

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**29 October 2015**

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*If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections [aaron.hetherington@cherwellandsouthnorthants.gov.uk](mailto:aaron.hetherington@cherwellandsouthnorthants.gov.uk), 01295 227956*

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

29 October 2015

### WRITTEN UPDATES

#### Agenda Item 7 14/01641/OUT NW Bicester

- **Policy Update**

The Cherwell Local Plan policy Bicester 1 identifies a number of standards relating to the construction of dwellings at NW Bicester reflecting the provisions of the Eco Town PPS and these are referred to in the report. For example the policy seeks homes to be constructed to Code for Sustainable Homes Level 5, meet lifetime homes standards and provide reduced water use. The determination of a planning application should be in accordance with adopted policy unless material considerations indicate otherwise.

The government has undertaken a review of housing standards following which the following documents have been published;

- (i) Ministerial Statement: Planning Update March 2015 (“the Planning Update statement”);
- (ii) DCLG Policy Paper 2010 to 2015 Government Policy: energy efficiency in buildings (updated 8 May 2015) (“the energy efficiency in buildings policy paper”); and
- (iii) Fixing the Foundations: creating a more prosperous nation 10 July 2015 (“the Treasury Statement”).

These documents are material considerations in the determination of the current application. They set out the governments intent to deal with matters relating to housing standards through building regulations rather than through the planning system to reduce the burden on house builders. The NPPF paragraph 95 which says that, “to support the move to a low carbon future, local planning authorities should...when setting any local requirement for a building’s sustainability, do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.” The Government has advised that it is no longer intending to implement the requirement for all new dwellings to be zero carbon in 2016 but is to keep the matter under review. The Code for Sustainable Homes has also been withdrawn. The Planning Update advises , “we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above Code level 4 equivalent”. The Planning Update Statement also sets out that from the 1<sup>st</sup> October 2015 that additional optional building regulations can be applied in relation to water and access where there is

a planning policy to support the need for them. Space standards can be applied where there is a planning policy to reflecting the national standards.

These changes relate to individual dwellings rather than the specific policy requirement for the development as a whole at NW Bicester to achieve zero carbon development as defined by the Eco Towns PPS and seek to achieve water neutrality. These requirements have been supported by the Inspector in the recent examination of the local plan and were an important rationale for the eco towns, that are to be exemplars of best practice. The work on the Exemplar development at NW Bicester has shown that the delivery of zero carbon development with reduced water use and the achievement of the eco town standards is feasible and achievable. The application sets out how these measures can be achieved on the application site to comply with the Local Plan policy, Eco Towns PPS and emerging SPD for NW Bicester. However in drafting conditions in relation to individual dwellings the government's direction of travel with regard to housing standards has been reflected. The conditions do not therefore seek compliance with requirements such as Code for Sustainable Homes, particularly as the Code for Sustainable Homes has been withdrawn presenting a practical difficulty in seeking compliance. The requirements regarding reduced water use are recommended to reflect the higher building regulation standard now introduced.

- Draft Conditions and planning notes are attached as Appendix 1.
- A further addition needs to be added to the Heads of Terms at Appendix B – 'The achievement of Zero Carbon'
- The recommendation wording is revised to:  
**Recommendation Approve subject to;**
  1. **delegation of the negotiation of the S106 agreement to officers in accordance with the summary of the Heads of Terms attached at Appendix B and subsequent completion of S106 agreements**
  2. **delegation of final changes to conditions to Development Services Manager in consultation with the Chairman of Planning Committee**

#### **Agenda Item 8 15/01068/F Bicester Golf and Country Club, Chesterton**

- Comments of the Arboricultural Officer  
I am satisfied with the arboricultural survey and impact assessment and of the opinion that the proposed extension may be integrated into the existing landscape and alongside retained trees and those subject to the TPO.

To ensure adequate protective measures are taken it will be necessary for the applicant to provide both an arboricultural method statement and details

of the project arborist required to undertake regular and agreed arboricultural site monitoring.

A landscaping scheme will be required in order to compliment and soften the architecture as well as provide a level of screening from nearby residential dwellings. Amongst the trees and plants proposed, the planting scheme must also include 3 No beech (*Fagus sylvatica* – 16-18cm) and 1 No Willow (*Salix x sepulcralis* ‘chrysocoma’ 16 – 18cm) planted as practically possible to the location of 4 No historically removed, protected trees.

Proposes the following conditions

C9 Arboricultural Method Statement (AMS)  
Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), 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, all works on site shall be carried out in accordance with the approved AMS.

Reason CR2

C16 Arboricultural Site Supervision  
Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
- b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing ‘structural cell’ planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (e.g.: reduced dig systems, arboresin, tree grills)

Reason CR2

C1 Submit Landscaping Scheme  
Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any

excavation,

- (c) Details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason CR1

- **Recommend** that Condition C16 above be added (C1 and C9 already listed)

### **Agenda Item 9 Land adj. Hardwick Hill cemetery, Southam Road, Banbury**

- Comments of Ecology Officer

*This is very difficult to assess as I don't know what potential there is on site to support protected species or valuable habitat and there is no information on the proposed management of the site either in the interim (before it comes into use for burial, will it continue to be agricultural?) or as it begins to be used (how will the land/hedgerows etc.. be managed at that point?).*

*If we condition all ecological issues (not really best practice) they will need to have a Phase 1 survey of the site with accompanying further surveys if necessary (reptiles, bat potential in trees if any are to be removed, value of hedgerows where any will be removed, affected by lighting or change of management, badgers). Nothing should happen on site until this is completed and agreed. They will need to demonstrate how any features of ecological value will be retained or mitigated for and should aim for a net gain for biodiversity on site. If it is BAP habitat (our records show it is possible neutral grassland although this has not been assessed on the ground) which will be lost this should ideally be compensated for off-site or in part of the site by favourable management as we need to have regard to the conservation of Priority habitats. Depending on what is there they may require an LEMP and/or CEMP.*

*If European Protected Species are on site then we would need all information up front however I think it is unlikely beyond the potential for bats roosting in trees or using the hedgerows for foraging (there are no nearby ponds for GCN, the nearest water course is more than 300m away so Otters are unlikely to be an issue and there are no buildings to be removed).*

*There would however need to be fairly onerous conditions as regards ecology order to cover all possibilities even though it could turn out that there is little ecological importance there. I have suggested some conditions below.*

Ecology

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Phase 1 Survey of the site and any additional recommended species and habitat surveys shall be carried out on site, and a report of the findings along with all necessary mitigation, working method statements, licence applications and necessary off site compensation measures,

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details.

Reason KR1

#### K8 Protected Species Check

Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of any additional mitigation measures to prevent their harm 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 mitigation scheme.

Reason KR1

*(If there is likely to be a couple of years until use of site begins or use of parts of site).*

#### K12 Nesting Birds: No Works Between March and August Unless Agreed

No removal of hedgerows, trees or shrubs, shall take place between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason KR1

#### K20 Landscape and Ecological Management Plan (LEMP)

Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason KR2

#### K23 Use of Native Species

All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason KR3

*(If planting relevant).*

#### K17 Biodiversity Enhancement

Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason KR2

- It is **RECOMMENDED** that all these conditions be added to those already proposed ( with the exception of condition 13 which will become redundant)

## **Agenda Item 10 The Plough Inn, North St. Bicester**

- Since the report was draft additional plans have been submitted showing acceptable design details for the new central panelled door. In light of this it is recommended that condition 2 in relation to the approved plans be amended to refer to the new plan and read:

*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: Application Form and Drawing No's: 1662-PL0, 1662 02 Rev E, 1662-03 Rev C and 1622-SK01 RevA.*

*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.*

- Also the reference to the 'door' in condition 4 can be removed and the condition amended to read:

*Prior to the installation of any doors and windows, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.*

*Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.*

## **Agenda Item 12 and 13 Hill Leys, Banbury Road, Finmere**

- Anti-social Behaviour team confirm they have no objections

## Appendix 1

**14/01641/OUT**

### **Conditions**

#### Time Limits

1. No development shall commence on any phase until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as 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 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

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

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

3. In the case of all other reserved matters, in respect of subsequent phases, application for approval shall be made not later than the expiration of Eight years beginning with the date of this permission.

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



4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first residential phase reserved matter and for all other matters two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

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

5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: ***Will be added – the list will include:  
Parameter plans, EA documents need adding***

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.

6. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing.

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.

7. No more than 900 dwellings shall be constructed on the site.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

## Design

8. Prior to the commencement of the development, an Urban Design Framework shall be submitted to and approved in writing by the Local Planning Authority. The Urban Design Framework shall set out the urban design approach for the site to include a regulating plan and supporting information to include;
  - Details to provide continuity with adjacent development
  - Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
  - Character areas for built form and green spaces and their key features
  - Indicative block size, structure and permeability
  - Movement network and streetscape including bus routes and stop locations
  - Public realm
  - Density and open space
  - Building heights

- Key views, vista, landmarks, landscape character, trees and retained hedges
- Legibility and diversity of built form and landscape
- Adaptability
- Play provision in accordance with Adopted Cherwell Local Plan Policy Bicester 11

No reserved matters shall be submitted until the urban design framework has been approved in writing by the Local Planning Authority. All reserved matters applications and development shall thereafter be in accordance with the approved Urban Design Framework.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

9. Each reserved matter application for the area of land proposed for a mixed use local centre as shown on the Parameter Plans shall be in broad accordance with the illustrative design for this area as set out in the NW Bicester Outline Application Addendum document dated August 2015.

Reason: To ensure the creation of a high quality design for the local centre in accordance with Government guidance in the NPPF

10. Prior to the submission of the first reserved matter in each of the character areas containing built form, identified in the approved Urban Design Framework, a design code shall be provided for the whole of that character area which shall include;
  - Street types, materials and details
  - Block Principles
  - Landscape, materials and details
  - Boundary treatments
  - Building types and Uses
  - Building heights
  - SUDS, parks and open spaces
  - Building Materials and Details
  - Highway design details
  - Parking Strategy

No reserved matters shall be submitted [for that character area] until the design code has been approved in writing by the Local Planning Authority. The development in the character area shall thereafter be in accordance with the approved design code.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

11. Each reserved matter submission for built development shall be accompanied by details showing how Building for Life 12 has been used to inform the design process and that the scheme achieves Built for Life™.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework.

Dwellings

12. Prior to the submission of a reserved matters application for residential development, a schedule of the market housing, to be provided to meet local housing needs, in each phase of the development shall be submitted to and approved in writing by the local planning authority. The market housing shall thereafter be provided in accordance with the approved schedule (and detailed reserved matter approval) unless otherwise agreed in writing by the Local Planning Authority.

Reason To secure the delivery of high quality housing to meet local needs in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

### 13. Energy Requirement

14. All dwellings shall be provided with real time energy and travel information unless otherwise agreed in writing by the Local Planning Authority. Details shall be submitted to the local planning authority and agreed in writing prior to the commencement of construction of dwellings.

Reason: To support the delivery of modal shift towards sustainable modes and create high quality, inclusive, sustainable development in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

15. Each reserved matter application submission shall be accompanied by a statement setting out how the design of buildings and the layout has taken account of future climate impacts, as identified in TSB research 'Future Climate Change Risks for NW Bicester', or any more recent assessment that has been published, and how the proposed development will be resilient to overheating, changing rainfall patterns and higher intensity storm events.

Reason: To address the impacts of climate change in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

16. Prior to the commencement of each phase, those areas of the site that are subject to elevated levels of noise, principally from road traffic sources as set out in the Environmental Statement, shall be identified and the dwellings that are constructed in these areas must be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 can be achieved.

Reason: To ensure that properties are not subject to high levels of noise in accordance with Government guidance contained within the National Planning Policy Framework.

### Phase conditions

17. All phases of development shall be provided with high speed broad band (not less than 100mbs); such that on occupation of each building on the phase the occupiers can secure a high speed broad band connection.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working change in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

18. No development shall commence on construction of any development approved by a reserved matter until a report has been submitted outlining how carbon emissions from the construction process and embodied carbon have been minimised. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan.

Reason: To ensure the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns.

## Transport

19. Prior to the commencement of any phase of the development hereby approved, full details of the means of vehicular accesses between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

20. Prior to the first use of the access to be approved, the existing field accesses onto the A4095 shall be permanently stopped up by means of full face kerbing, planting, and the reinstatement of the highway verge and shall not be used by any vehicular traffic whatsoever.

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

21. Prior to the commencement of the development hereby approved, full details of the means of footway and cycleway links between the land and the local highway network, including, position, layout, construction, drainage and street lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of footway and cycleway links shall be constructed and retained in accordance with the approved details.

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

22. The pedestrian and cycle routes shall be signed in accordance with details to be submitted to and agreed in writing by the local planning authority prior to the first occupation of any dwellings. The signage shall then be provided for each route prior to its first use.

Reason To support sustainable travel in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy.

23. No development shall commence on a phase until a Construction Traffic Management Plan providing full details of the phasing of the construction of that phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic

periods and an agreed route for HGV traffic to the development site. The approved Plan shall be implemented in full during the entire construction period of the phase.

Reason – In the interests of highway safety and to safeguard the residential amenities of local residents in accordance with Government Guidance in the NPPF.

24. No more than 600 dwellings shall be constructed until the pedestrian/cycle tunnel under the railway has been provided and is available for public use.

Reason: to ensure access to local facilities and reduce the need to travel by private car in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework

25. Each reserved matter application submission shall be accompanied by a Travel Plan setting out how the development will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a). The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any occupations and the actions of the travel plan shall thereafter be delivered in accordance with the Travel Plan.

Reason: To ensure sustainable travel in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

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

Reason: To ensure the public right of way remains available and convenient for public use.

27. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior written permission by Oxfordshire County Council or appropriate temporary diversion.

Reason: To ensure the public right of way remains available and convenient for public use.

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

Reason: To ensure the public right of way remains available and convenient for public use.

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

Reason: To ensure the public right of way remains available and convenient for public use

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

Reason: To ensure that gates are opened or closed in the interests of public right of way user safety

#### Contamination

31. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
  3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To protect controlled water quality as required by PPS1 Policy ET17 and the NPPF.

32. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

To ensure that contamination at the site is remediated to ensure controlled water quality is protected as required by PPS1 Policy ET17 and the NPPF.

33. Piling or any other foundation designs using penetrative methods within any area identified as being subject to risk from contamination shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater quality. The development shall be carried out in accordance with the approved details.

Reason: To ensure that piling or deep foundations do not mobilise any contamination which may be present on site in order to ensure that controlled water quality is protected as required by PPS1 Policy ET17 and the NPPF.

34. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority. The remediation strategy shall detail how this unsuspected contamination shall be dealt with and written approval from the local planning authority shall be obtained. The remediation strategy shall be implemented as approved.

Reasons: To ensure that any unexpected contamination encountered is dealt with, such that it does not pose an unacceptable risk to controlled water quality as required by PPS1 Policy ET17 and the NPPF.

#### Biodiversity

35. No development shall commence on a phase unless or until an up to date ecological survey has been undertaken to establish changes in the presence, abundance and impact on bio diversity. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

36. The retained hedges shall have a buffer a minimum of 20m in width comprising of 10m either side of the retained hedge, the streams shall have a minimum buffer of 60m in width comprising of 30m either side of the stream and the woodlands shall have a buffer a minimum of 10m in width when measured from the canopy edge, unless otherwise agreed in writing by the Local Planning Authority. The hedge, stream and woodland buffers shall be maintained as public open space and managed to maintain and create bio diversity.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

37. No development shall commence on any phase until details of any existing hedgerow, or part thereof, to be removed, and proposals for creation of new compensatory hedgerow, have been submitted to and approved in writing by the Local Planning Authority. The compensatory hedgerow shall be provided in accordance with the approved details.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

38. No development shall commence on any phase until a scheme for the provision of protective fencing, to prevent damage during construction, for the retained hedgerows, trees, woodlands, the stream corridor, ponds and areas of green space, shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed in accordance with the approved plans prior to work commencing on site.

Reason: To protect biodiversity and historic landscape features in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

39. Each reserved matter application submission shall be accompanied by a statement setting out how the proposed development will contribute to achieving net biodiversity gain, in accordance with the Biodiversity Strategy accompanying this application, or any more recent Strategy that has been approved. The development shall be carried out in accordance with the biodiversity statement.

Reason: To secure net biodiversity gain in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

40. No development shall commence on any phase until a Landscape & Habitat Management Plan (LHMP) for that phase detailing both management and monitoring proposals for green space (excluding building curtilages) has been submitted to and approved in writing by the Local Planning Authority and thereafter the LHMP shall be implemented in accordance with the approved details.

Reason: To secure net biodiversity gain in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

41. No development shall commence on any phase until a Construction Environment Management Plan (CEMP), which shall include details of the measures, including as set out at 6.5.1.8, 7.5.1.1, 8.5.1.1, 9.5.1.1, 11.5.1, 13.5.2.1, 14.5.2.1 of the Environmental Statement accompanying the application, to be taken to ensure construction works do not adversely affect the existing biodiversity of the site and residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

42. No development shall commence on any phase until a Soil Resources Plan that details the soils present, proposed storage locations, handling methods and locations for reuse, shall be submitted to and approved in writing by the local planning authority and thereafter the development shall be carried out in accordance with the approved plan.

Reason: To ensure the soil resource is managed on site in accordance with Adopted Cherwell Local Plan policy Bicester 1.



43. No development shall commence on any phase until details of existing and proposed levels for that phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved levels.

Reason: To ensure high quality design and sustainable development in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

#### Archaeology

44. Not to carry out any works of demolition on the site, commence the development and or carry out any works of any archaeological investigation until, a professional archaeological organisation acceptable to the Local Planning Authority has prepared a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework

45. Following the approval of the first stage Written Scheme of Investigation referred to in condition [a], not to carry out any works of demolition on the site and the commencement or commence of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [a], until a programme of archaeological evaluation, investigation and recording of the application area shall has been carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

#### Outdoor Sport

46. No development shall commence until details for the phasing of the provision of temporary sports pitches has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of sports facility provision for the occupiers of the proposed development and to accord with Cherwell Local Plan Policy R12 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

47. No development shall commence on a phase until details of the design and layout of the sports facilities serving that phase have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The sports facilities shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Cherwell Local Plan Policy R12 and with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework

48. The playing field/s and pitch/es shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use in accordance with the agreed phasing unless agreed in writing by the Local Planning Authority..

Reason: To ensure the quality of pitches is satisfactory and they are available for use and to accord with Cherwell Local Plan Policy R12 and with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

#### Drainage

49. Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

50. Development shall not commence until a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No dwelling shall be occupied until the foul drainage has been provided in accordance with the approved strategy.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to treat and convey foul flows from the new development; and in order to avoid adverse environmental impact upon the community and water environment (as required by ET17 of PPS1).

51. Prior to the submission of any reserved matters, a full surface water strategy for the application site, in accordance with the Flood Risk Assessment accompanying this application, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Councils Drainage Team & Natural England). The Strategy shall;

- Demonstrate control of surface water runoff to the Greenfield runoff rate is achievable as detailed in the Masterplan Surface Water Drainage Strategy (SWDS)
- Review and amend the indicative storage volumes in para 5.2, Table 5-1 of the Application 2 FRA and SWDS in line with detailed design. Indicative storage volumes are based on an estimation of 60% impermeable and 40% permeable area post development. These should be reviewed and amended to reflect the exact development area draining into the surface water system
- Be informed by a detailed assessment of the post-development surface water overland flow routes as recommend in para 5.2.1 and section 7 of the Application 2 FRA and SWDS
- Be informed by site wide soakaway testing to confirm the ground infiltration rates and feasibility of infiltration SUDS measures as recommended in para

5.2.1 of the Application 2 FRA and SWDS and para 4.2.1 and section 5 of the Masterplan SWDS. The drainage strategy should favour infiltration SUDS where shown to be feasible

- Provide the detailed design of all regional SUDS not provided within a development parcel including swales and detention basins (primary and secondary SUDS) to demonstrate their flood risk, water quality, green infrastructure and biodiversity functions
- Demonstrate the use of adequate pollution prevention measures within the SUDS provision to ensure no risks to groundwater or surface water quality
- Demonstrate that exceedence flood flow routes (for rainfall events above the design event) can be safely routed away from buildings and into SUDS as recommended in para 5.2.1 of the Application 2 FRA and SWDS.
- Demonstrate the protection of downstream SSSIs during construction and
- Provide a SUDs phasing plan as recommended in para 5.2.1 of the Application 2 FRA and SWDS which demonstrates that regional/site wide SUDS (primary and secondary SUDS) are provided ahead of site construction.
- Details to show that surface water drainage will be directed away from the railway.

The development shall be carried out in accordance with the approved Drainage Strategy.

Reason - To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site and to protect the adjacent railway in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework

52. In addition to the site wide detailed surface water drainage strategy, each Reserved Matters application shall be accompanied by a detailed surface water drainage scheme, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the site. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, Surface Water Drainage Strategy and the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy and shall:

- Demonstrate 20-30% of the required attenuation storage for the Application 2 site will be provided by individual developers using source and site control SUDS measures at their individual development plots (as stated in para 5.2.1 (states 30%) and 6.2 (states 20%) of the Application 2 FRA and SWDS). The SUDS Management Train approach detailed in Figure 5-1 of the Application 2 FRA and SWDS shall be taken and it shall be demonstrated how these SUDS contribute to flood risk, water quality, green infrastructure and biodiversity requirements of the site
- As per the Masterplan SWDS at section 5, Reserved Matters applications shall include further assessment of individual parcels and communal areas to assess if infiltration is possible. Reserved Matters applications should have a detailed surface water drainage scheme which favour infiltration SUDS where feasible, demonstrating that groundwater and surface water quality will be protected through adequate pollution prevention measures
- Provide the detailed drainage layout and detailed design of SUDS of the individual parcel and communal areas including detailed drainage calculations for the 1 in 2, 1 in 30 and 1 in 100 year plus an allowance for climate change storm events

- Demonstrate control of surface water runoff to the Greenfield runoff rate as detailed in the Masterplan SWDS
- Demonstrate that the regional/site wide SUDS the parcel relies upon for surface water attenuation will be available in line with the phasing of development to ensure they are available to perform their flood risk function in a timely manner to prevent an increase in flood risk during construction
- The submission of proposals for the long term maintenance of all SUDs features

No development shall commence until the detailed reserved matter surface water drainage scheme has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework

53. No watercourse crossings shall be constructed until the detailed design has been agreed in writing with the Local Planning Authority. The design shall be informed by para 5.1 and section 7 of the approved Flood Risk Assessment - Outline Application NW Bicester Planning Application 1 Flood Risk Assessment and Surface Water Drainage Strategy – Hyder, ref 5040-UA005241-BM-01, Aug 2014 (Appendix 7a of the Outline Application North West Bicester Planning Application 1 Environmental Statement: Volume 1: Main Text, Hyder (ref 5050-UA005241-UE31R- 01, Aug 2014). The design shall demonstrate that flood risk will not be increased or biodiversity negatively impacted as a result of any watercourse crossing.

Reason: To ensure watercourse crossings do not increase the risk of flooding on or off site. This is a requirement of Policy ET18 of PPS1 and para 103 of the NPPF. To ensure watercourse crossings do not negatively impact on biodiversity as required by para 109 and 118 of the NPPF and ET16 of PPS1.

54. There shall be no built development (buildings) within Flood Zone 2 & 3 as defined in Appendix 6 plans – modelled flood extents for the 100 year and 1000 year events (Flood Zone 2 & 3) of the Outline Application NW Bicester Planning Application 2 (South of the Railway), Flood Risk Assessment and Surface Water Drainage Strategy Addendum –Hyder Consulting, July 2015, report number. 5041-UA005241-BM-012.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure flood risk is not increased elsewhere. This is a requirement of Policy ET18 of PPS1 and para 103 of the NPPF.

55. Water

56. Prior to the commencement of development, details of the strategy to reach the aspiration of water neutrality, in accordance with para 6.2 of the Application 2 Water Cycle Study and the Eco Towns PPS shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved strategy.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS.

## Employment

57. All non residential buildings shall be constructed to BREEAM Excellent.

Reason: To ensure sustainable buildings in accordance with Government guidance contained in the Eco Towns PPS and the National Planning Policy Framework.

58. No individual retail unit shall exceed 500m<sup>2</sup> in gross floor internal area. Thereafter retail units shall not be amalgamated such that any individual unit exceeds 500m<sup>2</sup>.

Reason: To ensure the scheme meets local retail needs in accordance with Government guidance contained in the Eco Towns PPS and the National Planning Policy Framework.

## Network Rail

59. Prior to the occupation of any dwellings or the first use of public open space within 50m of the railway boundary, the developer shall provide a suitable trespass proof fence adjacent to the boundary with the railway. Details of the fencing shall be submitted to be approved by the Local Planning Authority in consultation with Network Rail.

Reason: To protect the adjacent railway from unauthorised access

60. Prior to any vibro-impact works on site, a risk assessment and method statement of such construction methods shall first be approved by the Local Planning Authority in consultation with Network Rail.”

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

61. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

Reason: To protect the adjacent railway.

## Waste

62. Prior to the commencement of a phase a Site Waste Management Plan, targeting zero waste to landfill, shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.

Reason to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework

63. Condition covering no waste to be brought from off site to the energy centres.

## Notes to Applicants

1. Informative: The applicant is advised that the design and layout of the sports facilities should comply with the relevant industry Technical Design Guidance, including

guidance published by Sport England and the National Governing Bodies for Sport. Further information can be found at: <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

2. Informative: The off-site works will require a S278 Agreement with Oxfordshire County Council (OCC). If the proposed development is to be offered for adoption to the Local Highway Authority (LHA) a S38 Agreement will be required, alternatively if the development is to remain private a Private Road Agreement will be required between the developer and OCC. For guidance and information on road adoptions and S278 Agreement works please contact the County's Road Agreements Team on 01865815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk). All the associated off-site highway works with NW Bicester will have to go through OCC's Direct Delivery process (attached) – if triggered. The submitted Travel Plan for the site is to be included within the S106 Agreement for this planning application. A planning condition is not appropriate to secure monitoring fees etc.
3. Run off from roads and areas associated with lorry and car parking areas could contain elevated levels of contaminants. Drainage from these areas could contaminate surface and groundwater unless adequate pollution prevention measures are provided. There must be a sufficient unsaturated zone beneath any infiltration SUDS. As a minimum there should be 1m unsaturated zone between the base of any SUDS feature and winter groundwater levels. There can be some flexibility on the 1m requirement for minor estate roads and very small areas of car parking/driveways. However, some unsaturated zone (c50cm) should always be provided for infiltration SUDS from these areas.
4. Advice – watercourse crossings  
As set out in para 5.1 and section 7 of the Application 2 FRA and SWDS the following should be considered for the watercourse crossing design:
  - Setting the soffit level to a minimum of 600mm above the modelled 1 in 100 plus climate change level
  - A clear spanning crossing
  - Setting the crossing abutments outside the modelled 1 in 100 plus climate change level
5. Advice – consent requirements
  - Erection of flow control structures or any culverting of the ordinary watercourses on site require consent from Oxfordshire County Council as Lead Local Flood Authority. We recommend that the applicant discusses proposals for any works with them at an early stage.
6. Advice – residual flood risks  
We note and support at para 5.6 of the Application 2 FRA and SWDS the recommendation to mitigate residual flood risk to buildings within the site by setting finished flood levels of buildings 300mm above ground level of the surrounding area to protect against any surface water ponding. Such ponding may occur during a storm event that generates runoff which exceeds the design capacity of the drainage system.
7. Advice – groundwater flood risk  
Para 4.2.4 of the Application 2 FRA and SWDS identifies potential risk to the site from groundwater flooding and states that a specific ground investigation will be undertaken to inform the detailed design process. Para 5.3 and section 7 of the Application 2 FRA and SWDS recommends further investigation into the potential for shallow groundwater flooding during detailed design. The results of this further work could impact the layout of the development if locations are identified that are susceptible to groundwater flooding. Oxfordshire County Council are the Lead Local Flood Authority and have responsibility for groundwater flood risk under the Flood and Water Management Act. Oxfordshire County Council should therefore be satisfied with this approach.
8. Advice – re-use of grey water

Although the Environment Agency have no in principle objection to the use of grey water for non-mains drainage activities which have been highlighted in the Masterplan WCS (such as garden and communal area irrigation), more details are required to ensure there are no risks to surface water and groundwater quality.

9. Pursuant to condition 35, the applicant is advised that Previous activities at this site may have resulted in contamination and potential sources of contamination may still be present on site. In particular the farm site which may contain sources of contamination from activities such as oil storage. The site is located on the Cornbrash Limestone secondary aquifer. Groundwater here is noted to be of shallow depth. As such this location is considered sensitive to the risks of contamination. Further investigation is required to determine the extent of any contamination present and to what extent it poses a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that controlled water are not polluted. This may include remedial works to resolve contamination issues. A site wide study is required prior to individual phases coming forward to ensure contamination across the whole site is understood and to ensure risks within individual phases are identified at the earliest opportunity.
10. Advice to LPA and applicant  
Site investigations to date, which have been supplied with earlier pre-application consultations on the proposed North West Bicester site, have not identified many potential sources of contamination within the current Outline Application 2 area. Application 2 includes demolition of 2 farms (Aldershot and Gowell Farm). It is likely that some sources of contamination may be present at these sites (e.g oil tanks or small storage areas). The Environment Agency have no record of seeing any investigation covering potential sources of contamination within these farms. Therefore, the further investigations requested are required, but widespread contamination is not anticipated. It is likely that any oil storage facilities identified would need to be removed from site and the immediate area validated to confirm that it is free from contamination. The EA also note that the archaeological report found evidence of potential farm pits. It is not clear where on site these are, but if any are located within the Application 2 area, assessment of these should also be undertaken.
11. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
12. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
13. Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems
14. Your attention is drawn to the content of the letter from Network Rail in respect of the application, a copy of which can be found via the Council's website [www.cherwell-dc.gov.uk](http://www.cherwell-dc.gov.uk)
15. Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. No improvements may be implemented without prior approval of Oxfordshire County Council.