

# Cabinet Report

Report of Head of Planning

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To: CABINET

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## Milton Park – Proposed Revised Local Development Order

### Recommendation

Cabinet is asked to recommend to Council that:

The Milton Park Local Development Order (attached at Appendix 1 to this report), is adopted subject to completion of a legal agreement securing the elements referred to in paragraph 24.

### Purpose of Report

1. To seek agreement from Cabinet to progress a Local Development Order (LDO) attached as Appendix 1, for Milton Park, Milton to Council seeking agreement to adopt the LDO subject to completion of a legal agreement.

### Corporate Objectives

2. The LDO seeks to support the local economy whilst including measures to reduce the carbon footprint of new buildings and seeking to reduce the effects for climate change whilst contributing towards a healthy community.

### Background

3. Section 61A of the Town and Country Planning Act 1990 allows a local planning authority to make a LDO with the procedure for production and adoption of a LDO governed by Schedule 4A of the Town and Country Planning Act 1990 and Article 38 of

Part 8 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The site subject to this proposed LDO is shown at Appendix 2, is wholly within the Vale of White Horse District and it is allocated by core policy 6 of the Local Plan for employment generating uses. The site also includes parcels of land forming part of the Science Vale UK Enterprise Zones. The LDO also falls within Didcot Garden Town. The site is already subject to a LDO which was adopted by the council in 2012 and remains effective for a period of 15 years although the revised LDO will supersede it should it be adopted.
5. A LDO is intended as an Order that will grant planning permission for specific types of development (in this case employment generating uses), and within a defined area (the defined area is shown at Appendix 2). It also sets parameters for development, including use, size of buildings and design, and associated infrastructure, including roads and landscaping. A LDO streamlines the planning process by removing the need for developers to make a planning application provided the development is within the parameters set by the LDO, and therefore, it can bring forward development more quickly. By way of example the existing LDO for Milton Park has been recognised as being extremely successful in bringing forward developments in an attractive environment.
6. MEPC which owns Milton Park produced a 2040 vision for Milton Park setting out commitments to long term investment seeking to grow Milton Park for commercial purposes and it has approached the council seeking a review of the current LDO. A Memorandum of Understanding (MOU) was agreed by an individual cabinet member decision (ICMD) (Councillor Hallett) and completed between the council and MEPC committing to a review of the LDO and rolled forward as a key planning tool in delivering the 2040 vision; thereby helping to maintain Milton Park as a premier location for business in the UK and helping to realise the full potential of the Science Vale UK Enterprise Zones.
7. During August 2022 Councillor Hallett agreed that a draft of the revised LDO could proceed to statutory public consultation and this decision was recorded in an ICMD.
8. Formal consultation in accordance with Section 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, took place from 24 August 2022 until 10 October 2022. In addition, to formal letters of notification being sent to local residents and businesses, leaflets notifying local residents of the LDO and three public consultation events (two in person and one on-line (these events were held outside the national period of mourning)), were distributed including in Milton and Sutton Courtenay villages, and social media messages released. Further consultation was undertaken with Oxfordshire County Council, National Highways and local business following production of a revised transport assessment.
9. Twenty responses have been received from residents and businesses all of which raise concerns or objections. Of the Parish and Town Councils consulted, Milton Parish Council has concerns whilst Sutton Courtenay and Drayton Parish Councils, and Didcot Town Council either do not object or support the LDO. A summary of consultee responses received and planning officer responses to them is included at Appendix 3.

## The Proposed Milton Park Local Development Order

10. A copy of the LDO which includes six appendices, is at Appendix 1. The six appendices are:

- i. The LDO plans (LDO area plan, land use plan and building height plan);
- ii. Design guidance;
- iii. Planning conditions and informatives;
- iv. A tree management framework;
- v. A pre-development notification form; and,
- vi. A statement of reasons for making the LDO which includes an assessment against Development Plan policies and other material planning considerations.

11. The site area for the LDO remains the same as that already covered by the 2012 LDO. If adopted the LDO will permit the following:

- Increase the floor space that can be permitted from the current maximum of 370,000 sq m to 390,000 sq m.
- Increase building heights from a current maximum of 16m to a maximum of 22.5m with the 22.5m tall elements being in two parts of the southern area of Milton Park, with more widespread heights increasing to 18.5m although at sensitive edges in the north of Milton Park, heights are proposed to be 9m.
- 75 units of serviced accommodation to be used on a temporary basis by persons employed at Milton Park.
- Ancillary uses including small scale retail (maximum of 500 sq m per individual unit), healthcare and crèche facilities, recreational and fitness facilities, and road side uses. All these uses are permitted in the existing LDO but the amount of floorspace is proposed to increase from five percent to ten percent of the total floorspace (39,000 sq m).
- A hotel limited to a maximum of 8,000 sq m including conference facilities.
- Car sales limited to a maximum of 10,000 sq m and limited to area MP8 which already contains car sales premises.

