

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 10 March 2022 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor David Hughes (Vice-Chairman)  
Councillor Andrew Beere  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Simon Holland  
Councillor Mike Kerford-Byrnes  
Councillor Tony Mephram  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Dorothy Walker  
Councillor Sean Woodcock

#### Substitute Members:

Councillor Adam Nell (In place of Councillor Patrick Clarke)  
Councillor Barry Wood (In place of Councillor Sandy Dallimore)

#### Apologies for absence:

Councillor Patrick Clarke  
Councillor Sandy Dallimore

#### Officers:

Alex Chrusciak, Senior Manager - Development Management  
Andrew Lewis, Principal Planning Officer  
David Lowin, Principal Planning Officer (Major Projects Team)  
Karen Jordan, Deputy Principal Solicitor  
Aaron Hetherington, Democratic and Elections Team Leader  
Lesley Farrell, Democratic and Elections Officer

#### Officers Present Virtually

Nat Stock, Team Leader – General Developments Planning Team  
Wayne Campbell, Principal Planning Officer

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## **Declarations of Interest**

### **8. The Foscothe Clinic, 2 Foscothe Rise, Banbury, OX16 9XP.**

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Conflict of Interest, as a neighbour who would be affected by the application and would leave the meeting for the duration of the item.

### **9. Land South West of Queens Avenue and Kingsclere Road, Bicester OX26 2JH.**

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which has been consulted on the application and a separate declaration for Conflict of Interest, as he had opposed the application and would address the committee as local Ward Councillor and not participate in the debate or vote on the application as a Planning Committee Member.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

### **10. Land West of Chinalls Close adj to Banbury Road, Finmere.**

Councillor Mike Kerford-Byrnes, Non Statutory Interest, as a member of Finmere Parish Council but he had not taken part in any aspect of the parish consultation on the application.

### **12. Sites B C D And E, MOD Bicester, Murcott Road Upper, Arcott.**

Councillor Barry Wood, Non Statutory Interest, as a member of the Shareholder Committee.

Councillor Ian Corkin, Conflict of Interest, as a Non-Executive Director of Graven Hill and would leave the meeting for the duration of the item.

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

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## **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

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## **Minutes**

Subject to the following alteration to minute 139 - Former Rodney House Private Drive off Graven Hill Road, Ambrosden the Minutes of the meeting held on 10 February 2022 were agreed as a correct record and signed by the Chairman:

Deletion of item C – CDC S106 monitoring fee from the resolution.

145 **Chairman's Announcements**

The Chairman made the following announcement:

1. A questionnaire from the Chairman relating to site visits would be circulated to Planning Committee Members and Substitutes regarding site visits.
2. Application 21/03523/OUT, Land at Heyford Grange, Letchmere Farm, Camp Road, Heyford Park would be considered first.

146 **Urgent Business**

There were no items of urgent business.

147 **Proposed Pre-Committee Site Visits (if any)**

There were no pre-committee site visits.

148 **Land at Heyford Grange, Letchmere Farm, Camp Road, Heyford Park**

The Committee considered application 21/03523/OUT, an outline planning application for the erection of up to 31 dwellings, public open space, landscaping, associated parking, vehicular access and ancillary works (all matters reserved except means of access) at Land at Heyford Grange, Letchmere Farm, Camp Road, Heyford Park for Pye Homes Limited.

Nigel Pugsley, Agent for the applicant addressed the meeting in support of the application.

In reaching its decision the Committee considered the officer's report and presentation and the address of the public speaker.

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/03523/OUT subject to:
  - i) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, to secure the heads of terms listed below (and any amendments as deemed necessary);

**Affordable Housing:**

- 10 affordable units to be delivered

- Affordable mix to be agreed with CDC
- 3 4-person units required
- 50% of the affordable rented units must meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built the government's Nationally Described Space Standard (Technical Housing Standards). The wheelchair unit should conform to M4 (2) Category 3 of building regs accessibility requirement agreed with the Council.

**Apprenticeships & Skills:**

- The submission of an Employment Skills and Training Plan which would state the target number of apprenticeships within it and will require that it also sets out the arrangements through which the apprenticeships will be provided.
- Provision of 2.5 apprenticeships

**Biodiversity:**

- Enhancement towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum. Financial contribution in the region of £78,371

**Conservation of heritage interests:**

- Financial contribution in the region of £104,494

**Health:**

- Support Improvement of local primary care infrastructure (OCCG) based on OCCGs adopted policy to use a calculation of  $2.4 \times \text{number of dwellings} \times \text{£}360$  for contributions to health infrastructure.- £26,784

**Household Waste Recycling Centres:**

- Expansion and efficiency of Household Waste Recycling Centres (HWRC) - a contribution of £3,441
- Contributions towards community infrastructure and open space:
- Indoor Sports Provision-£25,883.35
- Outdoor Sport Provision-£62,527.93
- Community Hall Facilities-£35,442.96
- Public Art/Public Realm-£6,994
- Community Development Worker-£6,243.38.
- Allotments-£64,856 capital sum to build out allotments and £4,888.00 maintenance sum
- Cemetery Provision - tbc
- POS-maintenance for 15 years at £20.49 m2
- Tree/hedgerow maintenance for 15 years-£198.82 per tree/£20.49m2 per hedge (to be measured)
- LAP with 3 pieces of equipment provided. Commuted maintenance/inspection sum for 15 years-contribution of £tbc

