

SUPPLEMENTARY INFORMATION

Planning Committee

15 June 2017

| Agenda Item Number | Page | Title |
|--------------------|----------------|----------------|
| 18. | (Pages 1 - 31) | Written Update |

If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

15 June 2017

WRITTEN UPDATES

Agenda Item 5

Missing minute from page 5

The committee considered application 15/00837/OUT and outline application for residential development of up to 180 dwellings to include affordable housing, public open space, localised land remodelling, compensatory flood storage and structural planting at Part Land On The North East Side Of Gavray Drive Bicester for Gallagher Estates, Charles Brown And Simon Digby.

Councillor Richards proposed that application 15/00837/OUT be deferred to allow the applicant to submit an appropriate ecological management plan relating to Gavray Drive Meadows LWS. Councillor Dhesi seconded the proposal.

In reaching their decision the committee considered the officers report and presentation.

Resolved

That application 16/02461/OUT be deferred to allow the applicant to submit an appropriate ecological management plan relating to Gavray Drive Meadows LWS.

Members are asked to confirm the minute

Agenda Item 7 15/00837/OUT Land at Gavray Drive, Bicester

- It is understood that Members have directly received two letters of objection, sent by email, from Dominic Woodfield of Bioscan Ltd and the Save Gavray Meadows campaign setting out concerns about the scheme together with criticisms of officers' assessment of the application and the associated recommendation. The objection letters are appended to this written updates paper as Appendix 1.
- The objection letters raised a number of criticisms of officers' conclusions in the committee report and officers respond to these as follows:
- As an EIA development (i.e. subject to an Environmental Impact Assessment), the applicant submitted an Environmental Statement to accompany the planning application. The primary purpose of an EIA is to establish the significant adverse environmental effects of the proposed development and how these could be avoided, mitigated or alternatives considered. It has a different purpose than other surveys, assessments and reports that typically accompany planning applications and is generally concerned with addressing impacts of notable significance

above the local level. The Environmental Statement submitted by the applicant has concluded that the proposed development would not have significant adverse effects on the environment for EIA purposes (on ecology or any other environmental factor) subject to incorporating the proposed mitigation measures. It does however conclude that there is the potential for minor adverse indirect impact on the Gavray Drive Meadows LWS as a result of increased usage of the public footpath to the south of the LWS and possible consequent disturbance caused by trespassing walkers and perhaps some additional littering.

- The Council's ecology service is provided by Warwickshire County Council. The Council's ecologists are not objecting to the application and neither are they are recommending that an ecological management plan for the LWS has to be in place in order for the proposed development to be acceptable.
- The Council's ecologist is not recommending a condition that requires the submission, approval and implementation of an ecological management plan as suggested in the objection letter. The Council's ecologist did however have a discussion with the objector about the use of a condition if Members had genuine concerns about the potential adverse impact on the LWS. Such a draft condition had the following wording:

"Prior to 50% occupancy of the development an Ecological Management Plan for the Gavray Drive Local Wildlife Site that is west of Charbridge Lane as indicated on plan within the Ecology Baseline Report Appendix 9.1 (2014) entitled Gavray Drive, Designated Sites, shall be submitted to and approved by the Local Planning Authority. The plan shall be carried out in full, unless otherwise approved in writing by the local planning authority."

- Officers are not recommending that such a condition is imposed. Such a condition would not meet the long established six tests for conditions in Government guidance (as set out in the NPPF and Planning Practice Guidance) as it seeks to impose requirements on the applicant relating to land that is not within their control (only part of the land to the east of Langford Brook is owned/optioned by the developer) and as a result there is no reasonable prospect of them being able to meet its requirements. The six tests of conditions are that they must be: necessary, relevant to the development proposed, relevant to planning, precise, enforceable and reasonable in all other respects. Furthermore, as planning conditions are an interference with the rights of an individual/developer to use their land, they need to be properly justified as being necessary to make the development acceptable in planning terms rather than simply to achieve wider benefits. Government guidance in the Planning Practice Guidance states that *"any proposed condition that fails to meet any of the six tests should not be used. This applies even if the applicant suggests it or agrees to its terms or it is suggested by the members of a planning committee or a third party. Every condition must always be justified by the local planning authority on its own planning merits on a case by case basis."*
- As stated in both the original Committee Report and the Update Report, if Members are concerned about the potential for adverse impact on the Gavray Drive Meadow LWS caused by increased recreational pressure

associated with the proposed development, then officers believe these concerns could be overcome through a condition requiring the provision of fencing and signage on the land to the east of Langford Brook to prevent/dissuade trespass onto the privately owned LWS. It is well established that only conditions requiring the minimum necessary to ensure that the development is acceptable in planning terms should be used. If Members are receptive to this approach, officers suggest that the following condition could be imposed in addition to those recommended in the report:

“No occupation of any dwelling hereby approved shall take place until details of a scheme for fencing and signage to extend along the north-eastern boundary of public footpath 129/4/20 (as far as it is located within land edged blue on the submitted site location plan (dwg no. JJG050-015 A)) has been submitted to and approved in writing by the local planning authority. The fencing and signage shall be completed as approved prior to occupation of any dwelling and shall thereafter be retained in perpetuity unless with the prior written agreement of the local planning authority.”

