

**Case Officer:** Caroline Ford

**Applicant:** Crest Nicholson Operations Limited

**Proposal:** A full planning application for 57 dwellings and associated infrastructure

**Ward:** Bicester North and Caversfield

**Councillors:** Councillor Pratt, Councillor Slaymaker, Councillor Mawer

**Reason for Referral:** Major development

**Expiry Date:** 6 August 2021

**Committee Date:** 15 July 2021

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site forms part of the Elmsbrook development, specifically the western part of Phase 4 which is currently under construction by Crest Nicholson. This area of Phase 4 has planning permission for 54 dwellings. The site is accessed from the Exemplar northern access (now Braeburn Avenue) and then from Lemongrass Road, which runs west from Braeburn Avenue.
- 1.2. The wider Phase 4 parcel is bound by field hedgerows and this particular site area is set away from those features which were retained by the original scheme with buffers to them.

**2. CONSTRAINTS**

- 2.1. The application site is on land allocated by Policy Bicester 1 of the Cherwell Local Plan 2011- 2031 Part 1. This part of the site itself is not heavily constrained with there being some evidence of ecology in the local area and some potential for contamination. Otherwise, there are natural features such as the field hedgerows which form a constraint.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks planning permission for 57 dwellings and associated infrastructure which includes re-planning the 54 dwellings already approved on this part of the site and the provision of 3 additional dwellings. The proposal involves a re-design of the units but within the extent of the approved block structure and the approved highway arrangement. The proposal also involves changing the housing mix with 6 less 2 bed units proposed, 3 additional 3 bed units, 2 additional 4 bed units and 4 additional 5 bed units proposed. This is to reflect market conditions and customer feedback. This would mean that overall, the Exemplar would provide 396 dwellings.

## **4. RELEVANT PLANNING HISTORY**

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

10/01780/HYBRID – Approved – Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

17/00116/NMA – Approved – Non-material amendment to 10/01780/HYBRID – Improvements to consented scheme (Phases 3 and 4)

There have been numerous discharge of condition applications for the Exemplar phase as a whole including Phases 3 and 4. Other non-material amendments have also been approved for the wider site. There have also been applications made on the wider Exemplar site, mainly relating to the local centre area.

## **5. PRE-APPLICATION DISCUSSIONS**

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

## **6. RESPONSE TO PUBLICITY**

6.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **11 June 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. One public comment has been received and this comment can be summarised as follows:

- Object as it does not meet the requirements of the NW Bicester Masterplan or the Bicester Local Cycling & Walking Infrastructure Plan. The existing footpath that runs from the B4100 to Bucknell is identified as a key route in the NW Bicester Masterplan and this has not been connected to the Exemplar phase, so it is unusable. Bucknell is only accessible by car as there is no safe walking route from the Eco-Town. Access to the footpath should be integrated as part of the development plans in order to meet the Masterplan requirement and provide footpath access from Bicester, through Elmsbrook to Bucknell.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

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

#### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: No comments received.
- 7.3. CAVERSFIELD PARISH COUNCIL: No comments received.

#### CONSULTEES

- 7.4. CDC STRATEGIC HOUSING: **Comment** – No additional affordable housing is required for the proposed increase in the number of units on this part of the site. This is because the original application (10/01780/HYBRID) included 393 dwellings, of which 119 dwellings were allocated as affordable housing. This figure is slightly above the expected 30% allocation. An increase of 3 dwellings would give 396 overall and 30% of 396 is 118.8 and 119 have already been secured. It is accepted that the number of affordable homes on Phase 4 is as previously agreed with the remainder of the allocation located elsewhere on the wider development. The planning layout for the affordable units is agreed. The materials are acceptable as they do not differ from the market housing because the house types are the same.

- 7.5. CDC ENVIRONMENTAL HEALTH:

**Noise:** No comments but a Construction Environment Management Plan should be sought.

**Contaminated Land:** No comments.

**Air Quality:** A condition is required to secure electric vehicle charging for the dwelling.

**Odour:** No comments.

**Light:** No comments.

- 7.6. CDC RECREATION AND LEISURE: Financial contributions in the S106 agreement will need to be updated to account for the new number of dwellings.
- 7.7. CDC ARBORICULTURE: The Arboricultural Method Statement demonstrates suitable protection for retained trees in line with BS5837:2012. The methods described for works within the RPAs of Trees 88 and 89 are acceptable. There is some concern regarding the proximity of plot 4 to retained vegetation and the risk that ongoing reduction works to tree 91 would be required. However, as the tree is an ash tree, an amendment to the proposal is not warranted, however consideration should remain relating to the proximity of the adjacent retained vegetation in the north east corner.
- 7.8. CDC Building Control: No comments received.
- 7.9. CDC Ecology: No comments received.
- 7.10. CDC Landscape: Comments received but they were queried as they were not made in the context of a comparison to the approved landscape scheme. Officers have agreed with the Landscape Officer that as the applicant has confirmed that no substantial changes have been made (for which Officers have reviewed and

generally confirmed to be the case) that further detailed comments from the Landscape Officer would not be provided.

- 7.11. CDC Planning Policy: No comments received.
- 7.12. CDC Public Art: No comments received.
- 7.13. CDC Waste and Recycling: No comments received.
- 7.14. CDC Bicester Delivery Team: No comments received.
- 7.15. OCC HIGHWAYS: **No objections** subject to a S106 agreement to link the new consent to the S106 for the HYBRID consent and a planning condition. It is noted that the access arrangements for the site are unchanged, the configuration of road layout remains unchanged, the parking and cycling provision still accords with the principles established by the approved scheme and the extent of the development blocks remains unchanged. In addition, the transport statement addendum considers the potential increase in movement to be negligible and so there would be no material difference between this and the existing permission in terms of capacity and flow on the local highway network.
- 7.16. OCC DRAINAGE: There was no drainage strategy or flood risk assessment submitted which led to an initial objection. Following the receipt of additional information and explanation of the proposals, OCC have confirmed they have **No Objection** as the proposal is only for an additional 3 dwellings and the supplied documents (drawing and calculations) illustrate the amended proposals satisfy their expectations.
- 7.17. CPRE: No comments received.
- 7.18. Oxfordshire CCG: No comments received.
- 7.19. Langford Village Community Association: No comments received.
- 7.20. Thames Valley Police Design Advisor: No comments received.
- 7.21. Bicester Bike Users Group: No comments received.
- 7.22. THAMES WATER (amended response):

**Waste:** Thames Water have been unable to determine the wastewater infrastructure needs of the application and as such a planning condition is recommended to ensure that capacity exists to serve the development or that network reinforcement works as necessary can be planned in.