- Commuted sum for maintenance of watercourse and swales (for 15 years)- Total length of watercourse to be measured and multiplied by £116.98/m<sup>2</sup>/Swales £97.71 per m<sup>2</sup>

Oxfordshire County Council

**Library:**

Funding of Bicester library-financial contribution-£3,348

**Education:**

- Primary and nursery education serving the development-£213,125
- Primary school land contribution-£20,053
- Secondary education capacity serving the development-£99,480
- SEN capacity serving the development-£15,103

**Waste Management:**

Contribution of £2,912.76

**Traffic and Transport:**

This development, together with the adjacent Phase 1 (15/01357/F), will need to contribute proportionately to the off site mitigation measures for Heyford Park as agreed in the main Policy Villages 5 planning application under reference No.18/00825/ HYBRID. Specifically, this will include contributions towards the following measures.

- M40, Junction 10
- Bus service contribution
- Junction safety improvements A4260 / B4027
- HGV restrictions on the B4030
- Capacity improvements at Hopcrofts Holt
- Middleton Stoney Bus Gate or other scheme to relieve congestion
- Cycle link between Camp Road and B430
- Bridleway upgrade between B430 and Bicester
- Signalisation of Ardley Road/Bucknell Rd/B430 junction
- Signalisation of B430/unnamed road junction
- Junction of Chilgrove Drive and Camp Road
- Upgraded Chilgrove Drive and masterplan bus route
- Village traffic calming
- Junction safety improvements A4260/North Aston Road
- Camp Road improvements
- Crossing by school
- Travel Plan initiatives

The precise methods by which the proportionate share will be determined are still to be confirmed.

**Monitoring fees:**

- Contributions towards monitoring on behalf of both the District and County Council will also be required

- ii) The following conditions (and any amendments to those conditions deemed necessary)

## CONDITIONS

### **Time Limit**

1. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

### **Approved Documents**

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents:

- Planning Application Form
- Planning Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Arboricultural Impact Statement
- Flood Risk Assessment and Drainage Statement
- Transport Assessment
- Archaeological Assessment & Heritage Statement
- Ecological Appraisal
- Affordable Housing Statement (included in Planning Statement)
- Section 106 Heads of Terms (included in Planning Statement)
- Statement of Community Involvement (included in Planning Statement)

and drawings numbered:

- 2105-200 - Site Location Plan
- 2105-201 - Illustrative Masterplan
- 2105-203 - Land Use Parameter Plan
- 16413-01 C Proposed Site Access
- 16413-05 - Site Access & Vehicle Tracking
- 10215L.LSP.003 - Illustrative Landscape Strategy
- 4388-LETCH-ICS-02-XX-DR-C-0001-S2 P01 Indicative Drainage Strategy

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

### **Reserved Matters**

3. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

**Submission of further matters-prior to commencement**

4. The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:

- A proposed scheme of access for pedestrians and cyclists to the western edge of the application site boundary to facilitate a scheme of access for pedestrians and cyclists to Larsen Road
- An energy statement demonstrating how all the dwellings will achieve a 19% reduction in carbon emissions above Part G of the building regulations and a water efficiency of not more than 110 litres/person/day.

Reason: - For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority, In the interests of creating Sustainable new development in accordance with the requirements of Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

**Landscape Management Plan-prior to occupation**

5. Prior to the first occupation of the development hereby approved, a landscape and ecology management plan (LEMP), to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1, in the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, and to comply with Policy C28 of the adopted

Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

**Open Space and Play Areas-prior to commencement**

6. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of the open space and play space within the site including the LAP together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space and play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space and play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Construction of roads and paths-prior to commencement**

7. Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cyclepaths including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the first house the development shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

**Construction of access and driveways-prior to commencement**

8. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

**Standard of Construction-prior to occupation**

9. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final



surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

**Parking and manoeuvring specification-prior to commencement**

10. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

**Travel Information Pack-prior to occupation**

11. Prior to first occupation of any dwelling, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

**Cycle Parking**

12. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

**Construction Environmental Management Plan (CEMP)**

13. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
  - b) The routing of HGVs to and from the site;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
  - g) Measures to control the emission of dust and dirt during construction;
  - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
  - i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Sustainable Drainage Details Required (SUDS)-prior to commencement**

14. Construction shall not begin until 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;
  - Where calculations are provided for individual soakaway, a drawing must be provided which indicates the area attributed to the soakaway. This should match the area used in the drainage calculations.
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
  - 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

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

**Sustainable Drainage Management-prior to first occupation**

16. 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.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

**Construction Environmental Management Plan (CEMP) for Biodiversity – Prior to commencement**

17. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) 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);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Badgers Mitigation – Prior to commencement**

18. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, in compliance with the strategy sent out in the submitted Ecology Report which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

#### **Details of Lighting – prior to commencement (CPDA/ecologist)**

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

Reason: To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

#### **Biodiversity Enhancement – Prior to development commencing**

20. A method statement for enhancing the bat/bird/invertebrate provision per dwelling shall be submitted to and approved in writing by

the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 y and Government guidance contained within Section 15 of the National Planning Policy Framework.

**NSP licence required conditions**

21. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR94) and with the proposals detailed on plan 'Larsen Road Phase 1 and 2 combined: Impact Plan for great crested newt district licensing' Version 3 dated 19th October 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR94.

22. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR94), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

23. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR94 and in addition in compliance with the following: - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

**Land Contamination Desk Study / Site Walkover-prior to commencement**

24. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Land Contamination Intrusive Investigation-prior to commencement**

25. If a potential risk from contamination is identified as a result of the work carried out under condition 24, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**Land Contamination Remediation Scheme-prior to commencement**

26. If contamination is found by undertaking the work carried out under condition 25 prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure

the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **Land Contamination Remediation Scheme**

27. If remedial works have been identified in condition 26, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 26. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **Land Contamination Remediation Scheme (EA)**

28. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**TWU water infrastructure-prior to occupation**

29. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows 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"

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**The Foscote Clinic, 2 Foscote Rise, Banbury, OX16 9XP**

The Committee considered application 21/00549/F for a single storey extension to create radiology areas, upper floors to provide a Staff Room and a new Boardroom and additional car parking at The Foscote Clinic, 2 Foscote Rise, Banbury, OX16 9XP for Shakib and Company.

Andy Tilsiter, agent for the applicant and Roger Cumming, architect for the applicant, addressed the committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the written updates, and the addresses of the public speakers.

**Resolved**

(1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/00549/F subject to:

- i) A resolution of the lead local flood authority's objection
- ii) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following Heads of Terms (and any amendments as deemed necessary):

**S106 HEAD OF TERMS**

a) Payment of £3,190 for the cost of Traffic Regulation Order towards the administration costs of the County Council processing the legal order required (lining and signing costs are to be met by applicant)

b) Payment of £2,379 for the cost of Travel Plan Monitoring towards the cost incurred by the County Council in monitoring the required Travel Plan.



If the Section 106 agreement/undertaking is not completed and the permission is not able to be issued by this date and no extension of time has been agreed between the parties, authority be delegated to the Assistant Director of Planning and Development to refuse the application for the following reason:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate traffic mitigation required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy ESD 15 of the CLP 2015, as well as paragraphs 108, 110 and 111 of the NPPF.

iii) The following conditions (and any amendments to those conditions as deemed necessary):

#### CONDITIONS

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 provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans 001, 202, 203, 204, 205, 206, 207, received 18/02/2021 and additional plans reference 228 Rev A received 14/10/2021, and 209, L001 received 11/11/2021 and FAH-ZZ-DR-D-0001 Rev P2 received 19/11/2021 and Transport Report by EAS Transport Planning Ltd reference 3085/2020 dated 22/12/2020, received 18/02/2021, Parking Survey by EAS Transport Planning Ltd reference 20210621-TN-Revision A dated 22/06/2021, received 22/06/2021, Arboricultural Method Statement by Wharton reference 210422 1173 AMS V1b dated 14 October 2021 received 11/11/2021, revised Outline Drainage Strategy by Fairhurst reference 146431-FAH-ZZ-RP-C-0001 dated 10/11/2021 received 19/11/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

3. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by

the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. No retained trees shown on the approved plans and particulars shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works. If any retained tree is cut down, uprooted, destroyed or dies, within a period of 5 years from the date of this permission another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement and the Tree Protection Plan prepared by Wharton Natural Infrastructure Consultants on 14th October 2020.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

7. The existing conifer hedge along the southern boundary of the site shall be retained and enhanced where gaps exist to a minimum height of not less than four metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to protect the amenities of nearby properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

8. A schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment does not exceed the background noise level at the boundary of the premises. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142 (2014) 'Method for rating industrial and commercial sound'. The measurement location shall be 1 metre from the facade of the nearest noise sensitive receptor.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996

10. Prior to the completion of the extensions, a scheme for the provision of vehicular electric charging points to serve the development

shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first use of the facilities in the extensions by patients and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

11. Prior to the facilities within the extensions being brought in to use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In order to ensure that the opportunities for sustainable travel have been taken up

12. A Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail:

- 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.
- 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.
- How construction related vehicle parking will be managed
- Layout plan of the site that shows structures, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0345 310 1111. Final correspondence is required to be submitted.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996

14. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

15. Notwithstanding the details shown on the approved plans, no access by staff shall be provided to the flat roof area of the single rear extension.

Reason: In order to safeguard the privacy of the residential dwellings to the south in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 saved Policy C28 of the Cherwell Local Plan 1996.

iv) The redrafting of condition 4 and condition 7 to provide clarity on how the restrictions on the trees and vegetation across the site will operate with the separate arrangements for the management of the hedge along the southern boundary.

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**Land South West of Queens Avenue and Kingsclere Road, Bicester  
OX26 2JH**

The Committee considered application 21/02890/F for the development of 10 residential units at Land South West of Queens Avenue and Kingsclere Road, Bicester, OX26 2JH for Bicester Builders Homes Limited.

Councillor Sibley addressed the committee as local ward member in objection to the application.

Peter Foxton CBE, a local resident addressed the committee in objection to the application.

Aidan Lynch, agent for the applicant addressed the committee in support of the application.

It was proposed by Councillor Broad and seconded by Councillor Pratt that application 21/02890/F be refused due to the design and bulk of the building and the lack of parking available for residents and visitors.

On being put to the vote the proposal was lost and the motion subsequently fell.

