / right of way:** Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way. *Reason: To ensure that gates are opened or closed in the interests of public right of way user safety*

**f) Improvements to routes:** Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. Proposed improvements should be discussed and agreed with Oxfordshire County Council. *Reason: To ensure the public right of way through the development retains character and use as a linear corridor and can integrate with the development*

The S106 agreement will identify for the purpose of the S38 agreement;  
Approximate location of right of way and information as to provision e.g. minimum width/surfacing/construction as appropriate.  
Timing – this may be staged.

### **Lead Local Flood Authority**

#### **Recommendation:**

No objection subject to conditions

#### **Condition:**

### **Surface Water Drainage**

#### **Construction shall not begin until/prior to the approval of first reserved matters;**

A detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;

Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;

A Flood Exceedance Conveyance Plan;

Comprehensive

Detailed design drainage layout drawings of the SuDS proposals including cross-section details;

Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;

Details of how water quality will be managed during construction and post development in perpetuity;

Confirmation of any outfall details.

Consent for any connections into third party drainage systems

#### **Condition:**

### **Surface Water Management Scheme (Phases):**

Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface



Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

**Reason:**

To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

**Condition:**

**SuDS As Built and Maintenance Details**

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 information.

**Thames Water**

**Waste Comments**

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.

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.

**Water Comments**

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.

No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan

is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

### **Cherwell District Council**

I write to advise you that the above proposals have been assessed under delegated authority and that whilst Cherwell District Council has no objection to the principal of development, it does raise some concerns regarding the potential impact of traffic generated by the proposed development along minor roads and through villages within Cherwell District. It is therefore recommended that should planning permission be forthcoming, then consideration is given to routing agreements to route traffic away from minor roads and villages onto the major routes in the vicinity.

Furthermore, the Transport Assessment should address the impact of this development together with that which has been approved at Upper Heyford on the B4030/A4260 junction and consider any mitigation measures that may be required as a consequence of the proposed development. The TA should also assess the need for traffic calming measures to mitigate for additional traffic generated through the villages within Cherwell District, such as Lower Heyford, Middleton Stoney and Ardley. It is noted that the TA and associated addendum does not address such matters sufficiently.

### **Environment Agency**

No objection subject to recommending following national guidance in respect of groundwater protection, potential polluting activities and foul drainage.

## **Applicants Response to Objections Raised**

### **The Mullin LVIA – Response to comments made on behalf of Sandford Park Estate**

Portus + Whitton produced a Landscape & Visual Impact Assessment to accompany a Planning Application for the Mullin Automotive Museum at Enstone Airfield, which was registered under WODC ref 22/03415/FUL in December 2022. Portus + Whitton also produced the LVIA which accompanied the approved Outline Application (18/03319/OUT) for the same site in 2018.

Sandford Park Estate have formally objected to the latest planning application on the grounds of Landscape & Visual Impact and Heritage Impact.

With regards to Landscape and Visual Impacts, the objectors have commissioned a review of the LVIA by Pegasus Group. They claim that:

*“This review identifies that there are some significant failings in the LVIA which bring into question the credibility of the assessment ...”*

They state that the LVIA

*“... concentrated on the Sandford Park as a landscape and visual receptor. In this regard, the LVIA has clearly omitted information which should be included, particularly given its landscape heritage significance. Furthermore, the assessment of this heritage landscape asset has concluded limited harm and as such, has underestimated the degree of harm that may arise as a consequence of this proposal.”*

Referring now in more detail to the ‘Review of Mullin Automotive Museum LVIA and objection on Behalf of Sandford Park Estate’ Pegasus Group, 21 February 2023.

### ***Zone of Theoretical Visibility***

At Paragraph 4.5 the Review states that ***“Figure 8 provides a Zone of Theoretical Visibility which washes over a significant part of the Sandford Park”***.

This statement is correct but as noted on the ZTV figure, the computer model assumes a woodland height of 15m. This is a conservative estimate to cover the whole study area. Sandford Park is bounded to the west and south by mature woodland belts most of which will be taller than 15m in height and this will significantly reduce the area of visibility. This is borne out by site observations and the photomontages produced by Pegasus, whereby at the highest ground within the park (the cricket ground) visibility towards the site is restricted by mature tree belts.

### ***Landscape Effects***

In Section 6, the Review suggests that the LVIA contains inadequate detail and analysis of the landscape Effects on Landscape fabric and Landscape Character. The LVIA does in fact analyse the sensitivity of landscape character in paragraphs 5.1-5.3, discusses the proposals and their relationship to the landscape and character in paragraphs 5.4-5.15 and draws conclusions regarding the magnitude of change and impact at paragraph 5.20. Similarly, the existing and proposed landscape components are described in paragraphs 5.16-5.19 and their value identified as recorded in the accompanying Arboricultural and Ecology Reports. Paragraph 5.21 draws conclusions regarding the impacts on the landscape fabric.

### ***Visual Effects vs Landscape Character Effects***

At Paragraph 7.1 the Review highlights a perceived inconsistency between the slight beneficial impact on Landscape Character and the negligible and slight adverse effects on Visual Amenity. Whilst inter-linked these two impacts are evaluated separately for a reason. Impacts on Landscape Character take into account the context of the wider landscape, in this case a disused brownfield site adjacent to an airfield and industrial estate. Within this context of a low value existing landscape, the proposed redevelopment of the site is appropriate to the existing landscape character and when accompanied by significant landscape proposals can reasonably be expected to bring about beneficial effects to landscape character. The viewpoint assessment has identified the clearest views of the site and is very much focussed on views of the built development, from close proximity and in many cases from within the boundaries of the site itself (viewpoints 1-5). It is therefore entirely reasonable to expect that built development would initially have adverse impacts on some of these viewpoints. It is also worth noting that for most viewpoints any initial adverse effects would reduce once the landscape mitigation becomes established.

### ***Visual Impact on Sandford Park***

At Paragraph 7.2 the Review focuses on the viewpoint from Sandford Park. The Review suggests a lack of thoroughness due to the lack of winter photography and photomontages within the LVIA.

