

SUPPLEMENTARY INFORMATION

Planning Committee

6 July 2017

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CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

6 July 2017

WRITTEN UPDATES

Agenda Item 7 17/00189/F Land west of Bretch Hill

- Cllr Mark Cherry has raised the issue of parking bays for existing residents on Edinburgh Way and the provision of car parking bays to alleviate the existing car parking issues within the estate. Planning Officers can confirm that car parking bays will be provided along the new access road into the Phase 2 development and the Outline planning permission also secured the provision of driveways and off street car parking for existing residents on Edinburgh Way in the vicinity of the site, so that this matter has already been addressed.
- A satisfactory revised scheme has now been submitted to address Planning Officer concerns about the proliferation of car parking within the eastern edge character area. The revised layout provides for an increase in on-plot parking along the street with frontage car parking being restricted to less prominent areas, set back behind other dwellings so as to minimise the impact within the street. These plans along with revised landscape drawings will be sent out for re-consultation.
- **Amended RECOMMENDATION**

That permission is granted subject to

- (a) A 21 day re-consultation on the revised layout and landscape drawings and the satisfactory resolution of any new or outstanding issues arising through the consultation.
- (b) Delegation of the negotiation of a satisfactory deed of variation to the existing S106 agreement.
- (c) Delegation to the Head of Development Management to negotiate final wording of conditions to include those still applicable from the existing Outline consent.

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

- Members have been contacted directly by a number of local residents making the following points:
 - There would be significant adverse effects on the residents of Howes Lane from the proposed planning applications.
 - The volume of heavy traffic has increased.
 - Howes Lane is not suitable for HGVs and the constant flow of traffic. Howes Lane is in a poor state of repair
 - Noise and air pollution is increasing
 - These significant adverse effects could be mitigated by adopting a access route from Middleton Stoney Road, which would be less intrusive.
 - The proposed access from Howes Lane is not necessary
 - Please do everything possible to speed up the realignment of Howes Lane.

- Please take into account previous objections
- Concern over the height of the proposed houses especially near the boundary of the development

An **updated OCC response** has been received as follows:

Access

OCC withdraws its objection to 17/00455/HYBRID that was previously made on the grounds that “insufficient detail of the access road is provided where it is on the alignment of the planned NW Bicester Strategic Link Road.” Drawing 14042-45e has since been supplied, showing a Design Manual for Roads and Bridges (DMRB) compliant layout for ghost island right turn junctions off the Strategic Link Road into the two residential parcels. An acceptable road safety audit has also been submitted. Nevertheless, whilst not considered grounds for a technical objection, **OCC would strongly recommend not to have these additional junctions** which are close to the already agreed signalised junctions on this road. To reiterate, it was originally the intention that the SLR would not have accesses between the main junctions, in the interest of traffic flow and interrupting the cycleway, swale and landscaping as little as possible. Whilst there are no grounds for objection at the planning stage, it should be noted that the layout of the junctions will still be subject to technical audit at detailed design stage prior to the issue of a Section 278 agreement that would authorise the applicant to carry out the works on the highway.

It should also be noted that with these additional junctions in place it will not be possible to accommodate a formal pedestrian crossing in this section of the Strategic Link road.

Land for the Strategic Link Road

OCC support the requirement in the officer recommendation that any grant of planning permission for this application should be subject to negotiation of a satisfactory S106 agreement to include securing the construction of the Strategic Link Road through all land within the control of Albion Land (within application sites 17/00455/HYBRID and 17/01090/OUT). Whilst work on the highway agreement is progressing, it is concerning that the applicant is looking to impose a time limit on the licence(s) to build the Strategic Road. It is vital that the appropriate licences remain in place for as long as necessary to allow the road to be built.

- Planning Conditions have been re-looked at and an amended set of **conditions are provided as Appendix 1**. Delegation, in line with the original recommendation, to Officers to make any minor changes continues to be sought.
- Since the last application was reported to committee, where reference was made to concerns regarding the residential building height parameter plan (paragraph 8.178) and a condition was recommended (condition 8 in the list within the agenda), an amended parameter plan has been received to change the residential building height parameter to address the concerns raised. This was not addressed in the committee report for the July Committee (in the agenda).

Officers have assessed the amended plan and consider that the amendments made would be acceptable on balance. The plan reduces the extent of area available for a maximum 16m height within the area of concern, meaning that the closest that a 16m building could be to the rear of an existing dwelling would be just under 50m. On balance Officers consider that this is likely to now be difficult

to resist and therefore represents an acceptable compromise. Within the attached set of conditions, planning condition 8 is therefore deleted and the amended parameter plan is referred to within the list of plans at condition 5.

- As included within the recommendation and report, there has been an outstanding issue with regard to potential right turn lanes from the strategic link road to the residential parcels (given the section of road through the residential site is proposed in full but access to the residential parcel is reserved for later approval). In response, the applicant seeks to fix the access points and has provided a plan to demonstrate this, alongside the ability to accommodate right turn lanes. OCC, in order to consider whether the right turn lanes could be safely accommodated requested a Stage 1 Safety Audit be undertaken of the design.

The Stage 1 Safety Audit has now been undertaken and submitted. This did not identify any road safety related issues associated with the proposed scheme. OCC consider this to be acceptable as referred to within their updated comments reported. It is noted that OCC recommend against these accesses, however based upon these having been demonstrated as being safe, it is not considered that this matter could be resisted further. The submitted plan is therefore acceptable and the plans for condition 37 will need to be reviewed and updated to incorporate this matter.

- With regard to the matter of the licence time limit the applicant is seeking to impose within the legal agreement, the Highway advice is that the road is required to develop out further therefore it is not acceptable to impose a time limit. Nevertheless, negotiations on the delivery of the strategic link road are continuing.
- As reported verbally at Committee in June, the Residential Travel Plan has been updated and this sets some positive targets as well as mentioning more innovative matters that could be considered in the future such as car clubs. However, a planning condition is still required to be imposed to secure a Travel Plan that makes commitments and to work towards the higher modal shift target of 60%. This is important as the modal shift targets for NW Bicester require active measures to achieve them. The wording of the planning condition has also been re-looked at and the recommended wording is set out at condition 19 of the attached list.
- S106 matters have progressed and drafts are currently in circulation between Solicitors.