It was proposed by Councillor Woodcock and seconded by Councillor Perry that application 21/02890/F be approved in line with the officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, the written updates and the addresses of the public speakers.

### **Resolved**

- (1) That authority be delegated to the Assistant Director of Planning and Development to grant permission for application 21/02890/F subject to:
  - i) The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following Heads of Terms (and any amendments as deemed necessary):

S106 HEADS OF TERMS

    - a) £51,250 - £69,500 Highway Works Contribution Towards Provision of active travel measures on Queens Avenue along the development frontage
    - b) £5,135 Traffic Regulation Order Contribution Towards Consultation fees regarding mitigation measures on Kingsclere Road
    - c) The provision for S106 monitoring fees.
  - ii) The following conditions (and any amendments to those conditions as deemed necessary):

### **CONDITIONS**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans ANCR-ICS-01-XX-DR-C-0300-S4 Rev P01, ANCR-ICS-01-XX-DR-C-0402-S4 Rev P01, ANCR-01-XX-DR-C-0200-S Rev P01, ANCR-ICS-01-XX-DR-C-400-S4 Rev P01, ANCR-ICS-01-XX-DR-C-0100-S4 P01, received 20/08/2021, drawing reference 348-200 Rev B, received 25/11/2021, drawing reference 348-208 Rev B, 348-207 Rev C, 348-206 Rev B, 348-205 Rev B, 348-204 Rev C, 348-203 Rev C, 348-202 Rev C, received 29/01/2022, and drawing reference 348-209 received 30/01/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt

3. The external walls of the building using stone shall be constructed in weathered limestone which shall be laid, dressed, coursed and pointed using a lime based mortar with brushed or rubbed joints in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Samples of the slates (including ridge tiles) to be used in the covering of the roof of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building including the windows and doors (and their surrounds), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the conservation area and the significance of the neighbouring listed buildings in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28, C18 of the Cherwell Local Plan 1996.

6. Any electricity or gas supply meter housings to be located on the external elevations of the buildings hereby approved shall be sited on the rear / west elevation of the buildings unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the conservation area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

7. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

- a. details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- b. details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c. details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part



1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Details of the proposed construction, materials and surfacing of the access road and its junction with the public highway and the on-street mitigation works shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the approved details prior to the first occupation of the apartments and thereafter permanently maintained as such.

Reason: In the interests of highway safety, to comply with Government guidance in Section 12 of the National Planning Policy Framework

10. Prior to the first occupation of the apartments hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

11. Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, must be submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

Reason: In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the

construction period and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. All development shall take place including any works of demolition in full accordance with the Construction Method Statement Revision A and plan reference 384/210 Rev 1 received 24/01/2022. The Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. A plan detailing the proposed parking, turning/loading/unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking, and turning/loading/unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the apartments. The car parking, turning/loading/unloading spaces shall be retained for the parking, turning/loading/unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking, turning/loading/unloading and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

14. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the apartments they serve, and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

15. Prior to first occupation of any apartment hereby approved, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

16. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

18. If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the

Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

19. If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

20. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

21. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any

public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

22. Full details of a scheme for rainwater harvesting associated with the development shall be submitted to and approved in writing by the Local Planning Authority prior to construction above slab level. Thereafter, and prior to the occupation of each building the rainwater harvesting system relating to that building shall be installed and brought into use in accordance with the approved details.

Reason: To reduce the use of water and to comply with Government guidance contained within the National Planning Policy Framework.

23. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

24. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996

25. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be erected prior to the first occupation of the apartments.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed apartments and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30

of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

151 **Land West Of Chinalls Close Adj To Banbury Road, Finmere**

The Committee considered application 21/03066/OUT, an outline application for up to 30 Dwellings and detailed access from Banbury Road, with all other matters reserved, at Land West of Chinalls Close adj to Banbury Road, Finmere for Katie Christou.

Joanne Brooks, local resident, addressed the committee in objection to the application.

Katie Christou, Planning Manager for Hayfield Homes addressed the committee in support of the application.

It was proposed by Councillor Corkin and seconded by Councillor Wood that application 21/03066/OUT be refused contrary to the officer's recommendation due to it being in an unsustainable location, outstanding archaeology concerns, a lack of S106 agreement, a loss of high value agricultural land and surface water flooding.

In reaching its decision the Committee considered the officer's report and presentation, the written updates and the addresses of the public speakers.

**Resolved**

- (1) That application 21/03066/OUT be refused contrary to the officer's recommendation due to:
  - a) Unsustainable location on the edge of the village, dislocated to it, and turning its back on the existing settlement. Lack of connection the village.
  - b) Outstanding Archaeology concerns
  - c) Lack of S106
  - d) Loss of high value agricultural land
  - e) Surface water flooding and potential impacts on surrounding properties (Anglian Water concerns)

With the exact wording of the reasons for refusal delegated to the Assistant Director for Planning and Development.

152 **Sites B C D And E, MOD Bicester, Murcott Road Upper, Arncott**

The Committee considered application 21/03749/F for a variation of condition 2 (plans) of application 19/00937/OUT - The submitted proposals show the relocation of the Community Centre, Extra Care Facility, Nursery and Pub. The masterplan is proposed to be amended to include these proposals, and

excludes the employment land, for clarity (Site D) at Sites B, C, D and E, MOD Bicester, Murcott Road, Upper Arncott for Mr Adrian Unitt.