**Water:** Thames Water have no objection with regard to water network infrastructure capacity.

**Informative:** Thames Water provide advice regarding the likely water pressure that would be achieved on the site and relating to water mains which cross the site and because Thames Water underground assets are within 15m of the site.

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

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, sport and recreation provision
- BSC11: Local standards of provision – outdoor recreation
- BSC12: Indoor sport, recreation and community facilities
- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure

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

- C28 – Layout, design and external appearance of new development
- C30 – Design Control

8.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North West Bicester SPD (February 2016)
- Cherwell Residential Design Guide SPD (July 2018)

## **9. APPRAISAL**

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Transport
- Drainage
- Ecology

- Eco Town standards
- Conditions/ S106

### Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan Part 1 2011-2031, the saved Policies of the Cherwell Local Plan 1996 and a number of Neighbourhood Plans (although there is no Neighbourhood Plan relevant to this application).
- 9.3. The Cherwell Local Plan seeks to allocate land to meet District Wide Housing Needs. The overall strategy is to focus strategic housing growth at Banbury and Bicester and a small number of strategic sites outside of these towns with Policy BSC1 setting out the numbers to be delivered in each area. Policy ESD1 sets out that distributing growth to the most sustainable locations will assist to mitigate the impact of development within the District on Climate Change.
- 9.4. The site is situated on land allocated by Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. The policy allocates a 390ha site to the north west of Bicester for a new zero carbon mixed use development including 6000 homes. The policy requires a comprehensive Masterplan for the whole site which has been received and incorporated into a Supplementary Planning Document (SPD) for North West Bicester (February 2016). The policy sets out detailed requirements for the whole site in terms of employment, housing, infrastructure needs, monitoring and a range of key site-specific design and place shaping principles.
- 9.5. As mentioned above, an SPD applies for the whole NW Bicester site and this expands upon the Policy Bicester 1 requirements, provides further detail to the policy and a means of implementing the strategic allocation at the site.
- 9.6. The National Planning Policy Framework is a material consideration and it explains that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that the supply of housing is boosted and it also sets out the requirement for Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirements.
- 9.7. The Council's five-year supply position is reported in the Council's 2020 Annual Monitoring Report (AMR). The 2020 AMR sets out that the District currently has a housing land supply of 4.7 years for the period 2021-2026. An additional 509 homes would need to be shown to be deliverable within the five-year period to achieve a five-year supply as required by the NPPF.
- 9.8. As the Council cannot demonstrate a five-year housing land supply, in accordance with Paragraph 11d of the NPPF, the Policies in the Development Plan relating to housing provision must be considered out of date. The NPPF sets out that there is, in this circumstance, a presumption in favour of granting permission for sustainable forms of development unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.*
- 9.9. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but it is a strong material consideration in the consideration of development proposals.
- 9.10. The proposal is for residential development on an allocated site. In this particular case it relates to the re-plan of 54 dwellings which already have planning permission and the addition of 3 additional dwellings. The plan involves the loss of some smaller units and their replacement with larger units and Officers do not consider this to be unacceptable in principle. In broad terms therefore, Officers consider that the proposed development, in principle, would be acceptable. Whilst the number of additional dwellings is low, there would still be a small additional contribution to the number of dwellings provided on the site. The impact of the changes to the approved scheme and the additional dwellings should now be considered to assess the acceptability of this proposal.
- 9.11. The provision of affordable housing is required but, Officers consider it to be appropriate to consider this in the context of the wider exemplar site given the proposal relates to the re-design of this area of the site and the addition of just 3 dwellings (which in itself could have justified the addition of a unit in the context of the wider site). However, the Council's Housing team have confirmed that the original scheme actually slightly overprovided affordable housing and so even taking into account the 3 additional dwellings now proposed, the Elmsbrook scheme as a whole will provide 30% affordable housing in accordance with Policy BSC3 of the Cherwell Local Plan Part 1 2011-2031. This part of the site provides for just 3 affordable houses, but this is consistent with the distribution of affordable housing more widely, there are units elsewhere across Phases 3 and 4 and earlier phases provided for a greater proportion of the affordable housing numbers.
- 9.12. The original HYBRID application was subject to EIA, however the current application has been separately screened and it has been determined that EIA is not required given the scope of this proposal and the fact that the proposed amendments and addition of 3 units, particularly as the development complies with the broad parameters established by the extant consent, would not raise significant environmental effects beyond those already considered, approved and mitigated for.

#### Design and Impact on the Character of the area

- 9.13. Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 sets out that development will be required to meet high design standards and to complement and enhance the character of its context. It has a number of criteria which are used to assess development proposals. Policy Bicester 1 includes a number of key site specific design and place-shaping principles which, amongst others requires a high quality exemplary development and design standards, a well designed approach to the urban edge which relates development to its rural setting and to respect its landscape setting whilst incorporating open space (40% of the site) and landscaping. The NPPF emphasises that good design is a key aspect of sustainable development and it should be ensured that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The NW Bicester SPD includes various development principles, but it also emphasises that sustainability should be a key driver in the design of the eco-town.
- 9.14. Planning permission was granted under 10/01780/HYBRID for the wider Exemplar site (now known as Elmsbrook), however various amendments were agreed via

non-material amendment. In respect of Phases 3 and 4, the approved layout and house types now being implemented were approved by application 17/00116/NMA.