However, as stated in paragraph 2.7 of the LVIA, the 2022 LVIA builds on the findings of the 2018 LVIA which included both winter and summer photography for all viewpoints and photomontages for a selected number of viewpoints including the viewpoint from Sandford Park.

Public Access into Sandford Park is limited to permissive access to the Cricket Ground. The Cricket Ground is located on the highest ground within the Park and is surrounded by arable land broken by scattered trees, copses and woodland, including evergreen conifers. The selected viewpoint is taken from the access track to the Cricket Ground. Even from this location views of the proposed development would be limited to the upper storey of the Mullin Crescent and the intervening tree groups break the view in various locations along the track.

The summer photomontage contained with the 2018 LVIA shows the development hidden by existing vegetation from that particular location, but it is acknowledged that elsewhere along the access track variability in the existing tree cover may permit a glimpsed view during the summer months. These views would generally be transitory in nature for recreational users going to and from the cricket ground either as a spectator or player. These recreational receptors are considered of medium sensitivity as their main focus would be on the cricket rather than the view.

Pegasus Group have produced photomontages of a basic massing model to illustrate their view of the potential visibility of the Mullin Crescent from this viewpoint. It shows the upper floor of the Crescent located on the skyline, in close proximity to the ABN tower at Enstone Industrial Estate. The basic massing model is understandably simplistic and 3D Reid Architects have now replicated this view to create a more realistic rendering using their detailed architectural model (see Figure 1 below). This is clearly less bulky and more recessive in the view and accords with the findings of the LVIA such that a “.. ***glimpsed view of the top floor of the Mullin Crescent may be possible especially during the winter months.***” It is also worth noting that in the summer view included with the 2022 LVIA the ABN tower is not visible. This supports our assessment that any view of the proposed development would be negligible during the summer months when the cricket ground would be most in use.

At Paragraph 9.3 the Review queries the extent of night-time lighting of the building. This particular issue has subsequently been addressed in a revision of the LVIA issued in February 2023, paragraphs 4.32-4.39 which outline design and control measures which would limit light spill from the development. In addition, with regards specifically to Sandford Park, it would also be reasonable to assume that the track to the Cricket Ground would be little used during the hours of darkness.

### **Conclusion**

In conclusion, having revisited the LVIA and in particular the assessment of Viewpoint 8 from Sandford Park, there appears to be little reason to question the robustness of the LVIA. From Sandford Park Cricket Ground there would be a glimpsed distant view of the upper floor of the proposed Crescent building during the winter months, which is acknowledged as such in the LVIA. The proposed development would be viewed on the skyline adjacent ABN building. Much like the ABN building, the proposed development would be substantially screened during the summer months when the cricket ground is most in use. Future tree growth would further diminish the visibility of the proposed development.

### **Applicant’s response to the original comments of the Ecology Officer**

Many thanks for your time on 14th March 2023 to discuss the proposed Phase 2 ecology surveys with regard to 22/03415/FUL The Driving Centre, Enstone Airfield, and to respond to comments relating to the following documents: Ecological Appraisal & Biodiversity Net Gain Assessment, Windrush Ecology, dated November 2022.

I am writing to you to provide both a summary of that discussion, as well as an addendum to the Ecological Appraisal & Biodiversity Net Gain Assessment in order to provide you with the requested further information. I will discuss each of your bulleted points in turn, as well as the other matters that were discussed during the meeting.

#### Retention & Translocation of Grassland

Regarding the area of species-rich grassland that is located to the south of the former runway of the airfield, the mitigation hierarchy was considered with regard to this habitat and avoidance of impact, but the conclusion was that the retention of the grassland *in situ* was not possible, given that this area is largely in the centre of the proposed development and landscaping. It was considered that the grassland would suffer damage during the construction phase, and the most sensible approach will be to translocate it.

Whilst the grassland is considered to be of ecological value within a wider context than the site, it is not considered to be a habitat of 'principal importance' under the NERC Act 2006. Nevertheless, the proposals are to retain this habitat, through translocation of turves within the wider site and to create further areas of species-rich grassland through sowing. At present, the strategy will be to translocate the grassland to a receptor area within the north-eastern sector of the site, which is an area of proposed wildflower grassland with trees, with no development other than landscaping and habitat creation. Therefore, it is considered that Biodiversity Net Gain will be achievable through retention of existing grassland habitat of ecological value, as well as enhancement to that baseline.

A National Vegetation Classification (NVC) survey was not undertaken, and so there is no quadrat data available for review, I am afraid. My recollection is that small numbers of pyramidal orchids are present, possibly ten plants or so. Pyramidal orchid is widespread in lowland England and does not have any specific legal protection; but the species does form part of the overall botanical diversity of the grassland and one of the aims of the proposed grassland translocation is to retain this species within the site, and to promote its spread.

#### Bat Activity Surveys

Regarding foraging and commuting bats, the approach was to develop a strategy for habitat retention, as well as mitigation and enhancement, to avoid the need for very detailed bat activity surveys, which can take considerable time and effort. The mitigation and enhancement measures seek to retain the woodland, woodland edges and hedgerow habitats that are considered to offer foraging and commuting opportunities to bats, and to protect them from indirect impacts such as light spillage.

The proposed landscaping has been designed to link retained woodland and hedgerow habitats and to create extensive areas of woodland, as well as other valued habitats such as parkland, species-rich grassland and standing open water. It is considered that with these measures in place, all existing valued habitats to foraging and commuting bats can be retained and that there is likely to be significant ecological enhancement for bats.

Given this conclusion, it is considered that a full suite of bat activity surveys (as per the Bat Conservation Trust's (BCT) guidelines for surveying sites of 'high' suitability for bats; Collins, 2016)

would not significantly change the approach to habitat protection, mitigation and enhancement and that undertaking a full suite of surveys (as per Collins, 2016) would not be proportionate or necessary in this instance.