Paul Troop, a local resident, addressed the committee in objection to the application.

John Jowitt, agent for the applicant, addressed the committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the written updates and the addresses of the public speakers.

## **Resolved**

(1) That the Planning Condition 2 of application 19/00937/OUT be varied subject to the following:

1. No development shall commence on any part of the site until full details of the internal access roads and circulation routes, layout, scale, appearance and landscaping for that part of the site (hereafter referred to as "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Environmental Statement and drawings numbered:

- 1982-A-L-005-B [MOD Bicester Application Site Red Line]
- 1982-A-L-010-AB [Proposed Master plan] – with the exception of the employment land which is covered by INC-SA[20]0020 Rev P11 [Employment Land Masterplan]
- 1982-A-L-035-D [Building Density Constraints]
- 1982-A-L-050-O [Land Transfer Areas]
- 1982-A-L-060-H [Commercial Areas Sheet 1]
- 1982-A-L-073-L (05.07.18) - [Primary School Plan]
- 1982-A-L-074-G (13.07.18) - [Primary School Title plan Land Transfer 1]
- 1982-A-L-550 H (16.5.14) [Final Bus Route LTA 1 and LTA 2]
- 1982-A-L-553-G (19.5.14) [Spine Road Location Land Transfer 1 and 2]
- 1982-A-L-556 [Temporary Bus Rouse Phase 1a]
- 1982-A-L-549 B [Temporary Bus Route Phase 1b]
- 1545 (05.03.2018) [Rodney House roundabout Temporary Pedestrian Management]

- 1546 (04.03.2018) [Rodney House roundabout Pedestrian management]
- 1982-A-L-040 AB [Land Use Plan]
- 27808-L508a (December 2012) - Landscape Screening Proposals
- 27808-LEA520a (December 2012) - C Site strategic masterplan
- 27808-L509 (December 2012) - C Site: Proposed Sections
- 27808-L506 (December 2012) - C Site: Screen planting to west boundary
- 27808-L415 (September 2011) - MOD Bicester application sites
- 27808-L464.dwg.smitv (September 2011) - A41/Pioneer Road mitigation scheme
- 27808-L390.dwg (September 2011) - A41/Graven Hill Road/ B4100 mitigation scheme (Signal)

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

3. The development hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, Chapter 3, page 30 of the Environmental Statement set submitted with the original application, which was prepared by AMEC dated September 2011.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken within the 12 months prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of development.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework



5. In the case of the reserved matters for Graven Hill, applications for the approval of reserved matters shall be made not later than 08 August 2022.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

6. The development at Graven Hill to which this permission relates shall be begun not later than:

- I. the expiration of two years from the final approval of the reserved matters for Phase 1 or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for Phase 1.
- II. provided i) has been complied with, expiration of two years from the approval of the reserved matters for the remainder of the site, or, in the case of approval on different dates, the final approval of reserved matters.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

7. Each reserved matters application shall refer to a phase, phases, or part thereof as identified in the approved phasing plan: Drawing Nos. 1982 A-L-609 Rev M, 1982 A-L-573 Rev Y and 1982 A-L-555 Rev F.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

8. With the exception of Phase 0, Phase 1a and 1b as shown on Drawing No: 1982-A-L-573- V and the employment site associated with units D1 and D4 (shown on drawing number 0002 Rev C), prior to the submission of reserved matters for each phase of Graven Hill a Masterplan and Design Code shall be provided covering at least such matters as the distribution of land uses, character areas, forms of buildings, street hierarchy, measures to support sustainable travel, strategic landscape, building typology, materials, servicing, parking and sustainability features. The Masterplan and Design Code shall be approved in writing prior to the submission of reserved matters and thereafter the reserved matters shall be made in accordance with the agreed Masterplan and Design Code.

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, reserved matters applications for each phase of development shall include details of existing and proposed ground levels of the highway and public realm infrastructure (referred to as "off plot features" in the Design Code 2017) and existing and proposed ground levels and finished floor levels of the residential plots within that phase. The development shall thereafter be carried out in accordance with the approved levels.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

N.B: The existing and proposed grounds levels and finished floor levels of the residential plots shall include; (1) a proposed golden brick finished floor level for each plot, (2) an existing and proposed ground level to the front boundary at the point the vehicle access enters the plot, (3) an existing and proposed ground levels to the rear boundary, including details of any retaining feature required to link up to the neighbouring plot level and (4) existing and proposed ground levels to each side elevation, including details of any retaining feature required to link up to the neighbour plot level.

10. The maximum building heights for residential properties at Graven Hill site shall not exceed those shown on Drawing No: 1982-A-L-030-N

Reason: To ensure the satisfactory appearance of the completed development and prevent visual encroachment above the base of the tree line on the Graven Hilltop, to mitigate the impact of the development on the rural peripheral landscape, and to comply with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. The maximum height of any new commercial building at Graven Hill site shall not exceed 15 metres to the ridge.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the proposed development is in scale and harmony with its rural surroundings and to comply with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031

Part 1 and Government guidance contained within the National Planning Policy Framework.