- 9.15. A comparison of the planning layout between that approved and that now proposed demonstrates that there are no significant changes to the layout between that now proposed compared to that previously approved. The extent of the development blocks are unchanged as the road layout remains consistent and the arrangement of dwellings and garaging is changed mainly to create a greater number of detached units, to re-orientate some units and to rearrange the plan to account for the 3 additional dwellings. The dwellings all still provide frontage to the surrounding road network. Officers consider the amended layout to be acceptable.
- 9.16. The approved house types for this part of the site consisted of the Character Type 1 and Character Type 3 styles. The Type 1 units were a more traditional design (both gable and linear roof forms) with brick or Bekstone at the bottom and render at the top and the Type 3 units were a more contemporary design, with, on the smaller units a vertical split between the material (usually render and timber) and commonly the roof arranged gable onto the road (arranged as a traditional gable or a sawtooth roof). The design of the house types approved for this area are consistent with those provided on Phase 3 and on what has been constructed on Phase 4. Enriched units were provided across the Exemplar site and two enriched units are present on the part of the site now being considered. The enriched units were intended to be specially designed units showcasing high quality design and testing standards.
- 9.17. The house types now proposed appear to be more standard in design and are less well handled in terms of features such as the arrangement and proportions of windows and doors. However, references are made to the approved design, particularly around materials, the distribution for which has been amended following advice from Officers (albeit no timber is now proposed). In addition, the enriched units previously approved are now more standard than they were previously approved. Whilst Officers are disappointed that the house types have moved away from those previously approved, especially to a more standard house type and that this will introduce a difference in Phase 4, it is considered that the designs proposed are acceptable. It is also noted that the dwellings are positioned to the west of Phase 4 and that those closest to Braeburn Avenue are to be constructed in accordance with the approved plans giving consistency along this main route. On balance, Officers consider that the house types proposed are acceptable.
- 9.18. Four plots within the red line site area remain as per the approved arrangement and design and therefore Officers have referred to those approved plans within the list of plans for approval for completeness.
- 9.19. Four dwellings are proposed at 2.5 storey height (all other dwellings across phases 3 and 4 are two storey). The introduction of this scale will add some variety, the dwellings are located internally to the site and they are situated in such a position that there is some distance between other dwellings to be constructed elsewhere on Phase 4. As such, the introduction of this scale in one area with a limited number of dwellings is considered to be acceptable.
- 9.20. Plans providing confirmation of the details of the scheme have also been provided for approval such as the proposed boundary treatments, the proposed materials (and a schedule is provided which confirms the materials to be consistent with those used elsewhere across the Exemplar site, other than no timber is now proposed. This has been queried and it is understood that this has arisen due to supply issues creating uncertainty), the proposed hard surface treatments and the proposed garage and cycle store types. The plans submitted show consistency with the details



previously approved for this phase and therefore with the arrangement on the wider Phase 3 and 4 (beyond this site). Officers are content with the proposals for this site.

- 9.21. With regard to landscaping, detailed landscape plans have been provided. The Council's Landscape Officer commented upon the plans raising various points, but Officers asked that the comments be reviewed to take into account the landscape scheme already approved. No further comments have been forthcoming, and the Applicant's Landscape Consultants have confirmed that the planting and hard surface proposals are retained as per the approved drawings but reconfigured to fit with the revised layout for the area. They also advise that the proposed schedule of species is unchanged, that fruit trees are still provided to each garden and that the Local Area of Play in the southern part of the site is in accordance with the approved layout. Some minor adjustments are made to the home-zone area to ensure that the traffic calming features do not compromise safe access to individual driveways. Officers have reviewed the plans in light of this explanation and are satisfied that this is the case. On this basis, the landscape plans are considered to be acceptable as submitted.
- 9.22. The red line site area is drawn relatively tightly around the plots which this application relates to but the site is part of the wider Exemplar site and other considerations, such as the requirement to provide 40% of the site as Green Infrastructure, should be assessed in light of the wider site. This is on the basis that the proposals for the wider site remain unchanged and this site forms a small part of it. As such, whilst this particular red line area does not necessarily provide for 40% Green Infrastructure, it also does not change the ability of the wider Exemplar site to meet this standard and therefore in this context can be concluded to be acceptable.
- 9.23. The Design and Access Statement provides information on how the scheme has been designed taking into account Secured By Design principles. This includes the incorporation of walking and cycling routes (in the same way that the approved scheme does), the consideration of fenestrated elevations to ensure surveillance, the use of treatments to define public and private areas and to incorporate security features to dwellings.
- 9.24. On the basis of the above assessment, Officers are content that the design and layout of the site is acceptable and that the proposal will continue to deliver the high design standards being achieved at the wider Exemplar site in a complementary way. The proposal therefore complies with Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

#### Residential amenity

- 9.25. Planning policy including Policy ESD15 and within the NPPF seeks to secure a high standard of amenity for existing and future residential occupiers. The proposed re-design and additional three dwellings are proposed within the extent of the approved development blocks, and in a similar arrangement to the approved layout. Having reviewed the proposal against the Council's required amenity standards set out in section 6.7 of the Residential Design Guide, the layout does not, in all cases meet the separation distances suggested as being required (both in terms of the back to back and back to side separations). However, the distances achieved are judged to be acceptable taking into account the relationship of dwellings (i.e. there are some examples where the separation distance is not achieved but where the dwellings are offset) and given that the arrangement is not dissimilar to that already approved. The proposal includes 4 plots at 2.5 storey but given the distance from existing dwellings, Officers do not consider that these would have a harmful impact in amenity terms. Officers therefore consider the proposal continues to comply with Policy ESD15 in that high standards of amenity will be secured.