- Officers continue to recommend that Members have regard to the importance of ensuring that the District continues to provide sufficient housing to meet identified local needs which is a core pillar of the Local Plan as well as Government guidance in the NPPF. The application relates to land which is allocated for housing in the Local Plan and housing completions on this site have been included in calculating the District's five year housing supply position. Refusal of the application would cause a delay in housing delivery on the site and could reduce the District's projected five year housing supply which could in turn affect the weight that could be afforded to the housing supply policies of the Local Plan – this is a material planning consideration. An application covering the whole of the site would not increase the District's five year housing supply as only a proportion of the allocated total of 300 dwellings have been projected to be delivered over the 2017-2022 period.
- In summary, officers' are comfortable with their assessment of the application proposals and the recommendation made to Planning Committee such that Members are still being recommended to resolve to grant planning permission subject to the imposition of conditions and the completion of a legal agreement. However, if Members are concerned about the potential for adverse impact on the value and integrity of the Gavray Drive Meadow LWS as result of the proposed development, officers recommend that the additional condition set out above is imposed on the planning permission.

Agenda Item 8 17/00455/Hybrid Land adj. Howes Lane, Bicester

Amended recommendation to:

That permission is granted, subject to

- a) Delegation of the negotiation of the S106 agreement to include securing the construction through the application site, and the ability to construct the Strategic Road through land within the control of Albion Land (within application sites 17/00455/HYBRID and 17/01090/OUT) to Officers and; further in accordance with the summary of the Heads of Terms attached at appendix A and subsequent completion of S106 agreements
- b) Resolution of the Highway Authority objection regarding the strategic link road, including the submission of amended plans to demonstrate the provision of the strategic road widened to enable the provision of ghost island right turn lanes to facilitate future access arrangements to the residential parcels.
- c) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions:

In order to explain point b):

Following the publication of the committee report, the applicant's Transport Consultant has provided a plan showing how the residential parcels could be accessed from the Strategic Link Road via two ghost right turn lane junctions as an indicative plan and this would not be for approval. Notwithstanding this submission, their view is that right turn lanes are unnecessary in the context of Manual for Streets. They also advise that the access positions into the residential land are not currently fixed and will be the subject of reserved matters.

On further discussion with the Highway Authority, the advice is that there will be an absolute requirement for ghost island right turn lanes for future residential accesses if these are to be provided from the strategic link road. The plan submitted following discussions does not form part of the current application, which seeks full planning permission for this section of the road. Given that parameter plans allow for access to be taken from the strategic link road, it is unacceptable for that road to be permitted in full without the ghost island right turn arrangements as this would potentially result in an unacceptable highway impact in the future when it comes to considering reserved matters for the residential parcels. On this basis, amended plans demonstrating the provision of the strategic road widened to enable the provision of ghost island right turn lanes to facilitate future access arrangements to the residential parcels is required in order for the Highway Objection to be removed. To reflect this, the recommendation is worded as set out above.

The attached list of Planning Conditions and Appendix A are attached at Appendix 2 which forms the Heads of Terms as referred to within the report.

Agenda Item 9 17/00539/OUT Land adj. Jersey Cotts, Heyford Rd. Kirtlington

Application withdrawn

Agenda Item 13 17/00658/F 18 Bridge St. Banbury

Following the publication of the committee agenda, Councillor Surinder Dhesi raised concerns about the sizes of the proposed studio flats. The studio flats are 41.6m² and 41.6m² respectively. Although the Council has not adopted any minimum space

standards, these sizes are within the range of 39m² for a 1 bedroom 1 person dwelling to 50m² for a 1 bedroom 2 person dwelling as specified within the nationally described space standards which the Council uses for guidance. The sizes of the proposed studio flats are therefore considered acceptable.

Agenda Item 14 17/00813/F Land N of Milton Road , Adderbury

- Further comments from Strategic Housing Officer

This application has come forward on land previously identified for community leisure facilities which formed part of a live current scheme for 31 dwellings at Land North of Milton Road (14/00250/F). The housing element of this scheme is now under construction.

These community facilities are now to be provided on a separate parcel of land in the ownership of the Parish Council and so the developer has agreed with the Parish Council to provide a larger funding contribution from this application towards the provision of the community facility in lieu of the previous section 106 obligation to provide the land. In order to help facilitate this contribution the developer is seeking permission for a market housing scheme.

The initial planning application for 31 dwellings provided the Council's usual policy requirement for 11 affordable homes (8 for rent and 3 for shared ownership). Although this application has come forward as a separate and new application to the existing consent, the Investment and Growth team would usually seek an increased affordable housing contribution from the higher number of market homes across the site as a whole –resulting in an additional 2 affordable units on the site.

In the light of the very exceptional circumstances and the strong need for the community facilities in Adderbury, the Investment and Growth team are prepared to accept there will not be a contribution towards affordable housing from this application. However it would be expected that the amount the developer is to contribute for the community facility includes a consideration of what would have been required for the affordable housing contribution as well as reflecting the land value of the land initially to be provided.