12. The dwellings hereby approved shall be constructed so as to achieve the minimum standards for Graven Hill residences as detailed at Section 4 of the Passive Design Standards Rev. F (October 2015) prepared by Hoare Lea Sustainability and shown on page 5 of The Design Code 2017, or such alternative minimum construction standards as shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Policies ESD1, ESD3 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. All new non-residential buildings above 500m<sup>2</sup> GIA hereby approved on Graven Hill shall be constructed to at least a BREEAM 'Excellent' standard, and any new retail buildings and non-residential buildings below 500m<sup>2</sup> hereby approved on Graven Hill shall be constructed to at least a BREEAM 'very good' standard, or such other standard as has first been submitted to and approved in writing by the Local Planning Authority, including as part of the reserved matters.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Policies ESD1, ESD3 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. The local shops or facilities at Graven Hill (use classes A1, A2, A3, A5 or D1) shall not exceed 1358 sq m in total or comprise of any single unit exceeding 150 sq m in area, with the exception of a single additional retail unit (use class A1) which shall not exceed 1000 sq m gross area. The local shops and facilities thereafter shall not be amalgamated to form larger units without the prior written consent of the Local Planning Authority. The 1000 sq m retail unit shall not be used for any purpose outside of use class A1.

Reason: To ensure the provision of appropriate local community facilities to serve the development in accordance with Policy Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 Government advice contained in the National Planning Policy Framework.

15. All services serving the proposed development shall be provided underground unless details have first been submitted to and approved in writing by the Local Planning Authority. Details of any necessary above ground infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended) shall be submitted concurrently with the details of the development they serve.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. In relation to Graven Hill:
- a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
  - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the Graven Hill: Tree Survey Report (WIC15119.R.2.1.TA\_LTA1\_Tree Survey Report).

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The development of Graven Hill hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, chapter 3, page 30 of the Environmental Statement set submitted with the original application, which was prepared by AMEC dated September 2011 and in accordance with the mitigation proposals laid out in table 3.1 of the "Response to Regulation 25 Request" prepared by Wood Environment & Infrastructure Solutions UK Ltd dated May 2018.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. The development at Graven Hill site shall only proceed in accordance with the 15 Year Landscape & Habitat Management Strategy dated June 2018 prepared by Waterman Energy, Environment & Design Ltd.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. The development at Graven Hill site shall only proceed in accordance with the conclusions and recommendations contained in the approved Thames Water Modelling Tasks: Graven Hill Development Modelling Report (Job No. 5112682.370 Rev 3.0) dated October 2015.

Reason - To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand, to comply with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

20. Except where otherwise approved under a condition of this permission, the development at Graven Hill site shall be carried out in accordance with the following measures to mitigate flood risk:

- Discharge rates limited to 11l/s/ha during a 1 in 100 year plus 30% climate change storm event.
- Attenuation provided for up to the 1 in 100 year (plus 30% for climate change) event using swales and ponds.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in order to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. The development at Graven Hill site shall only proceed in accordance with the conclusions, recommendations and initiatives contained in the approved Employment Strategy Report prepared by Knight Frank and received by the Council on 23 November 2015.

Reason: To secure sustainable economic growth in order to create jobs and prosperity in accordance with Policies SLE1 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. In respect of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-A-L-573-V, the development at Graven Hill site shall only proceed in accordance with the recommendations and mitigation contained in the approved Protected Species Report dated February 2015 prepared by Waterman Energy, Environment & Design Ltd.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of

the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. In respect of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-A-L-573-V, the development at Graven Hill site shall only proceed in accordance with the approved Habitat Creation and Management Plan dated March 2015 prepared by Waterman Energy, Environment & Design Ltd.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. In respect of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-A-L-573-V, the development at Graven Hill site shall be carried out strictly in accordance with the approved Traffic and Logistics Management Plan (Graven Hill Infrastructure - 3252 Rev A) dated April 2013 prepared by Careys.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arcott during the construction period and to comply with Policies SLE4, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

25. In respect of Phase 0, Phase 1a and Phase 1b as shown on drawing number 1982-A-L573-V, the development at Graven Hill site shall only proceed in accordance with the Written Scheme of Investigation dated December 2014 and February 2016 prepared by Watermans and the Evaluation Report dated April 2016 and Archaeological Watching Brief and Evaluation Report dated September 2016 prepared by Oxford Archaeology.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

26. The approved safeguarded route for a possible South Eastern relief road as shown on Drawing No: 1982 A-L-542 Rev B shall remain free of built development at all times.

Reason: In order to safeguard the possible provision of a new relief road, in accordance with the Bicester Movement Study, Policies SLE4, Bicester 2 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

27. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 19820-AL-573-V, the development shall be carried out in accordance with the Archaeological Written Scheme of Investigation, 'Graven Hill Bicester Land Transfer Area 2', dated February 2019, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

28. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, and following approval of the Written Scheme of Investigation referred to in condition 48, prior to any demolition and the commencement of any development on each phase of development (other than in accordance with the agreed Written Scheme of Investigation) 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.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

29. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of each phase of development revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

30. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to work commencing on

any phase at Graven Hill, a Habitat Creation Plan, identifying how existing biodiversity on the site will be maintained and a net biodiversity gain will be delivered, shall be submitted and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented in accordance with the phasing set out in the plan.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

31. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of the development on any phase hereby permitted on Graven Hill a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. The report shall identify clearly the phase to which it relates and the relationship to remediation of phases already completed and to those remaining to be undertaken. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

32. If contamination is found by undertaking the work carried out under condition 31, prior to the commencement of the development hereby permitted on Graven Hill a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to



ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

33. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of each phase relating to the Graven Hill site including any demolition and any works of site clearance a Construction Environment Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the CEMP shall include:

- Measures to minimise the environmental impacts of noise, vibration, smells, dust and fumes resulting from construction
- Measures to ensure that construction works do not adversely affect biodiversity

Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason: To ensure the environment is suitably protected during construction and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

34. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of each phase relating to the Graven Hill site a Construction Management Travel Plan (CMTP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the CMTP shall include:

- Details of all construction activity
- Details of wheel washing facilities
- Restrictions on construction & delivery traffic
- Details of construction routes to the Graven Hill development site

Thereafter, the development shall be carried out in accordance with the approved CMTP.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arncott during the construction period and to comply with Policies SLE4, ESD15 and

Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

35. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, prior to the commencement of each phase relating to the Graven Hill site an Arboricultural Method Statement (AMS) relating to that phase, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved AMS.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

36. Prior to the development of each phase, the related Sustainable Drainage Systems (SUDS) shall be laid out and constructed in accordance with the approved Sustainable Drainage design Code prepared by Waterman dated February 2015 (ref: CIV15119 ES 001 rev A01), the Surface Water Drainage Strategy prepared by Waterman dated September 2015 (ref: CIV15119 DR Drainage Strategy A01), and the Sustainable Drainage Maintenance Manual prepared by Waterman dated September 2015 (ref: CIV15119 DR SUDS Maintenance Manual A01). The SUDS shall be maintained in accordance with the approved details thereafter.

Reason: To prevent the risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure maintenance of the scheme, to comply with Policies ESD6, ESD7, ESD10, and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

37. The development of Graven Hill shall not be occupied until:
- a) In respect of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-A-L573-V, the remedial works have been carried out in accordance with the approved Remediation Options Appraisal and Remediation Strategy Report for Land Transfer Area 1 (ref: WIB13983-104-R-2-2-3-MA-MACF dated January 2016) prepared by Waterman Infrastructure & Environment Ltd. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
  - b) In respect of all subsequent phases, if remedial works have been identified in condition 53, the remedial works have been carried out in accordance with the scheme approved under

condition 53. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

38. No more than 100 dwellings at the Graven Hill development shall be occupied before the proposed entrance works (A41/Graven Hill Road/B4100/A4421 roundabout) as shown on Figure 11.3 in the accompanying Transport Assessment, drawing reference 27808-L4390 (September 2011) - A41/Graven Hill Road/B4100 mitigation scheme (signal), between the land and the highway have been formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and all ancillary works specified have been undertaken.

Reason - In the interests of highway safety and to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice contained in the National Planning Policy Framework.

39. No dwellings in any phase of the development shall be occupied until the part(s) of the approved scheme for the provision of mains foul water drainage and treatment, as detailed in the Sewer Impact Study (ref: X4503-619 SMG 0990) prepared by Thames Water, that relate to the relevant phase(s) of the development have been implemented in full.

Reason: To ensure that sufficient capacity is made available to dispose and treat the foul flows discharged from the development, to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 and guidance set out in the National Planning Policy Framework.

40. With the exception of Phase 0, Phase 1a and Phase 1b as shown on Drawing No: 1982-AL-573-V, and prior the first occupation of any subsequent phase of the Graven Hill development hereby permitted, fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason - To secure the provision of essential community infrastructure on site in accordance with Government guidance contained within the National Planning Policy Framework.

41. Notwithstanding the provisions of Class O of Part 3, schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved B1 (a) development on Graven Hill shall not be converted to provide residential accommodation, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of the Graven Hill site, in order to ensure an appropriate level of services and amenities will remain for the development, in accordance with Policies SLE1 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

42. No enclosures shall be erected within 5 metres of the retained barracks without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy and safety of the occupants of the proposed dwellings and to safeguard the security of the MoD barracks and to comply with Policies ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

43. In respect of Phase 0, the reserved matters shall be made in accordance with the approved Masterplan and Design Code, comprising of the following documents:

- Drawing No: 1982-A-L-010-H Proposed Masterplan
- Drawing No: 1982-A-L-011-I Proposed Masterplan Northern Area
- Drawing No: 1982-A-L-040-N Proposed Land Use Plan
- Drawing No: 1982-A-L-030-J Building Height Constraints
- Drawing No: C-SA-90-406-A09 Road Hierarchy Plan
- Drawing No: 1982-A-L-510-I Typical Road Sections
- Drawing No: EED13983-107\_GR\_LD\_15\_RevD Strategic Landscape and Habitat Masterplan
- Drawing No: 1982- A-L-020 Rev F
- Graven Hill Design Code 2015 received by the Local Planning Authority on 04.09.15
- Street Hierarchy Summary dated 02.09.15 prepared by Glenn Howells Architects

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

44. The development of Phase 0 shall be carried out in accordance with the approved Project Environment Plan (Graven Hill Infrastructure - 3252 Rev A) dated 30 March 2016 prepared by Careys.