## Transport

- 9.26. The Oxfordshire County Council Transport team have raised no objection to the proposal. They agree with the submitted Transport Statement Addendum that the impact of the increased number of dwellings at the site upon the local highway network would be negligible so there would be no material difference between this and the approved scheme on the local highway network. It is also noted that the proposals accord with the key parameters established by the approved scheme such as the access arrangements being unchanged, the extent of the development blocks and the configuration for the road layouts being unchanged and the provision of walking and cycling infrastructure and proximity to the bus service which remains unchanged (as the active Travel Plan applying to the wider Exemplar phase would apply to this application too). Cycle parking details have been provided showing parking storage available for each dwelling.
- 9.27. A planning condition is recommended relating to the provision of details of the parking and manoeuvring areas but Officers have queried the need for the condition on the basis of the information already provided and the Highway Officer has confirmed that sufficient details have been provided. A compliance condition is therefore recommended.
- 9.28. Officers note the conclusions of the County Council and would agree with their assessment. On this basis, the proposal is considered acceptable in transport terms.

## Drainage

- 9.29. The OCC Drainage Team originally raised an objection as there was no drainage strategy or flood risk assessment submitted. A Statement on Flood Risk was submitted with the application which concludes the site is within Flood Zone 1 and therefore not at risk of flooding. This sets out that the finished floor levels for the development would be set such that surface water flooding to the dwellings would not be possible.
- 9.30. In terms of the drainage strategy, additional information has been provided to confirm that the proposal follows the principles of the approved drainage design in that surface water run off from the development will be drained to soakaways, permeable pavements and infiltration swales. There are changes to the configuration and the layout/ location of the drainage features to accommodate the proposed re-design and 3 additional dwellings. The OCC Drainage Team have now confirmed that they have no objections to the proposal as the proposal is only for an additional 3 dwellings and the supplied information is acceptable.
- 9.31. Thames Water have raised a concern regarding the ability of the site to accommodate the wastewater infrastructure needs of the application and have recommended a planning condition to ensure that capacity exists to serve the development or that network reinforcement works as necessary can be planned in. Given that just three additional dwellings are proposed, Officers have advised the applicant to provide additional information to attempt to overcome this issue at this stage. Thames Water have been provided with confirmation that the drainage arrangements are the same as for the approved scheme with the system being gravity fed and with the point of connection to the existing sewers highlighted. The drainage arrangements have also been provided. Officers have included the condition recommended by Thames Water in the list of recommended conditions, but this condition may be removed if Thames Water are satisfied by the additional

information provided. It is expected that an update will be able to be provided on this matter via the Written Updates.

### Ecology

- 9.32. Policy ESD10 requires the protection and enhancement of biodiversity and the natural environment and this includes the protection of trees and hedgerows, an assessment of the potential to cause harm to protected species or habitats and to achieve a net gain for biodiversity. Policy Bicester 1 also refers to the need to achieve a net gain for biodiversity. Biodiversity is also a development principle important in meeting the eco town standards to achieve a net gain and to mitigate and enhance.
- 9.33. There are also Legislative requirements set out in The Conservation of Habitats and Species Regulations 2017 which must be taken into account in considering development proposals where habitats or species might be encountered.
- 9.34. An update ecological survey of the Phase 4 area has been undertaken due to the time lapsed between the last consideration of the site and now to determine if there have been any changes regarding ecological receptors. It is noted that the majority of the phase 4 area has already been cleared for construction works and that the remaining habitats are those bounding the site. The results of the survey found no evidence of badger, that reptiles would only be likely in the boundary vegetation which would remain and that the two trees to the north west of the site with features that have the potential to support roosting bats remain in place and that protective fencing would be used to safeguard this habitat. On this basis, the report recommended safeguarding measures to protect any reptiles and bats which would involve the use of protective fencing between existing vegetation and the site (and work ceasing, and advice sought from an Ecologist if any protected species are encountered). Safeguards identified in the earlier report approved are also recommended to continue to apply.
- 9.35. A condition of the HYBRID Planning Permission sought a Construction Environmental Management Plan (Ecology) for later approval. A CEMP setting out Ecological Protection Measures during the construction phase was agreed for Phases 3 and 4 and applies for the extant permission. The applicant has re-submitted this and confirmed that the changes associated with the re-plan do not affect the measures and safeguards that exist and therefore that they are valid and appropriate for the development. Officers therefore recommend that a condition be imposed to ensure that the development is constructed in accordance with those safeguards to ensure the protection of any ecology as the site would have been developed if it were not proposed for a re-plan.
- 9.36. In terms of biodiversity enhancements/ a net biodiversity gain, the consideration of this should be made in the context of the overall Exemplar site given the extent of the proposals. The 3 additional dwellings, given they are located within the approved development blocks, would not in themselves impact upon how biodiversity net gain is achieved across the wider site. As the wider site has been demonstrated to achieve a net biodiversity gain, Officers are satisfied that this will remain the case through this re-plan and through a minor number of additional dwellings being proposed. The wider Exemplar scheme required through condition proposals to enhance fauna by way of the provision of bat, bird, owl and invertebrate boxes in each phase of development. A scheme has been agreed for Phases 3 and 4 and the applicant has re-submitted this plan, updated to allow for the revised site layout proposals and this has been reviewed against that previously approved. Officers are satisfied that the amendments are minor and that there would be no loss of opportunities via this re-plan. In this regard, Officers are satisfied that the proposal

would have the same result in terms of biodiversity enhancement measures as would have resulted had the extant permission been built and that the proposal is therefore acceptable in this context.