Furthermore we would expect that the applicant ensures that the S106 obligations for affordable housing on the original application are delivered in line with requirements.

- Additional layout and landscaping plans received from applicants to address OCC concerns
- Comments from OCC received

Thank you for the updated drawings and having reviewed them, I wish make the following comments:

Site layout drawing MDL-1271-PL01 Issue B – I can confirm that the relocated access proposed to serve plots A and B has been moved a sufficient distance away from the development site's junction with the Milton Road.

And the same drawing (plus others attached to the email below) show the inclusion of an informal pedestrian crossing in the form of dropped kerbs across the site access.

These amendments overcome my highway safety concerns previously raised, and I wish to remove any objections. However, I would still recommend the condition below to be included should the LPA wish to approve planning permission.

Estate Accesses, Driveways and Turning Areas

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

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

- Consequent changes to conditions 2 (revised plans referred to) ; and 13 (revised plans)
- Verbal Update regarding comments from CDC's Property and Facilities Manager

To CDC Planning Committee Members
Via e-mail

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12th June 2017

Dear Councillor

Re: Planning Committee 15 June 2017: Land off Gavray Drive (15/00837/OUT)

You will recall the Planning Committee's vote last month to defer a decision on this application and to direct the applicant to produce, in the interim, a management plan for the Local Wildlife Site that is at risk, in due accordance with Policy Bicester 13 of the adopted Local Plan.

The applicants have flatly refused to comply with your requests, and officers are returning the application to you for determination this Thursday 15 June. Officers are again recommending approval.

Once again I feel compelled to write directly to set out why the analysis presented to you in the officers' reports (both original and update) remains flawed and to reiterate that with the change you requested having been summarily rebuffed by the developer, this application remains clearly and demonstrably a departure from the adopted Cherwell Local Plan, and in particular the site-specific policy Bicester 13.

The update report cites a statement from the applicant giving their reasons for refusing to comply with your Committee's direction. That statement is not challenged by your officers, despite it containing gross errors of fact and interpretation. Furthermore, your officer's reports (original and update) continue to contain significant flaws, including continuing to incorrectly or incompletely represent the submissions that have been made to the planning department by the Council's own ecologists. In summary:

- The factual error in the original officer's report (Paragraph 7.41) which states that "*there is no evidence that the proposals would give rise to direct or indirect material harm to the adjacent Gavray Drive Meadows LWS*" has not been amended. No reference is made to the evidence of significant harm to the LWS that is provided in the applicant's own Environmental Statement (ES) (for example at para 9.5.17 of the ES).
- The Council's own ecologists, both Charlotte Watkins in the past (currently on maternity leave) and now the outsourced stand-in local government ecologist from Warwickshire (David Lowe) have consistently stated or accepted that there will be net harm to the Local Wildlife Site from a 180 unit development at Gavray Drive West. This is why the management plan is required: to address that net harm in accordance with the policy. Requiring the management plan at this stage is not in any way in contravention of the legal or policy tests of necessity, relevance or reasonableness, which appears to be the claim being made to you in para 2.5 of the update report nor indeed would it conflict with government guidance about the use of planning conditions more generally (Circular 11/95). Indeed the suggestion from officers that a condition for fencing might be acceptable indicates how the harm is recognised and thus those tests are already met, and underlines the irrationality in officers' reasoning.

- The Council's ecologist has suggested a form of words for a condition for a management plan that he feels could be attached to address the Committee's concerns about harm to the LWS. I have asked officers to make you aware of this and they have refused.
- The update report (para 2.6) seeks to 'remind' members that the housing projected to be delivered on the site is important to the Council's District supply position and states "*officers would advise that Members do not risk the Council's current housing supply position without good cause*". Yet this application is for only 180 of the allocated 300 residential units and the timetable for future delivery of the remainder is not specified. Thus the officer is actually citing reasons why the current piecemeal situation is so unsatisfactory and providing reasons for refusing this application and inviting the developer to instead submit a new or amended application with a masterplan for the whole Bicester 13 site to ensure the entire allocation of 300 is approved and delivered in short order and in due and proper accordance with the development plan policy. Alternatively, Members are likely to face a shortfall of delivery on Gavray Drive East for an undefined future period, particularly as it seems likely that the developer may seek to sell, sit on or otherwise offload the more awkward eastern area after they have 'cherry-picked' the less constrained land at Gavray Drive West. That is patently not in the interests of those seeking a sensible, rational and speedy conclusion to the development of this land, and is not in the interests of good and proper planning generally.

For the above and other reasons, your officers' conclusions and recommendations remain irrational on the facts and thus would provide firm grounds for legal challenge in the event this application is approved on Thursday. However I would trust that members are likely in any event to take a dim view of their legitimate requests for the application to be amended being summarily rebuffed by this developer. Members may be interested in my view that if refusal of this application triggers an appeal, I would be supremely confident of Cherwell successfully defending its position and I would be on-hand to assist *pro bono* in the defence of that position.