12. The LDO will expire in 2041 which aligns with the period envisaged for the proposed Joint Local Plan. The LDO is to be reviewed every five years and in accordance with section 61A of the Town and Country Planning Act, the council could seek to revoke the LDO at any time.

13. Following consideration of consultation responses the LDO has been revised with key changes being:

- Clarity on the number of levels for decked parking (maximum of three levels including the ground level);

- Clarifying that the existing Class B2 and B8 uses already in Zones B and C are allowed to extend their businesses;
- Zone A revised for continuity with the existing adopted LDO Zone A in so far as existing units 35 and 35a are concerned;
- Limiting indoor leisure to one facility only;
- Adding two conditions requiring flood modelling for development within 50m of Moor Ditch, and remediation of any unsuspected contamination encountered during development;
- Addressing policy W11 of the Minerals and Waste Local Plan: Part 1 Core Strategy – the proposal is compliant (see paragraph 2.8 of the Statement of Reasons in Appendix 1 and also the response to Oxfordshire County Council comments in Appendix 3).

14. A screening opinion has been undertaken by the council to determine if the LDO requires an Environmental Impact Assessment (EIA). This opinioned that the proposal is not EIA development and a planning barrister agrees with this opinion. Nevertheless, the LDO is supported by technical reports which assess matters relating to traffic generation, biodiversity and ecology, impacts on heritage assets, landscape and visual impacts, air quality, flood risk, noise, land contamination, lighting and utilities. The LDO is also supported by a statement of reasons (in Appendix 1), which assesses the LDO proposals against Development Plan policies and other material planning considerations. It is considered that subject to securing a legal agreement under section 106 of the Town and Country Planning Act 1990 and the imposition of planning conditions (the conditions are also in Appendix 1), the LDO can be made Development Plan compliant.

15. The section 106 agreement will secure mitigation seeking to reduce traffic queues in to and out of Milton Park, encourage sustainable travel by public transport, walking and cycling and mitigate impacts on health care services, control changes of use and restrict the use of serviced accommodation as follows:

- Highway mitigation works including safeguarding land for a two-way link road between High Street, Milton and Western Avenue, Milton Park;
- Prevent vehicular movements from High Street, Milton on to Park Drive other than vehicles turning left;
- Widening the Park Drive / Western Avenue roundabout to incorporate two lanes for west bound traffic;
- Formalisation of the Park Drive / Western Avenue roundabout to a 4-arm signalised junction;
- Widening of the effective flare length on the southern arm of the Sutton Courtenay Road / Park Drive / Milton Road roundabout;
- Financial contributions towards improved cycling infrastructure including the delivery of the 'Cinder Path' cycle/footway parallel to the railway line from Milton

High Street to Steventon and an extension to the existing Kelaart's Field cycleway north to Drayton Road, Drayton;

- Financial contribution towards off-site highway improvements;
- Financial contribution towards improved bus services serving Milton Park;
- Five year review of the transport assessment and on-going monitoring of traffic flows through Milton Park;
- Prevent changes of use of buildings on site that would otherwise not need planning permission;
- Restrict the use of serviced accommodation to temporary accommodation;
- Secure a financial contribution (£64,800 (index linked)) towards local health care services in the event of serviced accommodation being first occupied;
- Compensation is not paid by this authority should the LDO be revoked;
- The legal undertaking obligations will be transferred to any other land owner should land in the LDO area be sold.

## Options

16. Options available to Cabinet are:

- a) To recommend to Council that the LDO is adopted;
- b) To recommend to Council that the LDO is not adopted for reasons to be specified by Cabinet;
- c) That a decision on adopting the LDO is deferred whilst officers seek specific amendments to the LDO which Cabinet considers necessary to make it acceptable.

## Climate and ecological impact implications

17. Milton Park is an accessible site located close to existing housing, permitted and planned housing including Great Western Park and Valley Park. A requirement for all new buildings is the inclusion of electric vehicle charging points, secure and sheltered cycle parking including provision for Ebikes. A travel plan will seek to encourage journeys by sustainable means of transport and this will be supplemented by financial contributions towards continuing public transport services to Milton Park and improved cycling and pedestrian connections both within and outside the Park.