However, bat activity surveys will be undertaken, modified from the BCT guidelines for sites with 'moderate' suitability for bats. The proposal is to undertake one survey visit per month (from April to September 2023) and to deploy a static bat detector at one location per transect, on five consecutive nights in appropriate weather conditions. It is considered that this level of survey effort is proportionate to the situation.

#### Breeding Bird Surveys

Breeding bird surveys are just about to be undertaken, with three surveys in the period March, April and May 2023, with a focus on breeding skylarks. The surveys will follow a modified version of the territory mapping approach utilised within the Common Bird Census (CBC) methodology which was developed by the British Trust for Ornithology (BTO).

Measures will be put in place to ensure that nesting birds are not affected by the proposed works during the breeding period, with suitable buffer zones maintained between retained hedgerows and woodland edges and the construction zone during the breeding period. For birds that nest in trees, shrubs etc, there will be significant habitat enhancement through the creation of new woodland, parkland and hedgerow habitats.

For ground-nesting species, including skylarks, it has been assumed that this species is present within areas of suitable habitat, and the landscape masterplan has been developed to provide potential grassland habitat within the site into the future. Skylark is a species of farmland habitats, and so there will inevitably be some habitat loss as a result of the proposals, and this is recognised within the proposed mitigation and compensation strategy.

#### Reptile Surveys

After having visited the site on several occasions, over several years, my opinion is that the habitats are largely unsuitable for common reptile species and that common reptiles are likely to be absent from the majority of the site.

However, reptile surveys will be undertaken, in accordance with standard best practice (Froglife and ARC Trust). These will be seven site visits to undertake a walked transect through suitable habitats, and to check previously deployed artificial refugia. These surveys will be undertaken during suitable weather conditions in the period April and May 2023.

If common reptiles, such as slow worms, are found to be present, it is considered that the site allows for the retention of reptiles within the site, through either precautionary working method to encourage reptiles to move away from construction areas, or through reptile translocation.

It is also considered that the proposed habitat creation will provide potentially suitable habitat for reptiles into the future, particularly in the form of species-rich grassland, parkland, woodland and standing open water (which may be of value to grass snakes).

#### Baseline to Biodiversity Net Gain

Schedule 14 of the Environment Act 2021 states that the baseline for habitat assessment for Biodiversity Net Gain (BNG) should be taken from before the most recent update, as follows:

*"If a person carries on activities on land on or after 30 January 2020,.....the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities."*

Therefore, I believe that the 2021 baseline used in this BNG assessment is correct. As discussed, it is considered that the proposals have the opportunity to deliver BNG through significant creation and enhancement of habitats to include woodland, hedgerow, parkland, grassland and wetland.

Dormice

Regarding dormice, it is my professional opinion that this species is likely to be absent from the woodland and hedgerow habitats of the site. This is based on the lack of record of dormice from the desk study area, and a landscape assessment based on the ecological and habitat requirements of the species. My own understanding is that dormice are absent from this area of Oxfordshire, with the nearest known population being within the Wychwood Forest.

Whilst the species diversity of the woodland habitat may be suitable for dormice, it is considered that the very small area of the woodland present within the site and to its boundaries would not be sufficient to support dormice in isolation. Bright *et al.* (2006) suggest that woodland size affects distribution of the species and that 20 hectares may represent the minimum woodland size which could ensure the long-term survival of a viable dormouse population. The site is therefore not considered to support dormice in isolation of a source population.

A landscape assessment shows that there are no strong, unbroken woodland or hedgerow connections from the site into woodlands that could support dormice. In addition, there are no proposals to remove woodland or hedgerow habitats, and so surveys for dormice are not considered to be necessary. The proposals are for the planting of significant areas of woodland, as well as hedgerows, and to enhance habitat connectivity.

#### Other Matters

One other matter that we discussed was the potential for mitigation and compensation to be successfully achieved within the proposed scheme, with the site allowing for appropriate habitat creation and enhancement for species including breeding birds, bats and reptiles.

I trust that this provides some clarity to our approach and will act as good starting point going forward with this application, allowing WODC to resolve to grant planning permission based upon a sound ecological understanding of the site. As we are just about to be commencing further survey work, please will you confirm, possibly by phone call if time is short, that this approach is agreed.

### **Additional Supporting information for Applicants Case**

The MULLIN has committed in writing to the creation of THE MULLIN FOUNDATION. This starts with The **BRANCH** and **STARTERMOTOR**. The two charities will work hand-in-hand to nurture and train the young people of West Oxon; not just for jobs but real careers. Both charities will receive a significant initial donation, but that remains confidential. However, you are free to share this information with the DCC. And we are seeing the Head of Chipping Norton School at the end of the month.

Essentially, it creates apprenticeships in the classic car world across 10 skill sets from mechanics and engineering to event management and auctions. Here is a stat for you. There are 1.1 million registered classic cars in the UK alone. Average age of the owner = 65; average age of the mechanic who repairs them = 58. Without this know-how being passed down the generations, these cars will rust to nothing.

#### **Updated Covering letter from the applicants Agent**

We write in regard to the above planning application which we see has been confirmed as being presented at the 27th March 2023 Development Control Committee.

Ahead of this scheduled meeting we had been working on some additional papers to pass to you. In short these are:

1. Heritage Response

2. Air Quality Highways Response
3. Draft Heads of Terms
4. Phasing Plan
5. Visitor Experience Document (following by post)
6. Peter Mullin personal note

I will quickly touch on each piece of information as follows:

We saw the response prepared on behalf of the owners of Sandford Park by Pegasus Planning (sent via Laws & Fiennes) which stated that they believed there had been an oversight in not preparing an assessment of heritage impacts. In the light of an inability to access private land, the original submission had worked on the basis of how the outline planning permission had been decided. However a fresh report by John Moore Heritage Services by way of Heritage Assessment has now been prepared; consent to access private land having been given to allow this to be prepared. This Assessment serves to update the applicant's position on heritage. It not only assesses the heritage assets at Sandford St Martin but others too. As you will gather from the Assessment it however concludes there is an impact on the Sandford Park and Sandford St Martin conservation area, with this impact being at the lower end of the spectrum.