I invite you to again recognise the flaws in your officers' reasoning and have the courage to vote against the recommendation for approval on Thursday afternoon, and in so doing prevent another protracted legal wrangle. Recourse to that seems especially unnecessary in view of your Council's efforts through the Local Plan to put a policy in place for this site which can and should deliver a sensible resolution. It just needs to be adhered to properly.

With best regards

Dominic Woodfield CECOL CENV MCIEEM

Lesley Farrell

From: Donna Dow
Sent: 14 June 2017 09:57
To: Bob Duxbury
Subject: FW: June 18th planning c'ttee/Gavray Drive

Categories: Yellow Category

Donna Dow
PA to the Leader of the Council
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Please note I only work Tuesdays and Thursdays

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Please consider the environment before printing this email

From: JOHN ROBERTS
Sent: 13 June 2017 21:51
To: Councillor David Hughes; Councillor James Macnamara; Councillor Colin Clarke; Councillor Ian Corkin; Councillor Mike Kerford Byrnes; Councillor Chris Heath; Councillor Alastair Milne Home; Councillor Alan Mackenzie-Wintle; Councillor George Reynolds; Councillor Nigel Simpson; Councillor Nicholas Turner; Councillor Ken Atack; Councillor Maurice Billington; hugo.brown; Councillor Timothy Hallchurch; Councillor Bryn Williams; Councillor Barry Wood; Councillor Simon Holland
Subject: June 18th planning c'ttee/Gavray Drive

Dear Councillors,

Re Application 13/00837/OUT Gavray Drive Bicester

Thank you to the planning committee for deferring this application for 180 houses on the west of Langford Brook at last month's meeting. We find it outrageous that the developers and other applicants, Brown and Digby, have ignored the committee's request and are now refusing to produce an ecological management plan, and that the Council Officer is not altering his recommendation to accept this application.

We have to say the following:

The wildlife site needs to be protected NOW. The refusal by the developers to comply with the Planning Committee's request for an ecological management plan highlights their deliberate policy to neglect the wildlife site meanwhile saying they will seek to protect it at a later date. This contravenes Policy Bicester 13 which says, "There is a risk of harming a large number of recorded protected species towards the east of the site. Impacts need to be minimised by *any* proposal". In fact, the little wildlife management developers have done, has actually been damaging to the site. Some areas have either been neglected completely and scrub

allowed to grow or elsewhere hedges and trees have been flailed so severely that wildlife such as the hairstreak butterfly egg counts are much reduced (data from Butterfly Conservation).

There is no guarantee that the development of the east site (120 houses) will follow on once the west site is developed. If the ecological management plan is not secured now its delay does endanger the wildlife site as it will be left high and dry. The longer the delay in starting management work, the longer the land will either be neglected or mistreated. Land ownership of the east site may well change and we saw from the overhead plans on the screen during the Officer's report at the last meeting, that the London and Metropolitan land was removed from the development area.

If the developers had a genuine concern for the LWS, they would be managing it appropriately now. The Council Officer also fails to understand that the continued neglect is endangering the site and this contravenes both Policy Bicester 13 and the general protection of the environment and biodiversity intended by the Cherwell Local Plan policies.

The developers and the Officer are currently of the opinion that the proposed development on the west will not harm the wildlife on the east. Our Local Wildlife Trust officers at BBOWT and other conservationists do not agree. Indeed, the developer's own environmental statement submitted with the application in 2015 states that there will be significant risk of harm to the wildlife site from increased population pressure and domestic animals. This is a reason cited twice by Bicester Town Council in their refusal to accept the plans (see letters dated 03/06/2105 and 10/04/2017 in the document list for 15/00837/OUT). The suggestion by the Planning Officer that a fence could be erected alongside Gavray Drive to keep people and cats out confirms that there is the possibility of harm and considerably weakens the argument that there is no risk.

Another area of concern is the extent of land modelling proposed in order to take land out of flood zones in the west so that the houses can be built. The plans use a stone blanket for the development and the officer also referred in his verbal presentation that land by the brook would be lowered in one part and raised in another, as part of the drainage scheme. This land is in the Conservation Target Area by the brook and it is concerning whether this will be detrimental to the wildlife there.

The people of Bicester feel strongly about preserving the wildlife site and have signed 3 petitions totalling over 2,000 signatures (one paper and two on-line) and written numerous letters of objection to the plans, so there is obvious concern and support for this application being refused. Because the refusal to submit a management plan so clearly contravenes the intention of Policy Bicester 13 to protect the wildlife site, we would again urge Councillors to refuse this application.

Finally the Council voted to ask officers to seek to designate the Local Wildlife Site and part of the Conservation Target Area as a Local Green Space as part of Local Plan 2. This is an unfulfilled commitment as LP2 is delayed. The Planning Officer brushes this aside, but should not do so as it blatantly ignores Council's wishes.

We again ask for your action to save this valuable Local Wildlife Site in our District.

Thank you,

Sincerely,

Pam Roberts on behalf of the Save Gavray Meadows campaign

9 Church Street, Bicester, OX26 6AY

Appendix B

SUMMARY HEADS of TERMS

Committee 15 June 2017

Application site specific S106

| | | |
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| 1. | Strategic Link Road | |
| | <p>Prior to implementation of the development:</p> <ul style="list-style-type: none"> - A) to enter into a licence arrangement free of charge to allow access to the road land (with margin of tolerance) on the Albion site for surveys and for construction of the strategic road. The relevant land is to be safeguarded so that it is retained for the strategic road as approved by the County Council – any additional highway works will be subject to County Council approval - B) to agree that on the issue of the certificate of completion for the strategic road by the County Council, the site of the road will be deemed to have been dedicated with immediate completion of any easements required for operation (including maintenance and drainage) of the strategic road. <p>The Owner is to enter into the agreement for the delivery of the strategic road so as to carry forward items A and B within a single comprehensive agreement for the strategic road. The strategic highways agreement will secure a contingency in the event that there is a default in delivery of the strategic road. The application is also required to make a proportionate contribution to the delivery of the Strategic Highway Infrastructure.</p> | |
| 2 | Affordable Housing | |
| | <p>Provide 30% affordable housing in accordance with an agreed phasing and mix (subject to viability testing).</p> <p>Affordable housing to be provided by a Registered Provider.</p> <p>Affordable Housing scheme to be submitted and approved prior to submission of first residential reserved matter submission identifying the distribution of the affordable housing.</p> <p>Affordable housing to be delivered in clusters of no more than 15 affordable housing units unless agreed.</p> <p>Nomination agreement</p> | |
| 3 | GP Surgery | |
| | Provide financial contribution to the provision of a new GP Surgery | |
| 4 | Thames Valley Police | |
| | Provide financial contribution to neighbourhood policing | |
| 5 | Community Hall & Sports Pavilion | |
| | Financial Contributions towards build cost of hall and sports pavilion south of the railway line along with other applicants south of the railway line | |
| 6 | Community Development Worker | |
| | Financial contribution for the provision of a community development worker(s) to deliver the creation of the new community during the build out of the site. | |
| 7 | Community Development Fund | |
| | Financial contribution to deliver community development | |
| 8 | Employment and Training | |
| | Provide employment and training action plan to include measures to ensure opportunities for local labour and businesses through the development, measures to | |

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| | support home working and to work with the local job club to advertise jobs created through construction on the site. Delivery of specified number of construction (and related trades) apprenticeships in accordance with the number of opportunities identified through the CITB, through the Bicester ATA or other agreed provider. | |
| 9 | Primary School | |
| | Financial contribution towards the provision of primary schools | |
| 10 | Secondary School | |
| | Financial contribution towards the provision of secondary schools | |
| 11 | SEN | |
| | Provide contribution for the provision of SEN places | |
| 12 | Permanent Sport Pitches | |
| | Provide contribution for the sports pitches both capital and revenue. | |
| 13 | Public Open Space | |
| | Layout or fund the laying out of the public open space and transfer it to CDC in accordance with an agreed plan and phasing Provide a commuted sum for maintenance, or make provision for a management company in accordance with CDC's criteria for the long term management and maintenance of open space | |
| 14 | Allotments | |
| | Layout or fund the laying out of the allotments and transfer them to CDC in accordance with an agreed plan and phasing or make provision for a management company in accordance with CDC's criteria for the long term management and maintenance of open space | |
| 15 | Play Areas | |
| | Layout or fund the laying out of the NEAP and LAPS and transfer to CDC in accordance with an agreed plan and phasing. Provide commuted sum for maintenance. Provide local areas of play within the residential parcels so every dwelling is within 400m of play provision. Make provision for secure long term ownership and management. | |
| 16 | Indoor Sport | |
| | Provide funding for the expansion of the Bicester Sports Centre | |
| 17 | Green Space that could be used for a Burial Ground | |
| | Provide contribution to the provision of a burial ground | |
| 18 | Bio Diversity Off Sett | |
| | Provide funding for off site bio diversity mitigation, to be used for off setting grant scheme or land purchase for bio diversity. | |
| 19 | Cultural & Wellbeing Strategy | |
| | Provide a cultural and wellbeing strategy and action plan for delivery across the site | |
| 20 | Local Management Organisation | |
| | Work with CDC to establish the LMO Provide funding for the establishment of the LMO and its activities | |
| 21 | Waste Collection & Recycling | |
| | Provide funding for the provision of domestic bins for waste and recycling | |
| 22 | Bus Provision | |
| | Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing | |

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| 23 | Bus Access Scheme | |
| | Provide or provide funding for the improvement of Bucknell Road and Field Street and Queens Avenue to facilitate bus access | |
| 24 | Off Site Cycle Way Improvements | |
| | Provide a contribution towards the following improvements; <ul style="list-style-type: none"> • Off-site cycleway along Middleton Stoney Road between Howes Lane and Oxford Road. • Off-site improvements to cycle route between Bucknell Road, George Street and Queens Avenue • Off site cycleway and traffic calming scheme on Shakespeare Drive | |
| 25 | Field Path Improvements | |
| | Fund improvements to Bridleway Bicester 9 and Bucknell 4 | |
| 26 | Highway Works | |
| | Temporary access off Howes Lane with linking footway and pedestrian crossing of Howes Lane. | |
| | Provision of part of the Strategic Link Road, in line with the details to be agreed under S278 for the whole road, as required by the Strategic Highway Agreement. | |
| 27 | Village Traffic Calming | |
| | Contribution to funding village traffic calming | |
| 28 | Travel Plan | |
| | Provide and agree a travel plan | |
| | Provide funding for travel plan monitoring | |
| 29 | Monitoring | |
| | Provide scheme of monitoring eco town standards | |
| 30 | Bond/Guarantee | |
| | Provide bond or guarantee for the delivery of the infrastructure | |
| 31 | Monitoring fees | |
| | Provide a fee for monitoring of legal agreements | |
| 32 | Drainage | |
| | SUDs to be provided on site | |
| 33 | On site internal roads/ streets | |
| | Commuted sums for road adoption will be applicable | |
| | Agreement to secure internal roads and vehicular, bus only and pedestrian/cycle linkages to adjacent Northwest Bicester sites. | |
| 34 | Zero Carbon | |
| 35 | Building Standards | |
| 36 | Closure of the temporary access from Howes Lane once the realigned Howes Lane is open and available for use | |
| 37 | Eco Town Quality Standards | |
| | That development will be to eco town standards or other higher standards, relevant at the time, and the "quality" of the development shall be supported through assessment s of schemes by an independent expert panel which shall consider the schemes approach and compliance with: <ul style="list-style-type: none"> (a) the proposed Masterplan; (b) the design standards; (c) the sustainability standards; (d) the proposed governance arrangements; (e) the proposed maintenance arrangements; | |

Appendix 2a

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| | (f) the proposed "Panel" arrangement for resolving issues and dealing with changes in standard; (g) measures to ensure delivery of panel decisions | |
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Outline Permission

1. No development shall commence on any phase (identified within an approved phasing plan) of the development of the outline permission until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) for that phase 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(1) of the Town and Country Planning (General Development Procedure) Order 2015 (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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

3. In the case of all other reserved matters for subsequent phases, application for approval shall be made not later than the expiration of five 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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (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 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, two years from 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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

5. Except where otherwise stipulated by condition, the reserved matters to be submitted under condition 2 shall be in accordance with the following plans and documents:
 - Drawing number 4216_PL_01 (Application site boundary)
 - 4216_PL_02 (Parameter Plan 02 Land Use)
 - 4216_PL_03 (Parameter Plan 03 Residential Building Heights)
 - 4216_PL_04 (Parameter Plan 04 Vegetation Parameters)
 - 4216_PL_05 (Parameter Plan 05 Vegetation Retention and Removal)

- 4216_PL_06 (Parameter Plan 06 Access and Circulation)
- Biodiversity Strategy and Biodiversity Offsetting Metric dated 24th February 2017
- Arboricultural Statement dated February 2017
- Site specific flood risk assessment and drainage strategy Issue 3 dated February 2017
- Energy Statement dated February 2017
- Environmental Statement (February 2017)

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. No more than 150 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

7. Prior to the submission of the first reserved matter, an Urban Design Framework to cover the whole application site 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
 - A Plan to demonstrate that 40% Green Infrastructure will be provided across the site and how this will be achieved
 - Indicative block size, structure and permeability
 - Movement network and streetscape including bus routes and stop locations
 - Public realm and public open space
 - 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 BSC 11
 - Information as to how Lifetime Homes standards will be achieved.

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.

8. Notwithstanding the detail on drawing number 4216_PL_03 (Residential Building Heights), the height of development within the hatched area indicated on the attached version of drawing number 4216_PL_03 (Residential Building Heights) shall not exceed a height of 12m to the ridge.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Each reserved matter submission for built residential 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.

10. Any reserved matters application for residential development shall be accompanied by a schedule of the market housing, to accord with the requirements of Policy BSC4 of the Local Plan. 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, National Planning Policy Framework and Policy BSC4 of the Local Plan.

11. All dwellings shall be provided with real time energy and travel information in accordance with details to be submitted prior to the commencement of the construction of any dwelling unless otherwise agreed in writing by the Local Planning Authority. No work shall commence on the construction of the dwellings in any phase until the submitted details have been approved.

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.

12. 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.

13. Prior to the commencement of each phase, those areas of the phase that are subject to elevated levels of noise, principally from road traffic sources, shall be identified and the dwellings that are constructed in these areas shall 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 are achieved in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

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

14. All phases of residential 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.

15. Each reserved matter for any phase of development shall be accompanied by a strategy outlining how embodied carbon will be minimised for that phase. 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 strategy so approved.

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

16. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not (permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Transport

17. Prior to the commencement of any phase of residential development hereby approved, full details of the means of vehicular accesses for that particular phase between the land and the strategic link road, including layout,

construction, drainage, lighting and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation on any phase, 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.

18. 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 to be provided on the NW Bicester site extending to the boundary of the application site, including, position, layout, construction, drainage and street lighting and a programme for provision 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.

19. Prior to the commencement of any phase of residential development details of footpath improvements and directional signage between Howes Lane and Shakespeare Drive retail and community facilities and Kings Meadow Primary School shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No occupation of buildings on the site shall take place until the approved signage and improvements have been completed.

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

20. Prior to the first occupation of the development, a Travel Plan setting out how the development (and/or the specific phase) 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) and to meet the requirements set out in the Oxfordshire County Council guidance document 'Transport for New Developments Transport Assessments and Travel Plans'. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. 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.

21. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with

Government guidance contained within the National Planning Policy Framework.

Contamination

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

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

23. If a potential risk from contamination is identified as a result of the work carried out under condition [22], prior to the commencement of development within that phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development of the phase shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

24. If contamination is found by undertaking the work carried out under condition [23], prior to the commencement of development on the relevant phase, a scheme of remediation and/or monitoring for that phase 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 on the phase shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

25. If remedial works have been identified in condition [24], the development within that phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [24]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

26. No occupation of any phase shall take place until a verification report for that phase 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.

Reason - 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.

27. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase (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.

28. The retained hedges shown on drawing reference 4216 PL 05 (Parameter Plan 05 Vegetation Retention and Removal) shall have a buffer of a minimum of 20m in width comprising of 10m either side of the retained hedge. The hedge 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.

29. Each reserved matter application submission shall be accompanied by a statement setting out how the proposed development will contribute to the Bio Diversity Strategy and net biodiversity gain within that phase to include a calculation to demonstrate a net biodiversity gain. The development shall be carried out in accordance with the approved biodiversity statement.

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

Construction

30. Construction noise levels from the site shall not exceed the predicted mitigated façade construction noise criteria levels as set out within Table 10.11 of Appendix 2.5 of the Environmental Statement dated February 2017 .

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Drainage

31. Development shall not commence until a study of the existing water supply infrastructure has been submitted to, and approved in writing by, the Local Planning Authority. The study 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 in accordance with Policy Bicester 1 of the adopted Cherwell Local Plan.

32. 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 in writing 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 building 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).

33. In addition to the site wide surface water drainage scheme, 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 relevant phase. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy. No residential phase shall commence until the detailed surface water drainage scheme for that relevant phase has been approved in writing by the Local Planning Authority. The development shall be carried out and managed 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.

34. Each detailed surface water drainage scheme shall be accompanied by a scheme of maintenance for all drainage features which shall be agreed in writing by the Local Planning Authority. The scheme shall include timings of the implementation of the plan, long term objectives, management responsibilities, maintenance schedules and procedures for dealing with the failure of any part of the systems. The scheme for maintenance shall apply thereafter and in perpetuity unless agreed otherwise in writing with the Local Planning Authority.

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.

35. The residential development shall be constructed so as to meet the higher Building Regulation Standard for water consumption of 110 litres per person per day (lppd) as a minimum.

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

36. Prior to the commencement of the development, details of a strategy to work towards water neutrality, in accordance with the Eco Towns PPS shall be submitted to and approved in writing by the local planning authority prior to the commencement of the 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.

Waste

37. Prior to the occupation of any relevant phase of the development, a waste strategy, setting targets above national standards for residual waste levels, recycling levels and landfill diversion and which identifies measures to

facilitate waste reduction and recycling for residential occupiers of that phase shall be submitted to and approved in writing by the Local Planning Authority. The waste reduction measures shall be implemented in accordance with the strategy.

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.

Full Permission

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

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

39. Except where otherwise stipulated by condition, the full development shall be carried out strictly in accordance with the following plans: drawings numbered 14042-35 Rev C (titled Highway Infrastructure Post North West Bicester Link Road), 14042-37 (titled Proposed Footway/ Cycleway), 14042-39 (titled Interim Residential Access with RSA Amendments) and the following drawings prepared by Arcadis, drawing numbers 204-UA005241-04 (titled Detailed General Arrangement Plan Sheet 4 of 5), 203-UA005241-06 (titled Detailed General Arrangement Plan Sheet 3 of 5), 227-UA005241-03 (titled General Arrangement Road Markings Sheet 4 of 5), 226-UA005241-05 (titled General Arrangement Road Markings Sheet 3 of 5), 3001-UA005241-04 (Strategic Infrastructure Landscape General Arrangement 1 of 5), 3002-UA005241-04 (Strategic Infrastructure Landscape General Arrangement 2 of 5), 3006-UA005241-04 (Strategic Infrastructure Landscape Detailed General Arrangement Main Boulevard Layout), 3016-UA005241-02 (titled Landscape Details Typical Swale Crossing), 3017-UA005241-02 (titled Landscape Details Swale Cross Section), 3018-UA005241-02 (titled Landscape Details Swale Tree Planting), 3019-UA005241-02 (titled Landscape Details: Tree pits), 3020-UA005241-02 (titled Landscape Detail: Hard Swales), 3022-UA005241-01 (titled Landscape Detail: Tree Planting in Hard Surfacing), 7809-UA005241-02 (titled Typical Service Locations), 207-UA005241-01 (titled Long Section Sheet 1 of 2) and drawings showing existing and proposed levels and topography – referenced BIMP6 305B and BIMP6 306B unless otherwise agreed in writing by the Local Planning Authority.

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.

40. Prior to the first use of the temporary access hereby 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.

41. Prior to the commencement of the development hereby approved, full details of the means of vehicular access between the land and the temporary access junction with Howes Lane, including, position, layout, construction, drainage and vision splays and lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation, 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.

42. Prior to the commencement of the development hereby approved, details of the final surface treatment of road, cycleway and footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

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

43. Prior to the commencement of the development, full construction details of
- the temporary access road between Howes Lane and the Strategic Link Road,
 - the element of the Strategic Link Road to be constructed as part of this development and
 - the junction with Howes Lane

shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Construction details to adoptable standards including the interface with the remainder of the Strategic Link Road.
- Interim drainage arrangements
- The construction programme for the works

Thereafter, and prior to first occupation of any dwelling, the road shall be constructed in its entirety in accordance with the approved plans and details.

Reason – In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

44. Prior to the commencement of the development, details of the closure of the temporary vehicular access onto Howes Lane and the removal of the temporary access arrangements shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a. Details of areas of the temporary access road that fall outside the approved Strategic Link Road layout, showing how they will be

removed and the ground remediated, or otherwise treated, following the opening of the Strategic Link Road

- b. Details of the closure of the temporary vehicular access onto Howes Lane
- c. Details of the decommissioning and removal of street lighting and traffic signals on Howes Lane, and any other infrastructure required solely as part of the temporary access strategy
- d. Details of the areas of the temporary access road that fall within the line of the Strategic Link Road and their alteration

Thereafter, the temporary road link shall be closed to vehicular traffic and removed, in accordance with the approved details and programme, at the same time that the realigned Howes Lane approved under application 14/01968/F, or any subsequent application for the realignment of Howes Lane through the NW Bicester site, is opened to vehicular traffic, and temporary access arrangements removed in accordance with the approved details.

Reason – In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

45. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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 and specifications.

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 Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

46. 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:-

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas

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 Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of

Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the final surface course of the road/ footways being completed. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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 Saved Policy C28 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

47. Except to allow for the means of access and vision splays the existing hedgerow/trees along the boundary of the site with Howes Lane shall be retained and properly maintained and any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

48. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, including details of any required engineering solution methods for development within the Root Protection Area of any tree/ hedgerow 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 the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

49. The development shall be constructed to meet a minimum of CEEQUAL Standard 'Very Good'.

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

50. Prior to the commencement of the development, a report outlining how embodied carbon has been minimised for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved report.

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

Conditions relevant to Both Full and Outline permissions:

51. Prior to the submission of reserved matters and prior to the commencement of the development in respect of the Full permission, a full surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - Swales, Ponds, Permeable Paving, Filter Strips, Rain Gardens
- Network drainage calculations
- Phasing

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

52. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this permission, 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 unless otherwise agreed in writing.

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.

53. No development shall commence on a phase until a Construction Traffic Management (CTM) Plan providing full details 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) for that relevant phase. This CTM Plan will include wheel washing facilities, a restriction on construction & delivery traffic during the am and pm peak traffic periods and an agreed route for HGV traffic to the development site. The approved CTM Plan shall be implemented in full during the entire construction period of the relevant 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.

54. No development shall commence on any phase until a Construction Environment Management Plan (CEMP) for that phase has been submitted to

and approved in writing by the Local Planning Authority. The CEMP shall include (but shall not be limited to):

- a) the suggested mitigation in the Environmental Statement including measures 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;
- b) details of the consultation and communication to be carried out with local residents;
- c) Details of how carbon emissions from the construction process have been minimised;
- d) A Soil Resources Plan that detail the soils present, proposed storage location, handling methods and locations for reuse; and
- e) A Site Waste Management Plan, targeting zero waste to landfill and setting targets for residual waste, recycling and diversion from landfill.

Thereafter the development of the phase 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.

55. If a period of more than two years elapses from the date of the outline planning permission, no development shall commence on any phase thereafter until an updated extended Phase 1 Habitat survey for that phase has been undertaken. 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.

56. No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on 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 - 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.

57. Notwithstanding the submitted information, no development shall commence on any phase until a scheme for the provision of protective fencing in the form of an Arboricultural Method Statement, to prevent damage during construction, for the retained hedgerows, trees and areas of green space, within that phase 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.

58. 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. 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.

59. No development shall commence on any phase until details of the existing and proposed ground levels for that phase have been submitted to and approved in writing by the local planning authority. The development of that phase 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.

60. Prior to the commencement of any phase of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the area covered by that phase, 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.

61. Prior to the commencement of any phase of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [61], 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. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to 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 the NPPF (2012).

Planning notes:

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it

leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2. 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: 0800 009 3921 for further information.
3. 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: 0800 009 3921 for further information.