Reason: To ensure the environment is suitably protected during construction and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

45. The development of Phase 0 shall be carried out in accordance with the approved Arboricultural Method Statement as shown on Drawing Nos: WIB-AA-74-501 Rev F and WIB-AA-74-502 Rev F.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

46. The development of Phase 0 shall be carried out in accordance with the approved details of existing and proposed levels as shown on Drawing No: C-SA-90-0814 Rev C02 unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

47. The development of Phase 0 shall be carried out in accordance with the following approved details of internal access and circulation routes:

- Internal vision splays as shown on Drawing No: C-SA-90-SK121 Rev A02
- Pedestrian, cycle and vehicle routes shown on Drawing No: C-SA-90-0810 Rev C05
- Tracking manoeuvres for refuse vehicles, fire tenders and large mobile crane as shown on

Drawing Nos: C-SA-90-0811 Rev C02, C-SA-90-0812 Rev C01, and C-SA-90-0813 Rev A01

Unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

48. Prior to the occupation of any dwelling in Phase 0, a phasing plan and timetable for the laying out and final surfacing of the estate roads, bridges, pedestrian and cycle routes within that Phase, along with details of the materials, construction and maintenance of any temporary surfacing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved timetable and details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policies SLE4, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

49. The development at Phase 0 shall only be carried out in accordance with the approved lighting scheme for the pedestrian, cycle and vehicle routes as shown on drawing number P035/969 Rev B dated 6 May 2016. Such lighting shall be formed, laid out and constructed strictly in accordance with the approved details prior to the occupation of the 6th dwelling in Phase 0.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

50. Prior to the first occupation of any dwelling in Phase 0, the approved scheme to ensure that no surface water shall be discharged onto the adjoining highway (as detailed in the letter from PJP Planning (ref: 1768/JJ) dated 19th November 2015 and submitted with application ref: 15/00490/DISC) shall have been constructed and completed in accordance with the approved details.

Reason - In the interests of highway safety and mitigating flood risk and to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

51. In respect of Phase 1a, Phase 1b and Phase 1c, the reserved matters shall be made in accordance with the approved Masterplan and Design Code, comprising of the following documents:

- Drawing No: 1982-A-L-010-R Proposed Masterplan
- Drawing No: 1982-A-L-011-Y Proposed Masterplan Northern Area
- Drawing No: 1982-A-L-040-AB Proposed Land Use Plan
- Drawing No: 1982-A-L-030-N Building Height Constraints
- Drawing No: C-SA-90-0458-A12 Road Hierarchy Plan
- Drawing No: 1982-A-L-510-L Typical Road Sections

- Drawing No: EED13983-107\_GR\_LD\_15\_RevE Strategic Landscape and Habitat Masterplan
- Drawing No: 1982-A-L-741 Rev Y Phase 1 Parameter Plan (1 of 4)
- Drawing No: 1982-A-L-742 Rev AK Phase 1 Parameter Plan (2 of 4)
- Drawing No: 1982-A-L-743 Rev AK Phase 1 Parameter Plan (3 of 4)
- Drawing No: 1982-A-L-744 Rev AE Phase 1 Parameter Plan (4 of 4)
- Drawing No: 1982-A-L-562 Rev K Masterplan Pedestrian and Cycle Network
- Graven Hill Design Code 2018 V1 received by the Local Planning Authority on 27.04.2018
- Street Hierarchy Summary dated 27.04.2017 prepared by Glenn Howells Architects

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

52. The development of Phase 1a, Phase 1b and Phase 1c shall only be carried out in accordance with the approved infrastructure and public realm ground levels details as shown on drawings C-SA-90-406-C06, C-SA-90-407-C07 and C-SA-90-408-C07, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the development does not cause harm to the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

53. The development of Phase 1a, Phase 1b and Phase 1c shall be carried out only in accordance with the approved Construction Environment Management Plan (CEMP) dated July 2016 and drawing number WIB-AA-78-002-D05 Capture and Enclosure Methods.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arncott during the construction period and to comply with Policies SLE4, ESD15 and Bicester 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

54. The development of phase 1a, phase 1b and phase 1c shall only be carried out in accordance with the approved Tree survey Report dated March 2016 and Drawing No: WIC-AA-77- 102-Rev A Tree Retention and Removal Plan, WIC-AA-77-103-Rev A Tree Retention and Removal Plan, WIC-AA-77-104- Rev A Tree Retention

and Removal Plan and WIC-AA-77- 005-A01 Tree Survey, WIB-AA-74-503-Rev D Tree and Habitat Protection Plan, WIB-AA74-504 Tree and Habitat Protection Plan, WIB-AA-74-505-Rev A Tree and Habitat Protection Plan, WIB-AA-74-506-Rev A Tree and Habitat Protection Plan, WIB-AA-74-507- Rev A Tree and Habitat Protection Plan, WIB-AA-74-508-Rev A Tree and Habitat Protection Plan, WIB-AA-74-509-Rev A Tree and Habitat Protection Plan, WIB-AA-74-510- Rev A Tree and Habitat Protection Plan, WIB-AA-74-511-Rev A Tree and Habitat Protection Plan, WIB-AA-74-512-Rev A Tree and Habitat Protection Plan, WIB-AA-74-513- Rev A Tree and Habitat Protection Plan, and WIB-AA-74-514-Rev A Tree and Habitat Protection Plan.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## 153 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

In response to questions from the Committee regarding the Ben Jonson Public House site, the Senior Manager - Development Management, advised the Committee that an update would be provided to Committee Members outside of the meeting.

### **Resolved**

- (1) That the position statement be accepted.

The meeting ended at 7.55 pm

Chairman:

Date: