

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

21/03749/F

Case Officer: David Lowin

Applicant: Mr Adrian Unitt

Proposal: Sites B C D And E, MOD Bicester, Murcott Road, Upper Arccott
Variation of condition 2 (plans) of 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)

Ward: Bicester South and Ambrosden

Councillors: Cllr Cotter, Cllr Sames, and Cllr Wing

Reason for Referral: Referred to the Planning Committee due to controversy and significance

Expiry Date: 20 March 2022

Committee Date: 10 March 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The site of the application is known as Graven Hill and is located on the southern edge of the town of Bicester. Historically the site has been used as an MOD logistics, commodities and service operations base. The site has been referred to by the MOD as sites C, D and E. The site is accessed off the A41 Aylesbury Road/A4421 to the north and also from the A41 to the northeast along Pioneer Road. St David's Barracks, to the south of Graven Hill, is outside of the application site and remains in MOD ownership.
- 1.2. The site comprises a wooded hill in the centre of the overall site, which is allocated for a mixed-use development, including 2,100 homes in the adopted Cherwell Local Plan 2011-2031 (Policy Bicester 2). The development allocation surrounds the hill, which is designated as a local wildlife site due to its high ecological value and comprises a large area of ancient woodland. The Alchester Roman Scheduled Monument site lies to the west of the site.
- 1.3. Outline planning permission (ref: 11/01494/OUT) was granted in August 2014 for the redevelopment of sites C, D and E including the demolition of existing buildings and the erection of up to 1,900 homes along with a local centre comprising a primary school, community hall, shops and retail services, employment development comprising a mix of B1 (light industrial), B2 (general industrial) and B8 (storage and distribution) uses, and associated public open space, highway works, sustainable drainage systems etc., plus erection of a 70,400m² fulfilment centre on 'C' site and associated on site access improvement works, hardstanding's, parking and circulation areas.
- 1.4. This outline application has since been varied by a section 73 application (ref: 15/02159/OUT) approved in June 2016, by a further section 73 application (ref:

16/01802/OUT) approved in June 2017, and most recently by an updated outline permission (ref: 19/00937/OUT). It is noted that insofar as site C is concerned, time limiting conditions on the original consent were reached on 8 August 2017. Therefore, the planning permission relating to site C has expired. Section 73 does not allow for an amendment to the original description of development and therefore reference to site C will remain in the decision even though the permission has expired.

CONDITION PROPOSED TO BE VARIED

- 1.5. Condition 2 of Outline planning consent (ref 19/00937/OUT), approved on 3 January 2020, requires that the overall Graven Hill scheme be undertaken in accordance with the current extant Master Plan (Dwg. 1982-A-L-010 Rev U). A previous Non-Material Amendment (ref: 19/01998/NMA dated 24/10/19) varied the previously approved parameter plans that accompanied the Masterplan as follows:

Phase 1 Parameter Plan (1 of 4) - 1982-A-L-741 Rev. Y

Phase 1 Parameter Plan (2 of 4) - 1982-A-L-742 Rev. AK

Phase 1 Parameter Plan (3 of 4) - 1982-A-L-743 Rev. AK

Phase 1 Parameter Plan (4 of 4) - 1982-A-L-744 Rev. AE

This latter decision, including the drawings listed above, showed the locations approved for the pub, nursery, community centre and extra care facility at that time.

2. RELEVANT PLANNING HISTORY

- 2.1. In addition to the planning approvals referenced above, the following planning history is also considered relevant to the current proposal:

11/01494/OUT

Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas Application Permitted

15/00266/DISC

Discharge of conditions 26 (masterplan and design code), 30 (phasing plan), 31 (M40 junction improvements), 37 (district heating feasibility), 48 (strategic landscape scheme), 61 (relief road safeguarding zone), 62 (foul water drainage), 65 (surface water drainage) and 67 (surface water drainage) of outline planning permission 11/01494/OUT Application Permitted

15/02159/OUT

Variation of Conditions 2 (approved plans), 26 (masterplan and design code), 27 (reserved matters first phase), 32, 33 (building heights), 39, 40 (construction standards), 41, 42 (housing mix), 51, 52 (highways works), 56 (lighting scheme), 58 (internal access), 68 (approved drainage strategy) of 11/01494/OUT Application Permitted

15/02365/OBL

Variation to S106 agreement attached to 11/01494/OUT Application Permitted

16/01802/OUT

Variation of Condition 30 of 15/02159/OUT - Revised Design Code and Master Plan, and Removal of Condition 35 - Housing Mix Application Permitted

16/01807/REM

Reserved matters to 15/02159/OUT - Reserved matters in respect of public areas in Phase 1a and part of phase 1b Pending Consideration

16/02174/REM

Reserved Matters application to 15/02159/OUT - For a two and a half storey single dwelling. Access, Appearance, Landscaping, Layout, Scale (change of slope to roof) Application Permitted

17/00022/NMA

Non-Material Amendment to condition 30 of 15/02159/OUT - Substitution of amended parameter plan to increase GIA figures Application Permitted

17/00130/NMA

Non-Material Amendment to 16/01802/OUT - substitution of parameter plan to amend size of 1 bed coach houses to 81sqm and 2 bed coach houses to 132 sqm in order to take account of garages - Plot Nos: 30, 101, 117, 172, 173, 174, 221, 222, 310, 311, 336 and 337 Application Permitted

17/02352/REM

Reserved Matters to application 16/01802/OUT - layout, scale, appearance and landscaping in respect of public areas in Phase 1b Application permitted

18/00378/REM

Sub stations 1, 2 and 5 (retrospective) Application Permitted

18/00225/DISC

Discharge of condition 68 (Phase 0 timetable for final road surface) of 16/01802/OUT Pending Consideration

18/00325/OUT

Variation of conditions 2 (plans), 28 (Phasing), 30 (building heights), 32 (Residential Construction Standards), 33 (Non-Residential Construction Standards), 38 (Landscape Habitat Management Strategy), 46 (Archaeology), 54 (Ground Levels), 57 (Entrance works), , 63 (Phase 0 Masterplan), and 71 (Phase 1 Masterplan) and removal of condition 58 (Pioneer Junction works) of 16/01802/OUT Application Permitted

- 2.2. The current outline planning permission was granted under application 19/0937/OUT. Several reserved matters and non-material amendment planning applications have also been approved, of particular relevance to the determination of this application is the approval of 19/01998/NMA, which, as described above, via a set of parameter plans for the Graven Hill site as a whole set out the location of specific land uses including those the subject of this application.

3. PRE-APPLICATION DISCUSSIONS

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

4. RESPONSE TO PUBLICITY

4.1. This application has been publicised by way of a site notice 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 **15 December 2021**.

4.2. The 39 comments raised by third parties in response to the application comprise, 31 objections, 7 of support and 1 comment and are summarised as follows:

- Need to stick to original plans
- Moving community centre and pub from village centre mistaken, as it will impact negatively on the community by reason of negating the purpose of the village centre
- Less sustainable position for community centre and pub than present.
- Jointly positioning community centre with sports pavilion will discourage use of the latter facility
- Community consultation inadequate 'only 10% of residents attendance'
- Inadequate parking for community centre
- Only financial considerations of the developer considered not the community
- Relocation of nursery to the original pub site places nursery in busier road
- Relocation of pub 'invites potentially unwanted patrons from beyond the community'
- Pub sited on busy and dangerous roundabout (Rodney roundabout) and will act as a 'service station' for the A41
- Support new location for pub, only 5 minutes' walk from original location
- Community centre in less central location and will allow for noisier events
- Nursery will be bigger
- Pub not viable in original location
- Community centre in new position will not be able to share facilities with school
- Extra care too far from medical centre
- Four-storey care centre too large for adjoining townscape
- Noise nuisance from new pub location
- Changes proposed will allow quicker delivery of community facilities
- Revised position of community centre will delay delivery of that facility
- Pragmatic changes proposed reflecting changed business and market conditions and still within easy reach of residents.

4.3. The comments received can be viewed in full on the Council's website, via the online Planning Portal, together with the applicants rebuttal statement on the third-party comments.

5. RESPONSE TO CONSULTATION

- 5.1. 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.
- 5.2. BICESTER TOWN COUNCIL: **No objection** and welcome the extra care facility.
- 5.3. BICESTER BIKE USERS GROUP (BBUG): **Objects** to this planning application as submitted. The plans increase parking at the pub and change its location to a drive-in, designed to serve vehicles from the A41, not local residents and active travel users nor those contemplating making the switch to sustainable modes of transport. This will increase traffic at the entrance of the development, disincentivizing active travel access now and for the long term. The community centre needs to be in the centre of the village where it is easily and safely accessible by all members of the community. People will walk or cycle to the village centre but moving the community centre to the edge of the village, encourages car use, especially as the proposed plans offer a large car parking space. This wastes a lot of space for parking, increases road traffic danger, increases pollution and greenhouse gases, and is poor for health outcomes. A community centre needs to be safe to access all year round. Vulnerable users will not want to travel to an isolated location when there is nobody around, particularly during the dark winter months. This will tend to discourage use.

Plans show the recycling banks at the far end of the community centre car park, this village-edge location will further incentivising car travel. There also appears to be no segregated cycle path to access the community centre. Instead, access is via an ungraded ironstone path, which is unsuitable for young children, elderly and the unsure to cycle on.

5.6. CDC ENVIRONMENTAL PROTECTION:

Noise: I do have some concerns over noise from the pub garden causing a potential nuisance to the nearby residential properties although I am sure that these can be managed under planning and licence conditions when the reserved matters and licence application comes forwards.

Contaminated Land: No comments.

Air Quality: We would like to see provision for EV charge points at the commercial and community sites.

Odour: We would like to see full odour assessments carried out on premises where commercial extraction system will be installed such as the café and pub.

Light: No comments.

- 5.11. CDC RECREATION & LEISURE: **Comment** - We reserve judgement on commenting on the relocation of the community centre whilst conversations are ongoing with the developers and the community group.
- 5.12. OXFORDSHIRE COUNTY COUNCIL – TRANSPORT: **Do not object** to the planning application on highway grounds.

6. RELEVANT PLANNING POLICY AND GUIDANCE

- 6.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council in 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)

- BSC4 – Housing Mix
- SLE 4 – Improved Transport and Connections
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Floor Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 - Protection and Enhancement of Biodiversity
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Bicester 2 – Graven Hill

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause pollution

- 6.3. Other Material Planning Considerations:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)

The National Planning Policy Practice Guidance (PPG) advises:

“An application can be made under section 73 of the Town and Country planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek (inter alia) a material amendment, where there is a relevant condition that can be varied. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission”.

- 6.4. As such, the assessment in this case is limited to considering the merits of the applicant’s request for the condition in question to be varied, having regard to the reasons for the conditions being imposed.

7. APPRAISAL

- 7.1. The applicant submitted as a supporting document to the application the results of a public consultation undertaken by them via a series of meetings with local residents. The application is consistent with the adopted Local Plan designation of the site as a strategic mixed-use development and the relevant policies that govern that development, as set out above.
- 7.2. Graven Hill Village Development Company (GHVDC) have explained that they have been seeking interest since 2015 for the proposed Pub, Nursery, Extra Care Housing and Retail facilities to be provided as part of the new community. These proposed changes are made in order to accommodate the needs of prospective users where potential operators have come forward (for example, the Nursery, who require a larger facility), and/or to make sites more economically attractive to potential operators (e.g. the Pub Site).
- 7.3. The proposed Community Centre is to be provided by Graven Hill as a requirement of the original planning permission. The specification for the Community Centre is the subject of ongoing discussion between residents, and Cherwell District Council.
- 7.4. The proposed site for the Community Centre is 260m north of the approved site, on the opposite side of the proposed School and would combine the community centre with the sports pavilion, with the sports pitches either side and a combined car park to the front. Officers consider that this joint facility would likely provide greater use and the potential for increased income from extra hiring out/functions and facilitate a larger parking area. Whilst the change of location of the community centre at a slightly greater distance from the village centre is a relevant consideration, the distance is not materially significant for the land use to not achieve its function. The facility would still be readily accessible within easy walking a cycling distance for all residents. This application and the change to the positioning of the other land uses is submitted to revise the approved Master Plan. The details of the land uses will have to come forward subsequently as Reserved Matters applications.
- 7.5. The Extra Care Facility is shown in both its currently approved location and as a replacement for the approved nursery alongside on the current master plan. The proposal will be up to a four-storey height building situated such that it will:
 - Allow a significantly larger site for extra care, providing approximately 60-70 more units, in accordance with care provider requirements;
 - A 3-4 storey building compared to single storey Community Centre, which will fit better into the street scene, providing a landmark on a corner plot behind open land, as required in the original design brief;
 - A dedicated parking area; and
 - Provide a 'low traffic' use opposite the School site.
- 7.6. The Nursery is proposed to be sited 200m to the east, on the location of the approved pub site and remains within the central village area. It would be on a larger site, able to provide necessary open space and with sufficient area for a single storey building.
- 7.7. The building line is positioned away from the road, in accordance with the agreed building line within the master plan, allowing a landscaped area. Car parking is to be set back from Westacott Road allowing further landscaping, mirroring that on the opposite side of the road.

- 7.8. The applicant has indicated that a Nursery Operator has been confirmed, the proposals accord with their operational requirements, and a planning application is in course of preparation.
- 7.9. The Public House site is proposed to be moved 270m from the former pub site to a site adjacent to the A41 Rodney House Roundabout, at the entrance to Graven Hill. The applicant has informed the Council that despite efforts over some years to find an operator the present site has attracted no interest. The proposed site is more visible and larger and as a result, is likely to be more commercially viable.
- 7.10. The revised position of the pub is such that it will still be part of the area of the Graven Hill site, which provides the main hub for the site as a whole and separated slightly from housing, although still readily accessible by walking and cycling from all the residential areas at Graven Hill.
- 7.11. In planning terms, it is noted that the Town Council and the Highway Authority raise no objections to the proposals, the latter having considered the disposition of the land uses in terms of highway safety. The disposition and appearance of the uses at this outline stage will be further refined as applications for Reserved Matters are received and many of the concerns expressed by third parties can be considered in terms of the detailed designs coming forward; a matter confirmed in the response to consultation from CDC's Environmental Protection Officer.
- 7.12. The proposals whilst amending the disposition of uses approved in the master plan and parameter plans do not materially amend the facilities to be provided to the existing and future community at Graven Hill to such an extent that Officers consider there would be sufficient relevant planning grounds to object. The facilities would move no more than 200-270m from their currently approved locations. The proposed locations of the various uses is not such that any of them would be located at such a distance from any section of the community to amount to them being in an unsustainable location and as such there are no reasonable planning grounds upon which to resist these proposals.

8. RECOMMENDATION

- 8.1. That Planning Condition 2 of 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 500m² 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 500m² 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 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.

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 bio diversity gain will be delivered, shall be submitted to 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 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.

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/Gravenhill 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 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.

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-AA-74-504 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.

INFORMATIVE NOTES TO APPLICANT

1. **Conditions** – the applicant’s attention is drawn to the need to comply with all conditions imposed on this permission. Consent has been granted subject to conditions. It is the developer’s responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and **you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details.** This is particularly important where a condition requires further details to be approved before any work commences as any work carried out before those details have been approved would be unauthorized and at risk of planning enforcement action.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £116 per request. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

3. **Legal Agreement** - Attention is drawn to a Legal Agreement dated 08 August 2014 related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
4. **Environmental Impact Assessment** - In accordance with Regulations 26 and 29 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the reasoned conclusion of the Local Planning Authority in respect of the significant environmental effects of the development on the environment as a result of the approved changes is outlined in the Case Officer's delegated report, which is published on the Council's online planning register at: <https://www.cherwell.gov.uk/info/115/planning/443/see-or-comment-on-a-planning-application>.

As the Local Planning Authority has concluded, based on the environmental information submitted with this S73 application, that the approved changes are not likely to give rise to significant additional environmental impacts over and above those considered and mitigated as part of the original outline consent (ref: 11/01494/OUT), no additional conditions or monitoring measures are required to address the significant environmental effects of the development on the environment.

5. **Time limit condition** - The Government's Planning Practice Guidance (PPG) is clear that "Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made".
6. **Other notes** - All historic reports completed in respect of Graven Hill site shall be made publically available through the Local Historic Environment Record and the National Monuments Record
7. The construction or alteration of any culverting or dam or weir like structure on a watercourse, requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds and consent for such works will not normally be permitted.

8. Permission is required before removing hedges that are at least 20 metres in length, over 30 years old and containing certain species of plant.
9. 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.
10. Please note all the internal vision splays must be dedicated as public highway land to maintain the vision splays for safety reason