The NPPF is clear that in such a situation the decision maker has to weigh the public benefits of the proposal against the identified harm. In our cover statement to the original application we identified a number of public benefits of the proposal. These included the ability to take an opportunity to remediate degraded previously developed land, and to provide environmental gains which would provide new habitat and improve access to the countryside (such as the new/reinstated public right of way); the provision of a visitor attraction drawing people to West Oxfordshire, which will provide significant employment opportunity including for people with a disadvantaged background through relationships that will be set up; this employment will then have consequential benefits too to other local employment and life chances, which is a social benefit; a museum itself being a cultural asset to the area; an affordable housing contribution will be paid to assist in providing affordable homes, in addition to the provision of on-site holiday accommodation which we consider could reduce pressure on local villages from second home owners.

The benefits of the proposal are considerable, and in our view will outweigh the limited harm identified in the heritage advice note. A planning obligation is being provided to secure some of the off-site benefits and mitigation.

Motion (highways) has provided a note to clarify the levels of traffic passing through Chipping Norton such that we do not consider the traffic levels are likely to be a concern, and to lead to poorer air quality in the AQMA. We do not consider that further work on this will be required but please let us know if you disagree.

The applicant's legal team has worked on a draft of the main planning obligation for this development and has adapted this in the light of the Oxfordshire County Council updated comments. We have attached the latest draft. We would be pleased for you to pass this to your legal department colleagues.

As with the outline planning permission you had asked for clarification on the phasing of development. Some elements of the site will be worked on simultaneously but we can be clear that the museum will be open to the public before any of the holiday accommodation is occupied. We trust that the phasing drawing from Portus + Whitton helps to show the phasing which also includes



for early landscaping work so that a fair proportion of this is able to begin to establish before the site becomes operational.

We understand that Mr Mullin has written directly to you, which we trust will confirm continued commitment to the site to deliver a world class museum in West Oxfordshire.

The applicant has produced a museum visitor experience guide which we hope will explain how the site will function and this can be passed to Members of the DCC. This may assist the Councillors at their site visit which we acknowledge will take place on Friday 24th March. 3 JPPC letter to WODC 20 March 2023 We trust that this additional information is helpful ahead of the Committee taking place, but do let us know if any further clarification is needed.

In other news I would confirm that we nearly have all the documents to enable us to this week submit a reserved matters application in relation to the outline planning permission. Please will you warn your registration colleagues of this coming in, given it is a larger application.

### **Applicant's Heritage Assessment Summary**

This heritage assessment considers the potential impact of proposed development at Enstone Airfield on surrounding designated heritage assets.

Designated heritage assets within the wider landscape of the proposal site were visited at an appropriate time and season, when the proposal site was likely to be most visible. The heritage assets were assessed in relation to the potential for impact to their setting as a result of the proposed development. The heritage assets most sensitive to harm were identified as being Listed Park and Garden Sandford Park and the listed structures within, including the Grade II\* listed Sandford Park (residence).

The proposal site forms a part of the wider setting of Sandford Park. The level of harm to the Listed Park and Garden at Sandford Park caused as a result of the proposals is predicted to be less than substantial – minor due to the potential for development within the proposal site to feature in views made from within the landscape park out towards the surrounding countryside. The same level of harm is anticipated for the Grade II\* listed Sandford Park. The other structures within the park are not at risk of impact. The Sandford St Martin Conservation Area encompasses the Listed Park and Garden and as such is also at risk of impact as a result of the proposed development for the same reasons; the level of harm is predicted to be less than substantial – minor.

Of the heritage assets located within the wider landscape there is the potential for a negligible level of harm to Beaconsfield Farm, located to the north of the proposal site. Otherwise, there is unlikely to be any impact to listed buildings located at Gagingwell and Tracey Farm and Scheduled Monuments located at Gagingwell and Beaconsfield Farm.

This assessment has therefore identified that there is the potential for less than substantial harm to be caused to designated heritage assets as a result of the proposed development. As outlined in NPPF, in determining the application the level of harm should be weighed against any potential benefits derived from the proposed development.

### **Applicants Technical Note to address comments received from WODC regarding Air Quality in Chipping Norton-Summary**

This Technical Note has been prepared to provide additional information on the transport assumptions that inform the distribution of vehicles for the proposed use. The key finding is that the A44 route through Chipping Norton offers very limited access to the strategic road network in a direct and timely manner, so is not expected to be a highly trafficked route as part of the proposal.

It also provides an updated baseline traffic flow assessment for Chipping Norton, which has a higher baseline traffic flow and therefore a lower overall development impact in the year 2019.

Further details on the air quality impacts could be included in future reporting, particularly for construction traffic, which has not been detailed at this planning stage.

## **Objections and Support comments received at the time of writing the Additional Reps report**

### **Objections- 311**

### **Support- 120**

#### **Objection received post the Committee report having been published**

The Directors of the Enstone Conservation Trust (ENCON) object to Planning Application 22/03415/FUL, the Mullin Motor museum, for the reasons set out in this letter.

It is noted that a previous outline planning application (18/03319/OUT) for the Mullin museum has been approved by WODC, and the Developer has stated its intention to develop 18/03319/OUT if Planning application 22/03415/FUL is refused.

The ENCON Directors consider the previous application (18/03319/OUT) is less harmful to the environment, ecology and heritage of the Enstone Uplands Character area and therefore respectfully request that the WODC Development Control Committee refuse planning permission for 22/03415/FUL.

#### **1) Principle of Development – 56 Residences in Open Countryside**

The West Oxfordshire Local Plan - Policy H2 – accords with national policy in that it requires an applicant for housing in the open countryside to demonstrate an 'essential operational need'. There is no essential operational need for these houses in the open countryside –indeed the explicit aim of the residential development is to provide a cross-subsidy to enable construction of the museum.