- 9.37. The Council's Ecologist has not commented on this proposal, but Officers are satisfied that based upon an updated survey and the requirement to continue to comply with the approved CEMP for Ecology, that sufficient safeguards will be in place to protect Biodiversity. In addition, on the basis that the achievement of net biodiversity gain should be viewed across the Exemplar site as a whole and the enhancement measures already approved will continue to apply in a slightly amended form to reflect the new site layout, that the proposal is acceptable in this regard. Officers consider the proposal to comply with Policies ESD10 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

#### Eco Town Standards

- 9.38. The Design and Access Statement has confirmed that the homes have been designed to meet lifetime homes standards, to take into account Climate Change including the risk of overheating and that roofscapes have been orientated to maximise solar gain. The materials options are consistent with those previously approved and these have been considered in terms of how locally sourced they are as well as the embodied carbon of the materials. Nevertheless, Officers have sought further information to demonstrate how the proposals meet the true zero carbon requirement and how the re-design has impacted the level of PV provided in this context. This information is awaited at the time of writing this report, however Officers anticipate that there will be no material changes to how the scheme meets the standards compared to the approved arrangement. If this is the case, then the scheme will continue to meet the same high standards in terms of energy as is achieved on the dwellings already constructed on the Exemplar phase and that would have been achieved if the site were not proposed to be re-planned. A condition could be imposed to seek further detail should additional information not be forthcoming in advance.
- 9.39. The Eco Town Standards, which were part of the now cancelled Eco Towns Supplement to PPS1, were incorporated into Policy Bicester 1 and amplified by the NW Bicester SPD. These include a number of standards higher than other sites to ensure the provision of a sustainable development that responds to the impact of climate change and that is built to true zero carbon standards. Policies ESD1-5 of the Cherwell Local Plan Part 1 2011-2031 are complementary and apply District wide to ensure sustainable development. By meeting the high standards required by Policy Bicester 1, compliance will also be likely with Policies ESD1-5 given that the site is in a sustainable location, it includes features that ensure it is resilient to climate change (subject to the receipt of information via condition), it has been provided with transport infrastructure to encourage sustainable options, sustainable drainage features are proposed and renewable energy provision on site and connection to the energy centre via district heating networks is likely in this case (to be confirmed) consistent with the rest of the Exemplar to achieve true zero carbon development. The HYBRID S106 included conditions and S106 obligations that ensured later details were provided to deal with some of these considerations. As will be explained below, the proposal is to link this scheme to the Exemplar S106 and in respect of conditions, those necessary to be re-imposed will be. This will ensure that this part of the site is bound to the requirements to achieve the same high standards as are sought on the rest of the Exemplar site that would have resulted if this re-plan were not proposed and the extant scheme were built out.

#### Conditions and S106

- 9.40. The HYBRID permission for the Exemplar phase was subject to planning conditions which also apply to this part of the site. Officers have reviewed those and recommend that those relating to this part of the site be re-imposed however there are a number not necessary because details have been provided with this application and can therefore be approved. In addition, where conditions have previously been discharged and those details relate to the land included in this application, it is recommended that conditions be imposed that refer to those details. Some conditions are not required from the original permission where those conditions have been complied with by infrastructure being provided or where they relate to a different phase.
- 9.41. As set out above, there are some outstanding matters that Officers consider can be dealt with prior to a decision being made, particularly in light of the fact that a S106 is required. In this respect, delegation is sought to amend conditions as necessary to reflect progress (particularly in respect of the comments of Thames Water). Officers also intend to liaise with the applicant's agent on the draft conditions and therefore any comments that may be made may require amendments to respond to them. If updates can be provided on these matters through the written updates, then this will be undertaken.
- 9.42. A S106 is required to link this proposal to the HYBRID S106 to ensure that the site remains bound to those requirements. As three additional dwellings are now proposed, contributions have been sought towards wider NW Bicester infrastructure and these contributions have been agreed by the applicant. The requests are as follows:
- A contribution towards enhanced community sporting facilities at Bicester Leisure Centre, based upon a per dwelling figure of £493.00 per dwelling index linked from the 2<sup>nd</sup> Quarter of 2017. This gives a total contribution of **£1,494.00** index linked from 2Q17.
  - A contribution towards the provision of a burial site as part of the NW Bicester development based upon a per dwelling contribution of £10.06 per dwelling index linked from 2Q17. This gives a total contribution of **£30.18** index linked from 2Q17.
  - A contribution towards the build and fit out cost of a community hall to the north of the railway line on the wider NW Bicester site based upon a per dwelling contribution of £1050.94 index linked from 2Q17. This gives a total contribution of **£3,152.82** index linked from 2Q17.
  - A contribution towards the build cost of a health facility at NW Bicester or an alternative facility to meet the needs of the increased population, based upon a per dwelling figure of £259.46 index linked from 2Q17. This gives a total contribution of **£778.38** index linked from 2Q17.
  - A contribution towards the increase in capital costs of providing neighbourhood policing required pursuant to the wider NW Bicester development, based upon a per dwelling figure of £151.30 index linked from 2Q17. This gives a total contribution of **£453.90** index linked from 2Q17.
  - A contribution towards the capital cost of providing permanent sports pitches as part of the NW Bicester development, based upon a per dwelling contribution of £227.68 index linked from 2Q17. This gives a total contribution of **£683.04** index linked from 2Q17.
  - A contribution towards the costs of maintaining the permanent sports pitches as part of the NW Bicester development, based upon a per dwelling contribution of £250.35 index linked from 2Q17. This gives a total contribution of **£751.05** index linked from 2Q17.
  - A contribution towards the provision of refuse and recycling receptacles for each dwelling and towards collection vehicle provision and recycling banks,

based upon a contribution of £111 per dwelling. This gives a total contribution of **£333.00**.

- CDC request a monitoring fee of **£500** to monitor and administer the S10 and to support for any reasonable request from OCC to seek a fee to monitor and administer the S106.

9.43. Officers also sought a Cultural Wellbeing Strategy but the applicant considers this to not be a reasonable ask for this particular application because the site is part of the Exemplar site (the majority of the proposed dwellings for which already have planning permission) and the original permission did not include any requirement for the provision of public art or cultural wellbeing, the site does not include any main areas of open space given it relates to residential parcels (as part of the wider scheme) and the requirement would relate to just a small part of the site only. Officers accept the position set out and would recommend that the S106 does not secure the provision of a Cultural Wellbeing Strategy in this particular case because of the context and extent of these particular proposals.