18. To encourage and incorporate measures seeking to reduce the carbon footprint of new buildings and mitigate the effects of climate change, the LDO includes planning conditions and design guidance seeking:

- Sustainable surface water drainage and development proposed in flood risk improvement areas identified in the LDO including land adjacent to Pembroke Lane, Milton, measures to reduce flood risks are required.
- Buildings are to achieve BREEAM 'Excellent' standards; and,

- An energy strategy and sustainability statement is required setting out full details of the approach to energy efficiency and renewable energy strategies to deliver savings on regulated energy use to achieve a 25% improvement over the Building Regulations Part L 2013 Targets. The Energy Strategy shall include a feasibility study into Low or Zero Carbon Technologies to assess the most appropriate technology for the development with measures to be considered including but not limited to:
  - Air Source heat pumps
  - Ground Source heat pumps
  - Photovoltaics (PV) Panels
  - Wind Turbines
  - Solar Thermal
  - Biomass Heating
  - Excess heat supply for reuse on or off-site district heating
  - Green and blue roof systems.

19. Further green spaces are to be provided on site and the planning conditions require a minimum 10% net gain in biodiversity or other percentage figure that may in future be adopted through national or local planning policies. Like the requirements of the existing LDO, a regular review (not less than every two calendar years), of baseline ecology surveys is required and any relevant mitigation for protected species secured. Where culverted watercourses pass through development plots, de-culverting is required.

## **Financial Implications**

20. The review of the LDO and associated evidence studies, planning barrister and the council's legal advice is funded by MEPC. However planning officer time is being spent on the project.

21. The LDO will require pre-notification of developments proposed under the LDO to be submitted to, considered and determined by the council as local planning authority. Such submissions will need to be accompanied by a fee which will cover officer time in considering and determining a submission. Fees for applications to discharge planning conditions will still apply.

22. Development in the Enterprise Zone will generate business rates growth income that will be retained by this council on behalf of LEP, and can be reinvested in the local area.

## **Legal Implications**

23. Any planning law considerations are set out in the body of the report and a planning barrister has assisted officers with the preparation of the LDO.

24. A legal agreement under section 106 of the Town and Country Planning Act 1990 will need to be secured prior to any adoption of the LDO. This council's and Oxfordshire County Council legal teams are instructed to draft the agreement which will include the following matters:

- Highway mitigation works including safeguarding land for a two-way link road between High Street, Milton and Western Avenue, Milton Park;
- Prevent vehicular movements from High Street, Milton on to Park Drive other than vehicles turning left;
- Widening the Park Drive / Western Avenue roundabout to incorporate two lanes for west bound traffic;
- Formalisation of the Park Drive / Western Avenue roundabout to a 4-arm signalised junction;
- Widening of the effective flare length on the southern arm of the Sutton Courtenay Road / Park Drive / Milton Road roundabout;
- Financial contributions towards improved cycling infrastructure including the delivery of the 'Cinder Path' cycle/footway parallel to the railway line from Milton High Street to Steventon and an extension to the existing Kelaart's Field cycleway north to Drayton Road, Drayton;
- Financial contribution towards off-site highway improvements;
- Financial contribution towards improved bus services serving Milton Park;
- Five year review of the transport assessment and on-going monitoring of traffic flows through Milton Park;
- Prevent changes of use of buildings on site that would otherwise not need planning permission;
- Restrict the use of serviced accommodation to temporary accommodation;
- Secure a financial contribution (£64,800) towards local health care services in the event of serviced accommodation being first occupied;
- Compensation is not paid by this authority should the LDO be revoked;
- The legal undertaking obligations will be transferred to any other land owner should land in the LDO area be sold.

25. This council's legal costs are to be paid by MEPC.

## **Risks**

26. The following will be used to minimise the risk of inappropriate development or development that is not permitted taking place:

- The use of conditions and restrictions to ensure development is appropriate

- A requirement that the council is pre-notified of any development permitted by the LDO
- Ongoing monitoring and review of the effectiveness of the LDO

27. The Town and Country Planning Act 1990 contains provisions for compensation to be paid by a local authority if permitted development rights in a local development order are withdrawn or amended. However, the scheme of the legislation and of the proposed LDO mean that any risk of such liability on the part of the council is very low, and will be limited further by the terms of a legal undertaking being given to the council by MEPC.

28. The formal consultation process has resulted in a number of responses, some expressing concerns about the proposed LDO. Officers are confident that these concerns have been addressed without the need for significant amendments to the LDO.

### **Other implications**

29. It is not considered that the proposed LDO will have any negative impact on equality. An LDO for Milton Park will help to create a wide range of new jobs and will therefore provide opportunities for everyone in our community. New buildings will still need to meet the requirements of the Building Regulations and other legislation outside the planning remit.

### **Conclusion**

30. The LDO is considered Development Plan compliant and it is requested that Cabinet supports the revised LDO proceeding to Council recommending that Council resolves to adopt the LDO attached at Appendix 1 subject to completion of a legal agreement securing the elements referred to in paragraph 24.

### **Appendices**

Appendix 1 – The Local Development Order and its Six Appendices

Appendix 2 – Summary of Consultee Responses