ENCON does not accept that any national or local planning policy supports the principle of cross subsidy of a philanthropic venture through the provision of housing that would otherwise be considered wholly in contravention with planning policy on a standalone basis.

By floor area, the development is approximately 50% residential and therefore the housing cannot be seen as subservient to the museum use.

If approved, this development would result in the construction of 56 residences and a further

40 room members' accommodation (i.e. members hotel) – this would be a larger residential development than many of the surrounding villages. Given the scale and prominence of the Museum development, it is inconsistent with the local pattern of development.

The developer has set much stall in the fact that the total floor area for the residences in this detailed planning application is lower than in the previous application. For context, it is worth noting that the **average** size of the 28 dwellings in the previous application was over 15,000 sq.ft. each, significantly larger than the average manor house in the area. This 'overprovision' of the housing in the approved outline planning application feeds into local concerns the 2019 permission was merely an 'opening bid' on a journey to secure a more lucrative planning consent from WODC.

## **2) Transport / Sustainability**

The NPPF para 103 that notes "significant development should be focused on locations which are or can be made sustainable, through **limiting the need to travel** and offering a **genuine choice** of transport modes," is not met (author's underlining). NPPF para 103 is reinforced by WODC's sustainable Transport Policy T1.

OCC's response to consultation on 13th January includes the comment "*The site is not considered sustainable.*" ENCON shares this assessment in the broadest sense – the site entrance to Green Lane is nearly 3km away from the nearest bus stop and 10km away from the nearest train station (Charlbury).

While the Mullin team have made substantial efforts in the travel plan to "make the best" of the shortcomings of the site, the deficiencies of the sustainable transport credentials of the site location are clear. It appears a huge shame that these transport modelling exercises are purely focussed on technical points of junction capacity and queuing times. Meanwhile they gloss over the very real inconveniences that local population face from increasing traffic, the suburbanisation of a rural area and the dangers to vulnerable road users (bikes, horses etc).

West Oxfordshire District Council has declared a "*climate and ecological emergency and made a pledge to become carbon-neutral by 2030*". ENCON welcomes this pledge and assumes the council will take appropriate actions. In light of this commitment, it would seem perverse for the Development Control Committee to vote in favour of this development – a mass tourist attraction in a remote location in the open countryside where the primary method of transport used to access the site will be the motor car.

### ***NB – Transport Planning Conditions in the event the WODC approve 22/03415/FUL***

The previous planning application 18/03319/OUT included Planning Condition 6 (below). If the WODC DCC is minded to approve the current planning application, then ENCON recommend it should be updated and expanded.

18/03319/OUT Planning Condition 6: "*No more than 334 one-way vehicle movements shall arrive / depart from the site per visitor session. For the purpose of this condition visitor sessions are defined as a period of at least two hours. Once the site is operational, there shall be no increase in the number of two-way trips per visitor session, without approval from the Local Planning Authority.*"

This planning condition is unclear because it does not specify whether the vehicle movements relate to all traffic (visitors, staff, club members etc) or just visitor traffic. The revised planning condition should be updated to:

1. Clarify that these traffic numbers represent **all** traffic to the site. Using **APNRs** the traffic numbers generated by the museum can be easily monitored at the entrance point (i.e. where Green Lane turns into the sole entrance to the Mullin);
2. There should be an obligation to provide the traffic numbers to be reported to OCC, WODC and local parishes on a regular basis – say **3** times a year;
3. Nearest neighbours and local parishes should be notified **7** days in advance of events;
4. Enforcement should be considered, i.e if the traffic numbers in the planning conditions are breached, then the museum should reduce the number of museum tickets it can sell.

### **3) Landscape Visual Impact**

The building is large and prominent on a plateau in the open countryside – it’s 22m high at its highest point, the same as the approved outline planning permission. However, a significantly larger proportion of the site is developed to 22 metres which will increase the visual impact. ENCON has concerns that this will provide a detrimental impact to the Enstone Uplands Character area, and in particular to the Grade II\* Listed House & Parkland at Sandford Park and the numerous listed buildings in Gagingwell and Church Enstone.

### **The Mullin Community Forum**

ENCON Directors have been attending monthly meetings of the Mullin Community Forum since its formation in July 2022. Notwithstanding this objection, we believe this has been a positive forum. The Mullin team have been positive and engaged throughout and have made their consultants available to the community forum to increase public understanding of the scheme. It has provided a good opportunity for participants and other stakeholders to raise concerns and suggest mitigation measures, some of which have been adopted by the Mullin Team. However, many of these sensible mitigation measures that have been mutually agreed could also be adopted in the ‘approved’ scheme.

### **Officer update/draft recommendations**

### **Recommended Conditions and informatives should Members be minded to approve the application**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 The development shall be carried out in accordance with the plans, details and reports that accompanied the application as amended by the revised details submitted on 21/2/23 and further revised/clarified details submitted .....(AQMA, ecology/heritage impact/LVIA/apprenticeships updates)

REASON: For the avoidance of doubt as to what is permitted.

3 Prior to implementation on site of any building works above ground level full technical details (with associated plans and samples as required) of the following matters shall be agreed in writing by the LPA and the development shall only proceed in accordance with those agreed details:

- a) Samples of the materials for each building/building type
- b) Fenestration/dormer/chimney/parapet/glazed wall/solar energy etc details

REASON To ensure that the detailed design and materials are acceptable

### **Highways**

4 Prior to the commencement of development plans showing how the means of access to the development between the land and the existing highway boundary will be constructed, laid out, surfaced, lit and drained, shall be submitted to the approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the proposed development, construction of these accesses shall be undertaken only in accordance with the approved details.

REASON: To enable safe and suitable access to the development for all road users in accordance with the National Planning Policy Framework.

5 Prior to any above ground development, a plan showing that a refuse vehicle of not less than 11.4m in length can enter, turn in, and exit the development following pick up from refuse collection points safely in forward gear shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.

6 No building shall be occupied until space has been laid out within the site to accommodate the authorised visitor and staff car parking to serve the use, provided at a level commensurate with the traffic controls and timed slot arrangements, and such space shall be retained solely for parking purposes thereafter. Once the site is operational, there shall be no increase in the amount of car parking, or amendments to the timed slot arrangements, without approval from the Local Planning Authority.

REASON: To ensure adequate car parking provision is made, but that does not cause an increase in the trip rate approved as part of the planning permission.

7 No more than 200 (one-way) visitor vehicle movements shall arrive at the public museum/exhibition site per visitor session and the visitors shall only be allowed on site using the pre-booked ticket system. For the purpose of this condition visitor sessions are defined as a period of at least two hours. There shall be a maximum of 3 such visitor sessions per day and the use shall only operate for 6 days in any week. Once the site is operational, there shall be no increase in the number of trips per visitor session or of the number of sessions or days of operation, without approval from the Local Planning Authority

REASON: In the interest of highway safety and to ensure the site does not lead to unacceptable traffic impact.

8 Prior to first occupation of the museum details of the number and location of EV charging points to be provided (to be at least 25% of all spaces and with provision for that number to be increased in future) shall be first agreed in writing by the LPA and the said EV charging points shall be provided and thereafter retained whilst the museum is operational.

REASON: To encourage use of less polluting vehicles.

9 A Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the first use of the museum. This should also include detail as to how the site will operate on a pre-booking system, so that visitors will not arrive without booking. An updated Framework Travel Plan shall then be submitted in writing to the Local Planning Authority within 12 months of first visitor use of the Museum.

REASON: In the interests of maximising the opportunities for sustainable travel in accordance with the National Planning Policy Framework.

10 Information on public transport services and routes, including maps and timetables, as well as walking and cycling routes within the local area, must be made available to all residents of the holiday homes. This package of information should first be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the holiday homes and thereafter provided in accordance with the details approved.

REASON: In the interests of maximising the opportunities for sustainable travel in accordance with the National Planning Policy Framework.

11 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details. Where applicable, the CTMP must include the following:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.

- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents, adjoining Parish Councils and Local OCC and WODC members to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.

12 The width, routing, fencing, drainage, surfacing, furniture, signing etc of any temporarily diverted and retained length of bridleway shall be agreed by OCC Countryside Access team before any works are undertaken to the footpath and shall be designed so it forms a year-round safe and attractive route for walkers, cyclists and equestrians. This should include works to appropriate shared use standards and low visual impact fencing where appropriate.

REASON: to ensure that the bridleway is a safe and convenient route for all users with a continuity of experience and quality along its length.

13 With regard to the existing public right of way:

a) Temporary obstructions. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.

b) Route alterations. The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council.

c) Vehicle access (construction): No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.

d) Vehicle access (Occupation): No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.

e) Gates / right of way: Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

f) Improvements to routes: Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. Proposed improvements should be discussed and agreed with Oxfordshire County Council.

g) Any necessary diversion application alongside construction and certification of the bridleway should be completed before the development is implemented

REASON: To ensure the legal public right of way remains available, safe and convenient for public use.

### **Drainage**

14 The development shall not be occupied until a surface water drainage scheme and management plan for the site has been implemented in accordance with details first approved in writing by the Local Planning Authority and the said details to include management arrangements and recording of installed SUDS and site wide drainage scheme and post occupation of the development the records of the installed SUDS shall be sent to the LPA. .

REASON: To ensure that the development does not increase the risk of flooding in accordance with the National Planning Policy Framework.

15 The development hereby permitted may not be brought into use until the foul water drainage scheme has been implemented and completed as approved.

REASON: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with the NPPF.

16 Prior to the commencement of development details of the measures to ensure that there is sufficient drinking water supply to the site shall be agreed in writing by the LPA and the site shall not be occupied until such time as the said agreed measures are in place with the said agreed measures being retained in place thereafter

REASON: To ensure water supply to the site is adequate

### **Landscaping/Ecology**

17 Before any above ground works take place a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA) , including full details of all the measures in the approved Biodiversity Mitigation and Enhancement Strategy and a 15-year establishment phase maintenance plan. The scheme shall incorporate the planting of native trees of appropriate species and at appropriate locations. The entire landscaping scheme shall be completed in accordance with a detailed phased plan of landscape implementation and monitoring with no planting left unfinished by the end of the first planting season following the first occupation of the development hereby approved unless otherwise agreed in writing by the LPA.

REASON: To provide full details of landscaping within the development and to enhance the site for biodiversity in accordance with the National Planning Policy Framework, Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

18 As an integral part of the landscaping details to be submitted full details of the boundary treatments across the site and the use and management of the open areas not to be incorporated as part of the holiday home gardens shall be submitted for agreement.

REASON: To ensure that the impacts of landscaping and boundary/security fencing is properly considered.



19 If within a period of fifteen years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with the National Planning Policy Framework, Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

20 A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5-10 year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

21 Prior to the commencement of development full details of the following shall be agreed in writing by the LPA and no development shall take place until the said details have been agreed:

X Tree protection details

X

X

REASON: To ensure that hedgerows, woodlands, grasslands, bats, birds and other biodiversity features are protected and enhanced in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

22 Prior to the commencement of works, a Construction Environmental Management Plan - Biodiversity (CEMP-B) shall be submitted to and approved in writing by the local planning authority.

The CEMP-B shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. The times during construction when specialist ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that all protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework, EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

23 A report prepared by a professional ecologist or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP-B have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

24 Prior to any above ground development occurring the applicant shall submit specific design details setting out how the aspirations in the submitted CO<sub>2</sub>/energy reduction strategy are to be delivered and in particular detailing:

- The performance of the development when set against the Net Zero aspirations
- The EUI targets, U-values and air tightness targets
- Confirmation that the scheme will minimise fossil fuel use and will allow transition to fossil free energy
- Maximising use of solar PV
- Lifecycle modelling to minimise embodied carbon
- The frequency and collection points for the shuttle busses and whether they are EV
- Water efficiency calculations to meet or exceed RIBA standards
- Rainwater harvesting/recycling methods to be used
- Use of a site waste management plan
- Waste recycling facilities on site

Development shall only proceed in accordance with the said agreed details unless otherwise agreed in writing by the LPA

REASON: To ensure that the development limits energy and CO<sub>2</sub> emissions so far as is practicable

### **Contamination**

25 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: Government policy states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

26 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

27 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To prevent the development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

### **Archaeology**

28 Prior to of the commencement of development on the site including any demolition (other than in accordance with the submitted Written Scheme of Investigation, OVERARCHING WSI NOVEMBER 2022), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021)

### **Use/operation**

29 No more than 5 concourse events shall take place within any one calendar year and any such event shall not be open to the public for more than 2 days at any one time

REASON: To ensure that the impacts of concourse events upon the wider area in terms of traffic and activity are mitigated.

30 No concourse events on site shall use amplified music or fireworks

REASON: To ensure that the impacts of concourse events upon the wider area in terms of traffic and activity are mitigated

31 The car exercise track shall only be used by automobiles which are either

- i) owned by members of the Mullin Club and which by virtue of their financial value, artistic value, historic significance and/ or rarity are deemed to be collectable and eligible for exhibition in the museum; or
- ii) contemporary road legal automobiles for demonstration or exercise or exhibition

and the track shall not at any time or in any circumstances be used for any racing or trials of speed and the use of the track shall take place solely between the hours of 0900 and 1800 on days that the museum is open to the public.

REASON: To limit potential noise impacts and for the avoidance of doubt.

32 The level of noise emitted by vehicles on the exercise track, measured at a distance of 20 metres from the middle of the hard surface of the track hereby permitted, shall not exceed 75db LAeq5min or 83 dbLMAX (fast) at any time.

REASON: To limit noise impacts.

33 No use of any of the buildings or land hereby approved shall take place other than for the purposes set out in the plans approved as part of this application and no part of the site or buildings shall be used other than as shown on the plans hereby approved unless this change has been explicitly agreed in writing by the LPA prior to that alternate use taking place.

REASON: To ensure that the development is undertaken and retained as permitted

34 In addition to the phased landscaping details the developer shall be responsible for submitting a phasing plan/scheme indicating the delivery of the other key elements of the scheme alongside the structural landscaping, in sequential order, and once agreed by the LPA the development shall only be implemented in accordance with the said agreed phasing plan.

REASON: To ensure that the houses are not developed separately from the museum and other public facilities and that the landscape mitigation is delivered in full.

35 Full details of the noise emission levels of all proposed plant and equipment to be used on site ( along with the means to ensure that they operate without harm to residential amenity) shall be first agreed in writing by the LPA and no equipment shall be located on site other than in accordance with the said agreed details

REASON: To limit noise emissions in the interests of residential amenity

36 Prior to its first use, all windows and openings on the top floor of the museum block shall be fitted with automated 'dusk til dawn' light sensor operated blinds and the said approved sensor and blinds shall be retained in place thereafter with no use made of the top floor unless the sensor and blind shutting mechanism is fully operational.

REASON: To limit light impacts from the top floor/Mullin Club

37 Other than as detailed in the above condition no lights shall be sited or used on site other than in accordance with details that accord with the lighting strategy that accompanied the application and

which are first submitted to an approved in writing by the LPA. All lights shall be located and directed so as not to interfere with the aviation use of the adjoining site and no additional lights shall be added without the prior express planning permission of the LPA

REASON: To ensure that the light impacts are controlled and in the interests of aircraft safety

38 The applicants shall communicate with the operators of the adjoining airfield to develop a working method statement with the aim of ensuring that all building practices undertaken during the construction phase do not adversely impact on aircraft safety. The said statement and working practices shall be approved by the LPA before any construction operations are commenced and be retained in place during construction works

REASON: To retain aircraft safety during construction

39 Prior to the commencement of development the applicant shall submit a Community Employment Strategy detailing how the construction and operational phases of development will be used to generate apprenticeships/traineeships/transition from military to civilian job opportunities/upskilling the more disadvantaged in society /etc . Once approved the said approved strategy shall be implemented in full as part of the construction and operation of the scheme

REASON: To ensure that the scheme brings employment benefits to the wider economy

40 The Mullin Club and its associated activities shall only be operated in accordance with the specific details set out in the document that accompanied this application and entitled "The Mullin An overview 23<sup>rd</sup> February 2023" and if any deviations are proposed they shall be first agreed in writing by the LPA before they are implemented

REASON: For the avoidance of doubt and to ensure that the scheme is operated as conceived

41 Prior to commencement of development above slab level, a detailed Security and Access Strategy must be submitted for the development hereby approved. The strategy must set out the measures that will be taken to ensure opportunities for crime have been designed out from the outset, to include as a minimum;

- Access control strategy, including

Access control measures for both vehicular and pedestrian traffic, including both residents and visitors to the site

Hostile Vehicle Mitigation measures

Intruder detection systems for external spaces

Intruder detection and hold up alarm systems for buildings

Lockdown/safe room locations and specification for residential properties

Physical security specification of buildings

- Site response plan, detailing command and control proposals in the event of an incident
- CCTV Strategy,

Crime prevention measures shall also be incorporated into the details required for the lighting strategy, boundary treatment scheme and soft landscaping scheme

The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation that all measures detailed within the strategy are installed and operational. For the avoidance of doubt, this strategy must include all proposed buildings and external spaces within the scheme, including museum building and museum exhibition building with associated corporate hospitality/club space, car parks, exercise track, public food and beverage, retail, workshops, showroom and energy centre, all holiday homes.

REASON: To minimise opportunities for crime

42 Prior to occupation of any of the buildings hereby approved full details of all fire hydrant locations shall be first agreed in writing by the LPA

REASON: In the interests of fire safety

### **Informatives**

You are reminded that as part of the parallel legal agreement the Community Forum established in respect of the existing outline consent shall be continued in accordance with the existing agreed measures as if this proposal had been a reserved matters as opposed to full submission

Other informatives as per the Outline consent

## **Planning obligations Heads of Terms should Members be minded to approve the application**

### **SUMMARY OF AGREED CONTRIBUTIONS FROM OUTLINE SET OUT IN BLACK: PROPOSED CHANGES SET OUT IN UNDERLINED ITALICS**

#### **DISTRICT REQUIREMENTS/ CONTRIBUTIONS**

**Amount Index Trigger Purpose**

##### **Affordable Housing Contribution**

£1,250,000 March 2020 RPIX Commencement of Development Affordable Housing in WODC. Preference for Great Tew (or failing that Little Tew, Sandford St Martin, Ledwell, Gagingwell or Enstone) provided planning permission granted and implemented for scheme in one of those parishes within 36 months of commencement of development of Lodges.

##### **Bus Contribution**

£50,000 March 2020 RPIX Commencement of Development. The running costs of the Middle Barton Community Bus.

##### **Traffic Calming Contribution**

£200,000 March 2020 RPIX Commencement of Development. Traffic calming schemes in the parishes of Enstone, Middle Barton, Westcott Barton, Sandford St Martin and Gagingwell

DELETED AND REPLACED WITH NEW OCC TRAFFIC CALMING REQUIRMENTS (SEE BELOW)

**Monitoring fee** £10,000 PAID On completion of planning obligation

**Long stop for repayment** 10 years

## **MUSEUM**

### **Requirements re ownership of Museum**

Unless Developer has acquired Museum Site, no Commencement unless Car Loan Agreement assigned to owner; and no transfer of Museum Site unless simultaneous assignment of Car Loan Agreement

### **Operation of Museum**

Display not less than 10 cars from Mullin collection for not less than 30 years  
Minimum of one Collectable Automobile belonging to the owner of each Lodge to be available for public display  
Museum Management plan to be approved before Museum opening and thereafter implemented  
Shuttle Bus programme to be approved before Museum opening and thereafter to be implemented (free bus)  
Annual audited accounts supplied to WODC starting 18 months from Museum opening  
To pay WODC 5% of the excess of the annual income of the Museum from ticket sales over the annual expenditure of the Museum on running costs annually starting 18 months from Museum opening - for such projects as WODC considers necessary to mitigate any unanticipated environmental and/or social effects arising from the Development.

## **LODGES**

### **Restrictions on Occupation**

No occupation until 3 months after practical completion of Museum  
No occupation other than as holiday accommodation  
Transfers/Leases to include Call Option exercisable in the event of breach of Lodge owner's obligations, and no transfer of the Museum Site without the simultaneous assignment of benefit of Call Options  
Transfers and leases to include requirements to comply with Lodge Rules and Regulations and relevant provisions of planning obligation and to make at least one collectable automobile available for display

### **On-going requirements**

Annual schedule to WODC of:  
Lodge owners' collectable automobiles  
Lodge Owners' compliance or otherwise with Rules  
Details of any breaches  
Requirement to enforce Lodge owners' obligations unless WODC agrees  
Otherwise

### **CAR PARK (off site, to replace existing car park at Great Tew)**



Specification to be submitted for approval within one month of Commencement

Reasonable endeavours to obtain planning permission within 6 months of approval of specification and thereafter construct and offer WODC 99 year lease

Car Park Contribution (£200,000 indexed to March 2020 RPIX) in lieu payable to WODC if no planning permission within 6 months of Commencement

Car Park Contribution for traffic calming schemes or other measures to alleviate parking problems in the parish of Great Tew

## **COMMUNITY FORUM**

-not to submit an application for reserved matters approvals until Community Forum Programme approved by WODC and Community Forum set up

-not to Commence until Community Forum set up

-to consult Community Forum throughout the approval of reserved matters, the construction of the Development and the operation of the Museum

UPDATED SO AS TO APPLY TO FULL APPLICATION RATHER THAN RESERVED MATTERS

## **COUNTY REQUIREMENTS/ CONTRIBUTIONS**

### **Amount Index Trigger Purpose**

**PROW** £39,000 January 2018 Baxter Commencement of Development

UPDATED £230,000- this sum has not as yet been agreed

Bridleway improvements along Green Lane to the west of the B4022

A safer connection/crossing of the B4030 to the west of Gagingwell to connect to bridleway 202/36 and ancillary infrastructure

A footpath along the B4030 and crossing to the east of Gagingwell and measures to prevent motor vehicle access along restricted byway 202/29

Improvements to drainage, infrastructure and surface on bridleway 202/28 to Gagingwell

UPDATED £570,000 TOWARDS TRAFFIC CALMING IN ENSTONE, LITTLE TEW, Gt TEW, SANDFORD ST MARTIN, THE BARTONS, GAGINGWELL

### **Traffic Monitoring**

£3,000 November 2018 Baxter Commencement of Development

The provision of a fixed traffic counter to be installed on Green Lane at the Site access

### **Travel plan Monitoring**

£1,240 January 2018 RPIX Commencement of Development Monitoring travel plan

UPDATED £2563

**Long stop for repayment**

10 years

**Monitoring fee** £500 Completion of planning obligation

**BRIDLEWAY**

Submit Bridleway Specification within 6 months of Commencement of Development

Construct Bridleway prior to occupation of development and then enter into S25 Agreement for dedication

**S278 AGREEMENT**

**Brief description of works Trigger for S278**

**Restriction on development:**

Surface upgrade along Green Lane from B4022 junction east along the extent of adopted public highway;

Improvements to Green Lane / B4022 junction;

Provision of informal public right of way bridleway crossing just north of the Green Lane / B4022 junction;

Scheme of signage and lining improvements at the B4022 / B4030 staggered junction;

3 x traffic calming features in Westcote Barton and Middle Barton;

Installation of solar vehicle activated speed warning signs (x4) in Gagingwell, Westcote Barton and Middle Barton;

Upgrading of existing 30mph red road surfacing at the eastern and western end of The Bartons Prior to Commencement of Development;

No occupation until highway works completed.

**END**