#### Other Matters

9.44. A local resident has objected regarding the connectivity of the proposal and particularly the access via footpath from the Exemplar site to Bucknell. The Masterplan identifies a route towards Bucknell, and it was intended that this be directly delivered by the Developer who had submitted proposals for major residential development north of the railway line. Whilst the position on the wider land has changed, it is considered more appropriate that the improvements/provision of field paths be delivered by future developers of the wider land. This is on the basis that the Exemplar site has provided the transport requirements necessary to mitigate its impact and this proposal relates to just three additional dwellings and this additional requirement would not be proportionate to the additional impact those three dwellings would create. On this basis, Officers do not consider the proposal to be unacceptable in this regard.

9.45. The applicant has submitted an updated contaminated land assessment, which has concluded that the site does not have a potentially contaminative history and that no contaminants have been detected elsewhere across the site. It does identify that there is some potential for localised contaminants to be present and it recommends that works are carried out under a geo-environmental watching brief. The Council's Environmental Protection Officer has raised no objections and so Officers recommend that a condition is imposed relating to unsuspected contamination.

9.46. A noise assessment has been submitted which has been reviewed by the Council's Environmental Protection Officer. No concerns have been raised and so it is recommended that the recommendations of the noise report are followed. A condition to require a Construction Environment Management Plan (CEMP) has been recommended but Officers recommend that rather than seeking further detail, the development is required to comply with the approved CEMP.

9.47. An Arboricultural Method Statement is provided to demonstrate how trees at the site will be protected during the construction works. This identifies the need for protective fencing (also required for ecological reasons) and other safeguarding measures. The Council's Arboricultural Officer has advised that this statement demonstrates suitable protection for retained trees and for the working methods for working within the root protection areas of trees.

9.48. Some concerns have been expressed by the Arboricultural Officer regarding the proximity of plot 4 to retained vegetation, however upon comparing this to the approved layout, Officers consider that the impact would be similar. In any event,

the Arboricultural Officer has not requested an amendment due to the tree being an ash. On balance therefore and providing the safeguarding measures are put in place, Officers consider the proposal to be acceptable in this regard.

## 10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. The proposed additional 3 dwellings can be accommodated without causing material harm and the re-design of the site to accommodate them and to amend the proposed house types is considered acceptable as explained. Key aspects of the development including the drainage design, highway layout remain unchanged from the previously approved and extant scheme and whilst the proposal is reliant on the wider Exemplar site to achieve policy compliance in some aspects, this is considered to be acceptable in this case given the site remains an integral part of the development. By linking the proposal to the legal agreement for the wider site and by seeking additional contributions, the site will continue to be linked to and comply with, the wider Exemplar development requirements in an acceptable way. On this basis, the proposal is considered to be acceptable and in accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## 11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND 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 REQUIREMENTS SET OUT IN PARAGRAPH 9.42.

### CONDITIONS

#### TIME LIMITS AND GENERAL IMPLEMENTATION 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. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

20380/1002 'Site Location Plan'

20380/5001 Rev H 'Planning Layout'

20380/6001.1 Rev A 'Romsey Floor Layouts'

20380/6001.2 Rev D 'Romsey Elevations Type 1'

20380/6001.3 Rev D 'Romsey Elevations Type 2'

20380/6001.4 Rev A 'Romsey Elevations Type 3'

20380/6002.1 'Dorking Floor Layouts'

20380/6002.3 Rev A 'Dorking Elevations Type 2'  
20380/6003.1 Rev A 'Dartford Floor Layouts'  
20380/6003.2 Rev C 'Dartford Elevations Type 1'  
20380/6003.3 Rev C 'Dartford Elevations Type 2'  
20380/6003.4 Rev C 'Dartford Elevations Type 3'  
20380/6004.1 Rev B 'Cromer Floor Layouts'  
20380/6004.2 Rev C 'Cromer Elevations Type 1'  
20380/6004.3 'Cromer Elevations Type 2'  
20380/6005.1 Rev A 'Evesham Floor Layouts'  
20380/6005.2 Rev C 'Evesham Elevations Type 1'  
20380/6005.3 'Evesham Elevations Type 2'  
20380/6006.1 Rev A 'Windsor Floor Layouts'  
20380/6006.2 Rev C 'Windsor Elevations Type 1'  
20380/6007.1 Rev A 'Roydon Floor Layouts'  
20380/6007.3 'Roydon Elevations Type 2'  
20380/6007.4 'Roydon Elevations Type 3'  
20380/6008.1 Rev B 'Buckingham Floor Layouts'  
20380/6008.2 Rev C 'Buckingham Elevations Type 1'  
20380/6008.3 Rev C 'Buckingham Elevations Type 2'  
20380/6010.1 Rev A 'Marlborough Floor Layouts'  
20380/6010.2 Rev D 'Marlborough Elevations Type 1'  
20380/6010.3 'Marlborough Elevations Type 2'  
AA2699C(3)/2100 Rev A '2B4P Private V1 & V2 House Types and 2B4P Affordable V1 House Types' – Plots 7 and 8 Floorplans and Elevations (now plots 10 and 11)  
AA2699C(3)/2103 Rev A '3B5P Private & Affordable – V1 House Types' – Plots 6 and 9 Floor Plans and Elevations (now plots 9 and 12)  
AA2699(3)/2004 'Material Locations' – Plots 6-9 (now Plots 9-12)  
AA2699(3)/2006 'Roof materials' – Plots 6-9 (now Plots 9-12)  
AA2699(3)/2007 Rev A 'Gable window locations' – Plots 6-9 (now Plots 9-12)  
20380/6050.1 'Garage Types'  
20380/6050.2 'Garage Types'  
20380/6051 'Cycle Store'  
20380/3175 Rev B 'Street Hierarchy Strategy'  
20380/3171 Rev B 'Roof Materials Strategy'  
20380/3174 Rev C 'Boundary Materials Strategy'  
20380/3173 Rev B 'Storey Heights Strategy'  
20380/3177 Rev B 'Refuse Strategy'  
20380/3170 Rev B 'Facing Materials Strategy'  
20380/3172 Rev B 'Affordable Strategy'  
20380/3176 Rev B 'Parking & Cycle Strategy'  
14790TA-P-3300 Rev P2 'Planning Levels Layout Sheet 1 of 2'  
14790TA-P-3303 Rev P2 'Planning Levels Layout Sheet 2 of 2'  
13741-1-I 'Horizontal Illuminance – Elmsbrook Bicester Phase 4'  
14790TA-P-3260 Rev P3 'Planning Drainage Layout Sheet 1 of 2'  
14790TA-P-3263 Rev P3 'Planning Drainage Layout Sheet 2 of 2'  
14790TA-3240 Rev P1 'Swale Layout and Typical Construction Detail 2 of 2'  
14790TA-3209 Rev C2 'Swale Layout and Typical Construction Detail 1 of 2'  
DR-5000 S4-P3 'Landscape Layout'



DR-5001 S4-P3 'Planting Plan 1 of 3'  
DR-5002 S4-P3 'Planting Plan 2 of 3'  
DR-5003 S4-P3 'Planting Plan 3 of 3'  
DR-5004 S4-P3 'Hard Surfaces and Boundary Treatments – 1 of 4'  
DR-5005 S4-P3 'Hard Surfaces and Boundary Treatments – 2 of 4'  
DR-5006 S4-P3 'Hard Surfaces and Boundary Treatments – 3 of 4'  
DR-5008 S4-P3 'Hard Surfaces and Boundary Treatments – 4 of 4'  
DR-5007 S4-P3 'Homezone 1 Proposals and LAP'  
DR-5500 S4-P1 'Typical Tree Planting Details'

Technical Briefing Note: Faunal Enhancement Scheme dated 8 March 2021 prepared by Aspect Ecology including drawing number 5192/EN1 Rev D and document titled 'Faunal Enhancement Scheme' dated November 2017 prepared by Aspect Ecology.

External Materials Schedule 'Bicester Re-plan' dated 16/03/2021

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.

3. The development shall be carried out strictly in accordance with the details contained within the document titled 'Construction Environmental Management Plan (Ecological Protection) dated November 2017 prepared by Aspect Ecology.

Reason: To protect biodiversity on the site and to contribute to the delivery of biodiversity net gain in accordance with Policies ESD10 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. The development shall be carried out strictly in accordance with the mitigation and safeguarding measures set out within the document titled 'Ecology Pre-construction survey and Mitigation Scheme' dated February 2021 prepared by Aspect Ecology, the attached drawing number 5192/SMS1 Rev A and the precautionary works identified within the attached document titled 'Ecological Mitigation Plan' dated January 2017 prepared by ACD Environmental.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

5. The drainage arrangements for the site shall be constructed in accordance with the details hereby approved and shall be implemented in accordance with these details prior to the first occupation of the development.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property and 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.

6. The development shall be constructed in accordance with the details set out within the Construction Environment Management Plan reference DTR 18507 Rev 03

prepared by Dunton Engineering dated January 2019 (as approved by 18/00080/DISC). The Construction Environment Management Plan 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.

7. The development shall be constructed in accordance with the details set out in the Elmsbrook: Phases 3 and 4 Construction Traffic Management Plan Version 02 prepared by Arcadis dated July 2018 (as approved by 18/00039/DISC). The Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

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 neighbouring residents during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

8. The development shall be constructed in accordance with the details set out in the Site Waste Management Strategy for Elmsbrook NW Bicester and Appendix A Site Waste Management Plan reference 1557 prepared by Reconomy received in the department on the 12 December 2018 (as approved by 18/00080/DISC). The Site Waste Management Plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure no waste is sent to landfill to meet the requirements of Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1.

9. The development shall be constructed in accordance with the document titled 'Submission to Cherwell District Council of Training and Employment Management Plan (ETMP) dated September 2014 produced by A2 Dominion and Appendix A – Simplified Process to sign-post candidates that complete an employment registration form to access opportunities on site and Appendix B – monitoring method and frequency schedule (as approved by 14/00311/DISC). The Plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure the creation of employment to achieve the requirements of Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1.

10. The development shall be carried out in accordance with the recommendations identified in the document titled 'Arboricultural Method Statement' and its appendices dated March 2021 prepared by SJA Trees. Tree Protection Fencing shall be maintained on site until the works are completed.

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 ESD13 of the Cherwell Local Plan Part 1 2011-2031, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The development shall be carried out in accordance with the mitigation measures identified in the document titled 'Environmental Noise Assessment' dated 26 February 2021 prepared by noise.co.uk.

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.

12. The properties shall be marketed with regard to home working and sustainable transport in accordance with the details approved by application 15/00229/DISC unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the creation of a low carbon community to achieve the requirements of Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

#### PRE-COMMENCEMENT CONDITIONS

13. No development shall commence until the development site has been checked by a suitably qualified ecologist to ensure that there is no presence of protected species that have moved on to the site since previous surveys have taken place and which could be harmed by the development. Should protected species be found details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme.

Reason: To ensure the protection of protected species in accordance with Policies ESD10 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

14. No development shall commence until full details of the measures to achieve zero carbon energy use, as defined by Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031, through on site solutions, have been submitted to and approved in writing by the Local Planning Authority. Should it be demonstrated to the satisfaction of the local planning authority that it is not possible to achieve zero carbon on site, a scheme for off site mitigation in Bicester shall be provided, prior to the first residential occupation, for that portion of the energy use that cannot be met on site.

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 Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

15. No development shall commence until details of how each dwelling within that phase achieves good day lighting by achieving at least 2 points of the former Code for Sustainable Homes level 5 for day lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details such that each dwelling achieves good day lighting.

Reason: To prevent increased energy use and to enable zero carbon development to be achieved in accordance with Policy Bicester 1 of the Cherwell Local Plan Part

1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

16. No development shall take place until a report outlining how carbon emissions from the construction process and embodied carbon have been minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the recommendations contained in the approved report.

Reason: To ensure that the development achieves a reduced carbon footprint in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

17. No development shall take place until a study, by a suitably qualified person, has been submitted to and approved in writing by the local planning authority, demonstrating that the design of the dwellings within that phase is such that overheating will not occur and that heat island effects have been minimised. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To address the impacts of climate change in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

#### CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

18. Plots 18 and 32 shall be constructed with passive ventilation and thermally massive floors to reduce heat gain and loss in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority prior to the construction of Plots 18 and 32 above slab level. Plots 18 and 32 shall be constructed in accordance with the approved details.

Reason: To test the delivery of innovative energy efficient houses in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

19. Prior to the commencement of the development above slab level, details of the fenestration, roof verge and eaves, cills and lintels for each house type, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the buildings shall be constructed in accordance with the approved details.

Reason: To ensure a high quality development in accordance Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.

20. Prior to the commencement of development to provide the garages identified to include a green roof, full details of the construction and planting of the green roofs together with details of the maintenance programme that will ensure the delivery and long term maintenance of the roofs shall be submitted to and approved in writing by the Local Planning Authority. The green roof shall then be constructed and maintained in accordance with the approved details.

Reason: To ensure the delivery on green infrastructure and biodiversity gain in accordance with Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.

#### CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

21. No development shall be occupied until confirmation has been provided that either:
- Foul water infrastructure capacity exists off site to serve the development, or
  - A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. 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, or;
  - All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents to comply with Policy ESD8 of the Cherwell Local Plan Part 1 2011-2031.

22. Prior to the occupation of the development, the parking and manoeuvring areas shall be constructed, laid out, surfaced, drained and completed in accordance with the details hereby approved. The parking and manoeuvring areas 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.

23. Electric Vehicle Charging Points shall be installed and made available for use in the positions shown on drawing number 20380/3176 Rev B prior to the first occupation of each dwelling to which the Electric Vehicle Charging Points relate. The electric vehicle charging infrastructure shall thereafter be retained and made available for use. In addition, ducting shall be provided to allow for the easy expansion of the EV Charging system to those dwellings not served by EV points as demand increases towards the planned phase out of ICE vehicles (with ducting provided to every parking space to future proof the development).

Reason: To comply with Policies SLE4, 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 Government guidance contained within the National Planning Policy Framework.

24. Prior to the first occupation of each individual dwelling, the dwelling shall be provided with solar PV in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To deliver zero carbon development in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

25. The relevant services to deliver the district heating system shall be provided to each dwelling prior to occupation of that dwelling.  
Reason: To deliver zero carbon development in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.
26. Prior to the occupation of any residential dwelling hereby permitted, it shall be provided with a 'real time information' system providing at a minimum real time travel and energy information.  
Reason: To facilitate information delivery and travel information in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.
27. The residential development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.  
Reason: The site is located in an area of water stress and to comply with Policies ESD3 and ESD8 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.
28. All properties shall be provided with a system for rainwater harvesting in accordance with details to be submitted to an approved in writing prior to the first occupation of any dwelling. The rainwater harvesting system shall be implemented in accordance with the approved details.  
Reason: To reduce the use of water in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.
29. No building hereby permitted shall be occupied until each residential or non-residential unit has been provided with service connections capable of supporting the provision of super-speed broadband from the building to the nearest broadband service connection outside the site.  
Reason: To facilitate information provision to homes for energy monitoring, travel and home working in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 Government guidance contained within the National Planning Policy Framework.
30. The bicycle and bin stores and boundary enclosures, shown on the plans hereby approved shall be provided prior to the first occupation of each dwelling to which they relate.  
Reason: To ensure the satisfactory appearance of the completed development, to ensure convenient bicycle and bin stores are provided, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies ESD15 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Policies C28 and C30 of the adopted Cherwell Local Plan.
31. Prior to the first occupation the development, fire hydrants shall be provided or enhanced in the phase in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sufficient access to water in the event of fire in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 Government guidance contained within the National Planning Policy Framework.

32. Prior to the first occupation of a residential dwelling, each new resident shall be given the opportunity to choose a fruit tree for their garden or to be provided elsewhere on the site in accordance with the details set out in the 'NW Bicester Fruit Tree Scheme' prepared by A2 Dominion dated 21 May 2015 (as approved by 15/00292/DISC). The scheme shall be implemented in accordance with the details hereby approved.

Reason: To mitigate the impact of the development and provide biodiversity gain in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

#### ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

33. 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.

34. All dwellings shall be constructed to meet Joseph Rowntree Foundation Life Time Homes standard.

Reason: To deliver flexible housing to meet the diverse and changing needs of the population and in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and the North West Bicester Supplementary Planning Document February 2016.

35. 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 occupation of the building(s) or on the completion of the development, whichever is the sooner 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.

36. 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 service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 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 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.

37. All properties shall be constructed to meet Secured by Design standards unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a safe form of development in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

38. The existing trees and hedges shown to be retained on drawing number SJA TPP 21057-041a (Phase 4) shall be retained and properly maintained with hedges at a height of not less than 2 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced during the next planting season and thereafter be maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development 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.

39. The applicant shall give written notice to the Local Planning Authority of 7 working days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a Root Protection Area (RPA), excavations within or close to a RPA, piling, etc.).

Reason: To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, to ensure the integration of the development in to 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.

40. No service trenches, pipe runs or drains or any other excavation, earth movement or mounding shall be constructed within a root protection area of a tree identified for retention on drawings SJA TPP 21057-041a (Phase 4) on the site, without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity 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.

### Planning Notes

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near their pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
3. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near Thames Water's mains (within 3m) they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services they provide in any other way. The applicant is advised to read their guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>