Agenda Item 9 17/01080/OUT Land adj. Howes Lane, Bicester

Recommendation wording is changed to:

That permission is granted, subject to

- a) Delegation of the negotiation of a satisfactory S106 agreement to include securing 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 (to follow) and subsequent completion of S106 agreement
- b) The following conditions with delegation provided to the Development Services

Manager to negotiate final amendments to the wording of conditions:

- **Planning Conditions are now provided as Appendix 2.** Delegation, in line with the original recommendation, to Officers to make any minor changes continues to be sought. Officers are aware that the applicant intends to make comments on the draft conditions therefore there may be some further required changes to be agreed.
- **S106 Heads of Terms referred to within the report are now attached as Appendix 3.**
- Bicester Town Council: strongly object to the temporary use of Howes Lane as an access when there is no clear indication of how long this will be used before or indeed if Howes Lane is realigned. This will clearly have an impact on new and existing residents who back on to Howes Lane in terms of noise, vibration and pollution from heavy vehicles. Access should only be from the Middleton Stoney Road. Also the proposed B8 is supposed to be limited and is in breach of the Local Plan and does not conform to the CDC Employment Policy.
- The National Planning Casework Unit: have no comment to make on the environmental statement
- **An updated OCC response** has been received as follows:

Amount of development before the Strategic Link Road

OCC maintain that the previously agreed overall quota of 900 homes and 40% of employment should be the overall limit on development prior the Strategic Link road being in place, subject to suitable legal agreements being in place to secure the Strategic Link Road. On the basis that the applicant's intention was to deliver all 150 dwellings before the tunnel and strategic link road are in place, it was previously agreed that a traffic input into the critical junction of 50% of the employment floorspace would be acceptable.

No temporary access off existing Howes Lane

To reiterate, a planning condition is required to ensure that all employment access is taken off Middleton Stoney Road until the Strategic Link Road is open.

Routing agreement

A routing agreement is required to minimise HGV impact on Howes Lane and Middleton Stoney.

Land for the Strategic Link Road

As with the housing application, OCC support the requirement in the officer recommendation that any grant of planning permission for this application should be subject to negotiation of a satisfactory S106 agreement to include securing the construction of the Strategic Link Road through all land within the control of Albion Land (within application sites 17/00455/HYBRID and 17/01090/OUT). Whilst work on the highway agreement is progressing, it is concerning that the applicant is looking to impose a time limit on the licence(s) to build the Strategic Road. It is vital that the appropriate licences remain in place for as long as necessary to allow the road to be built.

- 3 additional Third Party Comments have been received raising the following similar points to those outlined in the report:

- The applicant should not be allowed to keep re-submitting applications when residents do not want the proposal in a residential area.
- The potential number of lorries will increase as will noise and light pollution.
- There will be an increased flood risk
- The proposal will be an eye sore for residents
- The temporary access should not even be considered
- Howes Lane must be realigned before this land is developed
- There is already significant traffic noise
- The application should not be considered
- The application goes against the Local Plan and it is unacceptable.
- Concern over the construction – noise, traffic, light pollution, dust
- Environmental concerns over 24 hour periods
- The cutting down of trees/ bushes along Howes Lane will invade privacy as the road is higher than the gardens
- Concern over industrial estate machinery noise.
- The plans are contradictory to the planned eco town.
- An industrial estate would be counterproductive to the aim of a greener lifestyle
- Machinery used in the industrial estate would result in more fumes and thus a lower quality of air.
- The masterplan should be re-looked at to provide the commercial units elsewhere with housing on this site.
- The buildings should be dug down at least 3m below existing ground levels as too should the new road to stop the noise level.

Members have also been contacted directly by a number of local residents raising the following points:

- The Council must stick to the Local Plan
 - The temporary access must not be approved
 - Traffic noise is already a problem and this will increase
 - There would be significant adverse effects on the residents of Howes Lane from the proposed planning applications.
 - Access to the site must be restricted to be from the Middleton Stoney Road only.
 - The proposal should be Use Class B1 with limited Class B2 and Class B8.
 - Warehouses would be incompatible with other development
 - There is insufficient commitment in the application regarding the phasing of the development construction in relation to the provision of the whole of the strategic link road and tunnel. A commitment should be put in place that only a limited amount of development may take place before the whole of the strategic link road and tunnel are constructed and operational. This is the only way to avoid harmful impacts to existing residents of Howes Lane.
 - The volume of heavy traffic has increased.
 - Howes Lane is not suitable for HGVs and the constant flow of traffic. Howes Lane is in a poor state of repair
 - Noise and air pollution is increasing
 - These significant adverse effects could be mitigated by adopting a access route from Middleton Stoney Road, which would be less intrusive.
- The applicant has provided a rebuttal to the comments made by Portfolio Property Partners reported within the committee report. The comments are summarised as follows:

- The scheme is entirely consistent with the Development Plan as originally concluded by Officers. The proposed mix of B uses is as per the mix of uses proposed by the appeal scheme and no objection was made at that time by PPP.
- In respect to the appealed application, Officers gave substantial weight to the fact that the development would come forward early and deliver a significant number of jobs early in the Plan period. The conclusions reached remain reasonable and valid.
- The application will deliver in the order of 900-1200 jobs realising a range of social and economic benefits
- Development Principle 5 and Development Requirement 5 of the NW Bicester SPD specifically refer to employment proposals requiring 'larger scale commercial development' at this site to provide employment space for 'offices, workshops, factories and warehousing'. This was informed by the 2014 Economic Strategy prepared by SQW which confirms the intentions for the site.
- The proposed development is market led as set out in the application and evidenced by the advice from Colliers.
- Even if Policy Bicester 1 sought to allocate the site for office (B1a) development then the NPPF is clear that the long term protection of sites for a specific use where there is no realistic prospect of that use coming forward should be avoided. This is especially pertinent in circumstances where there is an employment land supply in excess of demand as there is in Bicester.
- The application represents the best opportunity for securing any major employment development at the Eco Town early in the Plan period.
- Maximum ridge heights are established by parameter plan 3
- Matters of layout and appearance are reserved for later consideration and it is misleading to make assertions in advance of the detailed design of the scheme.
- The Planning Statement and Design and Access Statement recognise the need to create a high quality gateway development of the site and commit to the delivery of a high quality scheme.
- The NW Bicester SPD makes provision for development up to 20m along the strategic routes through the site. The application proposed development substantially less in scale/ height than this.
- A response is provided to concerns raised over visual impact with reference to the LVIA conclusions. It is also noted that:
 - The Landscape Officer agrees with the LVIA Methodology
 - The cumulative assessment within the applicant's LVIA demonstrates that the proposed development will not increase the level of adverse effects likely to be caused by adjoining developments
 - Manufacturing use buildings (suggested as more appropriate) will be similar in scale, mass and appearance of B8 buildings
 - There is a 16m building height parameter on the Himley Village site (to the west). The combination of adjacent development and landscape mitigation would screen views of the development proposed by Albion Land's application from the west.
 - The 16m building height parameter at Himley Village extends westwards along Middleton Stoney Road to Lovelynych House. The mass and scale of this new built form proposed will cause greater visual harm than the development proposed by this application.
- The vegetated buffer of 50m around the pond partly comprises unsuitable arable habitat on the site. All suitable habitat will be retained and enhanced during construction. Additional planting will also be provided which will increase the extent of terrestrial habitat within the 50m buffer. These and other measures are sufficient to maintain the favourable conservation status of Great Crested Newts associated with this pond.

- In respect to Highway concerns, the following response is provided:
 - The interim approach appears to have been concluded as not being 'safe'.
 - The TA assesses the full impacts of the development on a worst case scenario including the potential for it to include ancillary office floorspace
 - The TA approach to trip distribution is consistent with current best practice and commensurate with the size of the proposal. OCC have accepted the first principles approach to the derivation of a trip distribution pattern.
 - The proposal provides for a footway to the east towards Bicester and allows for pedestrian links to be provided to the west towards Himley Village. There is no onus on Albion Land to provide for a further footway on Middleton Stoney Road.

- A further representation has been received from Turley on behalf of Portfolio Property Partners raising the following points:
 - The application contains no material change from that previously refused (16/01675/OUT)
 - The application is a clear breach of Policy Bicester 1 stipulating limited Class B2/B8 uses at NW Bicester and this provides justification for refusal.
 - The Committee Report does not refer specifically to the Turley analysis of all proposed and committed developments across the NW Bicester Masterplan area. A total of 65,458m² is proposed across the Masterplan area, of which 51,730m² is on the application site. As a minimum 60% of this would be for class B8 – 31,000m². Class B8 use as a minimum would constitute 54% of the total floor space proposed for the entire Masterplan area. This cannot be described as limited and this does not fit with the statement made at para 8.47 of the report.
 - This would create a significant precedent for development of class B8 uses to be allowed in close proximity to residential development elsewhere in the District.
 - It is the proposed Class B8 use which directly leads to the unacceptable scale, height and appearance of the proposed development.
 - B8 uses will necessarily involve 24/7 operation with constant noise, pollution and traffic movements particularly HGV movements.
 - Inappropriate development at the gateway to the Eco Town will be severely prejudicial
 - PPP do not accept the argument that there is a lack of demand for Class B1/2 uses on this site. PPP have received favourable pre-app advice from CDC for a proposed modular factory on the site together with a research and development facility and skills academy which would involve no B8 on the site.
 - The need for the long term strategic link road should not be a reason to grant planning permission for an otherwise wholly unacceptable development.
 - There are other solutions available which would allow a significant quantum of housing to be delivered without recourse to the site. A partial realignment of Howes Lane could be completed or an interim scheme at the Bucknell Road/Howes Lane junction as previously proposed.
 - The interim junction scheme has been progressed and could allow 2600 homes to be built at NW Bicester whilst the application site is resolved.

A separate Landscape response has been received commenting upon the amended landscape parameter plan:

- The 10 day consultation period is unusual and give little time for proper review
- The committee report is inaccurate at para 8.190 – the part of Himley Village closest to the application site and most affected by it is largely residential and not a mixed use area which is located elsewhere on the Himley Village site.

- Note the landscape buffers are provided in line with the comments made by the CDC Landscape Architect. However the parameter plans show the trees proposed for the screen planting areas are all bare rooted and maximum 1.5m height which is not sufficient. Immature trees of this nature would not provide any kind of screening for many years
- It is essential that a condition is imposed to plant semi mature trees to appropriate densities. There must be an establishment and management plan for a minimum of 5 years.
- The boundary treatment to the site should be conditioned to ensure the area is not blighted by a security only type fence
- It is remarkable that the Council is not seeking to enforce the legal requirements for a 50m buffer zone for a protected species. Such flexibility was neither sought nor offered in connection with the Himley Village application.
- The application is seeking to circumvent the high aspirations of the eco town. This will materially damage the success of the eco town.
- B8 use will impact highly for those living and working locally.

A Highway Report is submitted prepared by Alan Baxter Ltd on behalf of PPP with regard to the Interim Junction Scheme, which provides a summary of the interim junction improvement scheme and how it could provide additional road capacity in advance of the tunnel beneath the Chiltern Rail Line being provided.

Officer's response to this is as follows:

- With regard to the mix of uses, para 8.47 addresses this point. Essentially, a mix of uses across NW Bicester is currently proposed. Based on the information available, it is clear that a good range of employment opportunities would be provided, which would contribute to the mixed use development sought. In addition, whilst there may not be a predominance of B1 floor space, the application complies with the Policy requirement around development proposed on the application site, presenting a mixed use proposal, meeting the employment numbers identified by the Policy for that area of the site and the statements made within the NW Bicester SPD around the types of uses that could be acceptably accommodated on the site.
- Whilst the objector may have an alternative proposal for the site, this is not a matter for consideration under this planning application – the current proposal needs to be considered on its own merits.
- The application is in outline with scale, layout, appearance and landscaping reserved for later approval. The parameter plans submitted provide a basis for the future negotiation of detailed matters. Additionally, the supporting information notes the need for a high quality development at this gateway location.
- Environmental matters have been considered in the report and no technical objections have been raised, with conditions applied as necessary.
- The change to the parameter plan to allow for greater areas of strategic green infrastructure reflected advice provided by the Landscape Officer and results in a significant benefit over the originally submitted scheme (and that previously refused after being recommended for approval for Officers). The Landscape Officer has confirmed he is content with these amendments.
- Landscape is a reserved matter and will be negotiated at that stage; however Officers are content that within the parameters to be agreed, that there are substantial opportunities for this. Additionally, landscape mitigation is identified within the Environmental Statement to avoid significant environmental effects and in this regard, a landscape strategy plan is required by condition to agree structural areas of landscaping required to be taken into account in each future

detailed proposal.

- The Parameter Plan for Himley Village demonstrates a residential and mixed use area adjacent to the boundary with the site. The height parameter for this area of the site demonstrates a maximum height of up to 16m.
 - With regard to the 50m GCN buffer, this was established by the Masterplan; however it is not a legal requirement (there is no specification in the law regarding the distance around a pond which is needed to be retained as newt habitat). The report addresses this matter at paragraph 8.148 and the Councils Ecologist agrees the assessment made at that time. Given the masterplan GI linkages proposed and the habitat enhancements proposed within the application site including the wildflower grassland creation adjacent to the pond and the woodland and scrub proposed, it is considered that the proposals are not likely to have any adverse impact on the status of the GCN population. It is important to ensure the long term management of the habitat and conditions are proposed around habitat management.
 - With regard to the Highway Report relating to the interim junction scheme; this does not form part of the Albion Land planning application. The Highway Authority have reviewed this and advise that this appears to be the same interim junction scheme that was previously considered in detail and where the conclusion was reached that it was not feasible and would not be granted a S278. Serious design concerns were raised at that time. Additionally, this was only presented as an interim solution before the strategic road was built and not a permanent solution. A proposal to ban HGVs would not solve all the problems as a route to the west of Bicester is required that can take HGVs – displacing them onto other routes is not a long term solution. Environmental weight limits in any event prohibit large vehicles except for access so the junction would still need to be negotiable for HGVs using the route for access. Taking this into account, there is no guarantee that such a scheme would be considered acceptable by the Highway Authority and in any event, the permanent solution of the realigned Howes Lane is crucial to the delivery of the NW Bicester site as a whole. The current application, if approved alongside 17/00455/HYBRID, would provide the land required for the delivery of the road, alongside that proposed by A2Dominion. In the view of Officers, the securing of the land for the strategic road carries weight in favour of this application, albeit this is not at the expense of an unacceptable development as assessed within the report and above.
- On page 162 there is a reference to a planning note to highlight that other parameter plans must be viewed in line with the amended Land Use parameter. Subsequent to the issuing of the committee report, Officers have re-considered this and have requested all other parameter plans be updated to align with the Land Use parameter plan for clarity in the future. These parameter plans have now been received and are referred to within the list of planning conditions for approval.
 - The applicant's agent has raised a concern in relation to the intention to restrict use of the temporary access in connection with the employment scheme on the basis of concerns about noise. Their view is that the ES has assessed the potential impacts of use of the temporary access in this respect and accompanying technical information on a worst case scenario. The Environmental Health Officer has raised no concerns, yet Officers seek to apply this restriction with no technical reason for doing so.

Officers note the comment; however taking into account the level of local objection to the temporary access in principle, consider that the condition as drafted would be reasonable and relevant to the development to be permitted in these circumstances. This restriction relates to operational commercial traffic, therefore restricting this to be

taken from the Middleton Stoney Road in advance of the provision of the strategic link road and tunnel. Draft Planning Condition 18 in the attached list relates to this matter.

- The applicant submitted a proposed Routing Agreement; however this did not represent a formal agreement. OCC have circulated a draft agreement and are awaiting comments from the applicant's Solicitors.
- With regard to the matter of the licence time limit the applicant is seeking to impose within the legal agreement, the Highway advice is that the road is required to develop out further therefore it is not acceptable to impose a time limit. Nevertheless, negotiations on the delivery of the strategic link road are continuing.
- The applicant points out that their parameter plans does not fix eaves height; only ridge height. They note reference within the report to an eaves height of 13.7m.

Whilst this is noted, the reference to 13.7m is taken from the submitted cross sections with the application, which have been used to assess impact upon residential amenity. In this regard, Officers recommend a condition to restrict eaves height to 13.7m to reflect the assessment undertaken (draft planning condition 10 in the attached list).

- As referred to within the report, an updated Arboricultural Report was awaited based upon discrepancies between this and other information received. This has now been received and corrects the discrepancies identified and also aligns with Parameter Plan 05 'Vegetation Retention and Removal Plan'.

S106 matters have progressed and drafts are currently in circulation between Solicitors

Agenda Item 10 17/00585/F 8 Tubb Close, Bicester

- One further letter of objection has been received. This raised issues regarding the increase in on-street parking in the area and parking dominating the frontage. These issues have already been considered in the officer's report and the parking situation is considered to be acceptable in planning terms, something which is supported by the Highways Liaison Officer.
- The Environmental Health Housing Officer has offered further comments relating to Houses in Multiple Occupation (HMO). As the building is only two storeys in height, mandatory HMO licensing does not apply. However, the Council does have its own HMO standards, which relates to issues such as room sizes, fire protection, ventilation, water supply, drainage and kitchen facilities. In the event that the HMO requires a licence, these standards determine the suitability for whether they should be granted a licence and where HMOs are not subject to licencing, the standards constitute best practice guidance which the Council believes should be achieved. Furthermore, fire safety and other such building safety issues will be covered by Building Regulations.

In terms of the responsibilities of both the landlord and tenants, The Management of Houses in Multiple Occupation (England) Regulations 2006 applies. This legislation states that Landlords of HMOs must make sure that

:

- proper fire safety measures are in place, including working smoke alarms

- annual gas safety checks are carried out
- electrics are checked every 5 years
- the property is not overcrowded
- there are enough cooking and bathroom facilities for the number living there
- communal areas and shared facilities are clean and in good repair
- there are enough rubbish bins/bags

The Environmental Health Housing Officer has not objected to the application and officers are satisfied that adequate controls exist under housing legislation and building regulations to ensure a safe standard of accommodation is provided.

- Officers are also recommending an **additional condition**. This condition would limit the number of bedrooms in the building to 6, which is shown on the approved plans and this would ensure that the impact from the development is comparable to what could be achieved under permitted development:
 8. The number of bedrooms in the building shall be limited to 6, as shown on drawing number 1271/2A.
Reason – For the avoidance of doubt and to ensure that the impact is comparable to what could be achieved under Permitted Development.

Agenda Item 11 17/00696/OUT St.Edburgs School, Bicester

Application withdrawn

Agenda Item 12 17/00766/F Land adj. Orchard House, Adderbury

Application withdrawn

Agenda Item 13 17/00778/OUT Land off Spring Lane, Cropredy

- Sketch (indicative) street scene elevations were requested by Planning Officers and formally submitted by the applicant on 21st June in order to meet the Committee report deadline. Given the public interest in the application, Planning Officers considered it prudent to make local residents aware of the additional information to allow them the opportunity to view and comment if they wished to do so. A 14 day re-consultation period was given which ends on 6th July.
- An additional 32 letters of objection have been received. Many of the letters reiterate concerns already raised (as set out in the officer report). New issues raised relating to the submitted sketch elevations are as follows;
 - Poor design
 - Not in keeping with the village
 - Generic look, modern urban housing style
 - Could be an urban development on the edge of Banbury
 - Completely inappropriate
 - Detracts from attractiveness of the village.
- Further comments have been received from Cropredy PC . They re-affirm their

objection and state that the scale of development is disproportionate. They wish to re-inforce their concern about possible flood risk. They also express concern about the proximity to the railway, both in noise terms and for children's safety and urge that CDC should not be intimidated by the current appeal.

- These comments have been considered by Planning Officers. Whilst it is noted that some further work could be undertaken in terms of the design of the proposed housing, the indicative streetscene elevations demonstrate that a high quality vernacular design can be achieved. Planning Officers are satisfied that the indicative elevations form an appropriate basis from which to negotiate the detailed design of reserved matter application(s) to secure a finished development which would assimilate with the village and would be in keeping with the existing traditional character and form of development.
- A formal complaint has been received from a local resident who considers that the correct re-consultation process has not been followed as the officers report was published on line before the consultation period had finished; this is considered to be extremely bad policy and smells of a foregone conclusion. The complainant believes that this application should be held over until the next committee meeting to allow the case officer to read the letters that she clearly has not
- There is an error at paragraph 8.9.

This paragraph refers to the Council's 2016 Annual Monitoring Report (AMR) which concludes that for the 5 year period 2017-2022, the district has a 5.6 year supply of housing.

- Revised condition 3 as below

Except where stipulated by condition, the reserved matters to be submitted under condition 2 shall be in accordance with the following plans and documents:

- *Red Line Plan 1001revC*
- *Parameters Plan 3502*
- *Design and Access Statement and Sketch Street Elevations 6101 and 6102*
- *Arboricultural Report dated 14th March 2017*
- *Noise Assessment dated 17th March 2017*
- Amend condition 17 to refer to condition 16 in text
- **Revised recommendation**

That permission is granted subject to

- a) Delegation of the negotiation of a satisfactory S106 agreement.
- b) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions.

Agenda Item 14 17/00803.OUT Land W of Station Road, Launton

- There is an error at paragraph 8.11.
This paragraph refers to the Council's 2016 Annual Monitoring Report (AMR) which concludes that for the 5 year period 2017-2022, the district has a 5.6 year supply of housing.
- The applicant's agent has submitted a commentary to the officer's report. This is attached as Appendix 4
- A response to this from the Head of Development Services will be given verbally

Agenda Item 15 17/00913/F Land off Church Lane , Epwell

- 3 letters of support have been received (1 from a local vet and 1 from a local farrier). The comments made are summarised as follows:
 - Fields are an ideal soil type for keeping and breeding of horses
 - 24 hour presence on site is a requirement to avoid potential welfare issues
 - Provides trade for local businesses
 - Existing business is run well
 - Breeding and preserving one of 9 native breeds of pony should be commended and encouraged
 - Takes time, talent, dedication and years of experience to produce the ponies
 - Non-intensive, economically viable, sympathetic development
 - In-keeping with surrounding countryside
 - Fulfils local demand and offers rural employment
- Oxfordshire County Council as local highway authority_: No objection subject to conditions relating to:
 - use as a stud,
 - dwelling ancillary to stud,
 - construction management plan
 - passing place construction
 - improvement of the existing access and physical prohibition for commercial vehicles from turning right towards the village

Comments were made that the current proposal is on the limits of acceptability as regards highway safety and convenience issues as the local road network has severe restrictions. The location and dimensions of the passing place will need to be agreed with the Highway Authority (HA) and will be the subject of a s278 Agreement with the HA. The construction management plan will need to include a fully detailed assessment of the existing road network in order to properly assess any damage occurring as a result of the construction of the buildings and related issues.

- CDC ECOLOGIST: Provided the hedgerows are retained and protected throughout construction and within the development, there is no adverse impact anticipated. Agrees with the recommendations in the survey for precautionary measures to be undertaken during site clearance works with respect to nesting birds (in particular as a nest is present in the existing building to be demolished), reptiles, amphibians, badger and bats.

Recommends a condition is attached to any permission granted to secure the mitigation measures during construction.

Comments were also made that the applicant has planted new tree and scrub planting within the wider area and that further hedgerows are proposed this planting is welcomed and it is recommended that bird and bat boxes within the proposed development are installed, ideally integrated into the walls of the buildings, with the aim of achieving no net loss to biodiversity in line with the NPPF and local plan policy. This could include the erection of a barn owl box in line with the recommendations of the report, due to the suitable habitat for barn owl in the local area. It is further recommended that the details of the proposed new hedgerows and landscaping (species and sensitive management for wildlife), along with a bird and bat box scheme, should be provided by condition, to secure biodiversity gain on site. The landscaping should comprise of native species. Any external lighting should be kept to a minimum, in particular along the existing hedgerows on site, to avoid impact on foraging/commuting bats.

- Additional information received

- 1) Justification for the search area for a suitable site for the business has been received. This states that:
 - Emma Rugman has lived within 10 miles of Banbury all her life and John Rugman has lived within the same radius for the last 18 years. The 'Rugmans' are thus familiar with the necessary local infrastructure to run a stud – such as the right farriers, feed, grooms etc. To relocate the stud to an area where they had no such contacts would be detrimental to the business and would take years to reproduce the required high quality contacts. (This local knowledge has been built up over tens of years and the waiting list for good farriers can run into years).
 - There is a geographic niche for a main stud in the area as the attached map shows. The nearest competitor studs are outside of the 10 mile search radius. This generates a strong local catchment area for the stud.
 - To conduct an effective property search there has to be some degree of focus and it would be unproductive to take a scatterbrain approach. 10 Miles seemed a reasonable working distance given pints 1 and 2 above.

The applicant's agent suggests that a 10 mile radius of search is a reasonable area for an operator of a business to consider relocation, in order to maintain the integrity of local business contacts and relationships. They state that it forms no part of local or national planning policy that a rural business has to investigate the suitability of alternative sites over a wide geographical area and that the AoNB is not a 'no go' area for rural businesses such as this equestrian business.

A map was also provided showing the distribution of Connemara Studs in the area stretching from Letchworth to the east, Forest of Dean to the west, Huntington to the north, and Wantage to the south. The search area is not centrally located within the area shown. Whilst it is not a planning requirement for rural businesses to investigate the suitability of alternative sites over a wide geographical area it is useful to understand the reasons for choosing such a sensitive location when there may be suitable sites in alternative locations where such a business would be encouraged. It is considered that the

requirements of the applicant as set out are insufficient to override the harm that would be caused to the AONB.

- 2) A confidential business plan has been received as an appendix to Rhodes Rural Planning and Land Management report Oct 2016; this was omitted from the original application submission. The figures set out are the same as submitted under the withdrawn application (15/02033/F) and considered at that time to indicate the business has the potential to be economically sustainable.
- 3) Additional letters of support in the form of appendices to Rhodes Rural Planning and Land Management report Oct 2016 have also been submitted (omitted from the original application submission). These are from Henrietta Knight (Chairman of the British Connemara Pony Society), J M Brooks (Vet) and Serena Cookson (Tulira Connemara Studs, Ireland and Upper Slaughter).

The comments made are summarised as follows:

- The applicant is organised, efficient and tidy, breeds and sells quality Connemara ponies, is a respected council member of the British Connemara Pony Society, track record as a competition rider.
- A breeding establishment requires 24 hour on site supervision by a knowledgeable and experienced team for welfare and to cater to the special needs of mares at particular times.
- Market in the Cotswolds and nationally for well-bred and produced ponies.

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- Condition 15 – A revised railing design has been received. This is now considered to be acceptable and will not adversely affect the setting of the listed Dovecote.
- Condition 16 – Detailed comments have been received from CDC Landscape Architect setting out issues with the planting proposed and recommendations to amend the planting scheme. These recommendations have been put to the agent and a response is awaited.

Delegated authority to officers to determine the application is still sought

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 Rev A (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. 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.

9. 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).

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.

10. 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.

11. 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.

12. 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

13. 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 unless otherwise agreed in writing by the Local Planning Authority.

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.

14. 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.

15. 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

16. 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, landscaping 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.

17. 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 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.

18. 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.

19. 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), to meet the requirements set out in the Oxfordshire County Council guidance document 'Transport for New Developments Transport Assessments and Travel Plans' and to specifically include details of cycling incentives, a car club, electric vehicle charging and public transport incentives. 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.

Contamination

20. 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.

21. If a potential risk from contamination is identified as a result of the work carried out under condition [20], 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.

22. If contamination is found by undertaking the work carried out under condition [21], 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.

23. If remedial works have been identified in condition [22], 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 [22]. 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.

24. 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.

25. 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.

Biodiversity

26. The retained hedges shown on drawing reference 4216 PL 05 (Parameter Plan 05 Vegetation Retention and Removal) and any hedges adjacent to the site 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.

27. 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

28. 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

29. 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.

30. 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).

31. 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.

32. 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 an alternative scheme for maintenance is 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.

33. 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.

34. 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

35. 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

36. 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.

37. 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.

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.

38. 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.

39. 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.

40. 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.

41. 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, 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, 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, in the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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:

50. 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

51. 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.

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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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 [59], 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.

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 commercial 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:

- 4216_SK_201 Rev B (Application site boundary)
- 4216_SK_202 Rev E (Parameter Plan 02 Land Use)
- 4216_SK_203 Rev E (Parameter Plan 03 Building Heights Plan)
- 4216_SK_04 Rev C (Parameter Plan 04 Vegetation Parameters)
- 4216_SK_05 Rev J (Parameter Plan 05 Vegetation Retention and Removal)

- 4216_SK_06 Rev F (Parameter Plan 06 Access and Circulation)
- 14042-30 Rev B (Highway Infrastructure – Middleton Stoney Road Access)
- 14042-43 Rev A (Highway Infrastructure prior to North West Bicester Link Road)
- 14042-44 Rev A (Highway Infrastructure Post North West Bicester Link Road)
- Biodiversity Strategy and Biodiversity Offsetting Metric (Strategy dated 11 May 2017 and Calculation accompanying email from the Council's Ecologist of the 26/06/2017)
- Arboricultural Statement dated June 2017 (CBA10710PH2 v2)
- Site specific flood risk assessment and drainage strategy Issue 1 dated May 2017
- Energy Strategy Addendum (May 2017)
- Environmental Statement (May 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. 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.

7. No more than 53,000sqm of employment floor space shall be provided across the two employment sites labelled 'Plot 1' and 'Plot 2' on drawing number 4216_SK_202 Rev E titled 'Parameter Plan – Land Use'.

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.

8. No more than 30% of the floor space of the employment plots hereby approved shall be utilised for purposes falling within Class B2 and no more than 70% of the floor space of the employment plots hereby approved shall be utilised for purposes falling with Class B8 both specified within the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (and all subsequent amendments). The approved floor space shall be used only for development within the approved Use, together with ancillary B1 use and for no other purpose(s) whatsoever.

Reason - In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with

Government guidance contained within the National Planning Policy Framework.

9. The employment units provided on the small business plot shall not individually exceed 500m² in area and shall not be amalgamated to form larger units unless first agreed in writing by the Local Planning Authority.

Reason: To ensure a range of employment space is provide on the site that can accommodate a range of commercial uses as set out in Policy Bicester 1 of the Cherwell Local Plan.

10. The employment buildings shall not exceed a height of 16m to the ridge and 13.7m to the eaves measured from the development plateau level, as indicated on drawing number 4216_SK_203 Rev E (Parameter Plan 03 Building Heights Plan).

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

11. Prior to the first submission of a reserved matter for commercial development, a Design Code shall be submitted covering the two commercial areas of the site. The Design Code shall include:
 - Block principles
 - Street types, materials and details
 - Building types, uses, materials and details
 - Parking Strategy
 - Boundary treatments and landscaping
 - SUDs and open spaces
 - Measures to ensure high quality development to key frontages
 - Mitigation landscape planting
 - Measures to ensure noise levels are controlled through layout considerations

The development 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.

12. All commercial buildings 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 commercial building unless otherwise agreed in writing by the Local Planning Authority. No work shall commence on the construction of the commercial buildings 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.

13. 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.

Phase conditions

14. 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 unless otherwise agreed in writing by the Local Planning Authority.

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. No more than 17,437sqm floorspace of B8 use and 7,473sqm floorspace of B2 use shall be constructed until the development work to realign Howes Lane/ Lords Lane approved under application 14/01968/F has been completed and the road is open to vehicular traffic.

Reason - Oxfordshire County Council as Highway Authority have advised that there is a need for a restriction on the quantum of development that can occur at North West Bicester prior to the opening of the Howes Lane/Lords Lane realignment. The maximum traffic that can be accommodated is a total of 900 homes (including 393 at Elmsbrook) and 40% of the proposed overall 10 hectares of employment land. The development identified to take place prior to the Howes Lane/ Lords Lane realignment would fall within this identified capacity in vehicular movement terms. Beyond this and without the realignment, the highways impact of development over the identified capacity would be severe. A restriction on development is therefore necessary until such time that the tunnel is in place and open to vehicular traffic to mitigate the impact of traffic from the development in accordance with Government Guidance within the Eco Towns PPS and the National Planning Policy Framework. On the basis that the developers of the land propose to set aside the land to allow construction of the Howes Lane/Lords Lane realignment, and for reasons of sustainability, the existing available capacity is safeguarded for the land to the north of the railway line in respect of 900 homes and the identified development allowed by this Planning condition.

18. Any commercial floorspace within use classes B2 and B8 to be constructed before the work to realign Howes Lane/ Lords Lane has been completed and the road opened to vehicular traffic, shall be accessed from the B4030 Middleton Stoney Road.

Reason - In order to safeguard the amenities of the area and to safeguard the amenities of the occupants of the adjoining dwellings in accordance with policy C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031.

19. Prior to the commencement of any phase of commercial development hereby approved, full details of the means of vehicular accesses for that particular phase between the land and the highway, 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.

20. 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 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.

21. Prior to the commencement of the development hereby approved, full specification details of the internal roads, parking and turning areas, which shall include construction, layout, surfacing, lighting 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 commercial development, 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.

22. Prior to any works on the construction of the temporary access, 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 commercial development, 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, in the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

23. Prior to any works on the construction of the temporary access, 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, in the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

24. 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.

25. 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), to meet the requirements set out in the Oxfordshire County Council guidance document 'Transport for New Developments Transport Assessments and Travel Plans' and to specifically include details of cycling incentives, a car club, electric vehicle charging and public transport incentives. 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.

26. Prior to the commencement of the development hereby approved, full details of the bus stop locations, including, position, layout, construction, and drainage shall be submitted to and approved in writing by the Local Planning Authority. Such works are to be completed prior to the first occupation of the development site.

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

27. 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.

Contamination

28. 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.

29. If a potential risk from contamination is identified as a result of the work carried out under condition [28], 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.

30. If contamination is found by undertaking the work carried out under condition [29], 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.

31. If remedial works have been identified in condition [30], 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 [30]. 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.

32. 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.

33. 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.

34. Prior to the commencement of the development, a Landscape Strategy Plan, indicating areas of structural landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved areas for structural landscaping shall be identified in each reserved matters application for that relevant phase and shall accord with the information contained within the Landscape Strategy Plan.

Reason - In the interests of the visual amenities of the area, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

35. The retained hedges shown on drawing reference 4216 SK 05 Rev J (Parameter Plan 05 Vegetation Retention and Removal) and any hedges adjacent to the site 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.

36. 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.

37. No development shall commence on any phase unless or until an up to date ecological survey for that phase 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.

38. 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.

39. 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.

40. 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.

41. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

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

Environmental

42. 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.

43. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

44. Prior to the commencement of the development hereby permitted, where an adverse impact has been identified during works in condition 41 an air quality mitigation strategy shall be submitted to and approved in writing, by the Local Planning Authority. Once approved the measures within this strategy will be implemented as agreed. No development shall take place until the Local Planning Authority has given its written approval that measures are in place which mitigate the impact of the development on local air quality.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

45. Construction noise levels from the site shall not exceed the predicted mitigated façade construction noise criteria levels as set out within section 5.2.1 of appendix 10.1 (Noise Assessment dated May 2017 prepared by WYG) of the Environmental Statement dated May 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.

46. Any reserved matter application for commercial development to include plant and/or machinery shall be accompanied by a noise assessment relating to that proposal demonstrating that there will be no increase in background noise levels at the nearest existing or proposed residential properties to the building.

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.

47. Operational noise levels from the site shall not exceed the target noise criteria level set out within table 5.5 of appendix 10.1 (Noise Assessment dated May 2017 prepared by WYG) of the Environmental Statement dated May 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.

48. 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.

49. 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.

50. 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.

51. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

52. Prior to the commencement of the development of a commercial phase, a scheme for lighting the commercial areas of the site within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to the first occupation of the commercial area within that phase.

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 and to protect ecology in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and

Government guidance contained within the National Planning Policy Framework.

Drainage

53. 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.

54. 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).

55. 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

56. 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 commercial 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.

57. 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.

58. No development of a phase shall commence on a commercial building until details of measures to be installed into the commercial buildings within that phase to minimise water consumption have been submitted to and approved in writing by the Local Planning Authority. The development of the phase shall be carried out in accordance with the details so approved.

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

59. 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.

Archaeology

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 [60], 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).

Waste

62. 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 commercial 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.

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 or close to 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.

Appendix A

SUMMARY HEADS of TERMS

Committee 06 July 2017

Application site specific S106

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	Employment and Training	
	<p>Provide employment and training action plan to include measures to ensure opportunities for local labour and businesses through the development, measures to support home working and to work with the local job club to advertise jobs created through construction on the site.</p> <p>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.</p>	
3	Public Open Space	
	<p>Layout or fund the laying out of the public open space and transfer it to CDC in accordance with an agreed plan and phasing</p> <p>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</p>	
4	Bio Diversity Off Sett	
	<p>Provide funding for off site bio diversity mitigation, to be used for off setting grant scheme or land purchase for bio diversity.</p>	
5	Cultural & Wellbeing Strategy	
	<p>Provide a cultural and wellbeing strategy and action plan for delivery across the site or provide funding towards public art</p>	
6	Bus Provision	
	<p>Provide funding for the provision of an interim bus service to serve the site in accordance with agreed phasing</p>	
7	Interim Bus Services Contribution	

	Provide a contribution towards the provision of an expanded bus service serving the development to and from Bicester Town Centre	
8	Bus Infrastructure	
	Provide funding towards the provision of bus stop infrastructure at the bus stops at NW Bicester and on Middleton Stoney Road	
9	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. 	
10	Village Traffic Calming	
	Contribution to funding village traffic calming	
11	Travel Plan	
	Provide funding for travel plan monitoring	
12	Monitoring	
	Provide scheme of monitoring eco town standards	
13	Bond/Guarantee	
	Provide bond or guarantee for the delivery of the infrastructure	
14	Monitoring fees	
	Provide a fee for monitoring of legal agreements	
15	Zero Carbon	
16	Building Standards	
17	Closure of the temporary access from Howes Lane once the realigned Howes Lane is open and available for use	
18	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: <ol 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; (f) the proposed "Panel" arrangement for resolving issues and dealing with changes in standard; (g) measures to ensure delivery of panel decisions 	

17/00803/OUT

**OS PARCEL 2945 GRANGE FARM, WEST OF STATION COTTAGE, STATION ROAD,
LAUNTON**

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT UP TO A MAXIMUM
OF 70 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, ACCESS,
INFRASTRUCTURE & DEMOLITION OF OUTBUILDINGS**

RESPONSE TO PLANNING COMMITTEE REPORT 6TH JULY 2017

ON BEHALF OF RICHBOROUGH ESTATES

INTRODUCTION

- 1.1 This paper sets out the applicant's response to the report to Committee scheduled for 6th July 2017 and more specifically to the recommendation of seven reasons for refusal, which are dealt with chronologically below:
- 1.2 In the first reason for refusal Council contends that Cherwell District has a '*strong housing supply & delivery position*', founded on the 5.6 year supply of housing as set out in the Council's 2016 Annual Monitoring Report (AMR), which is based on the housing requirement of 22,840 homes for Cherwell District for the period 2011-2031. However, whilst in relation to Oxford's unmet needs the Council agree in the Proposed Submission Local Plan (Partial Review) (due to be published for consultation on 17th July 2017) that the 4,400 homes required is **additional** to Cherwell's own requirement, it is noted that the LPA regard the 4,400 dwellings as being subject to a **separate** five-year requirement. The applicant considers that this approach is **not consistent** with national policy or an effective way of managing the supply of housing within Cherwell District.
- 1.3 The applicant therefore considers that the only appropriate way to deal with this matter – and the only way consistent with national policy - is that Cherwell District Council utilise their housing land supply across the **whole** of their administrative boundary and measure it against their housing requirement, including any unmet needs from Oxford City that the Council have agreed to accommodate in accordance with the Duty to Co-operate.

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- 1.4 Regard must also be had to recent case law which demonstrates that once an agreement, such as the Memorandum of Co-operation, which Cherwell District is party to via the Oxfordshire Growth Board, is in place, this obligates a Local Authority to take account of a neighbouring authority's unmet housing needs. The High Court Judgment in *St. Modwen Developments Limited vs. Secretary of State for Communities and Local Government, East Riding of Yorkshire Council and Save our Ferriby Action Group* [2016] EWHC 268 clearly demonstrates that where an LPA has entered such an agreement, it can be considered to be "willing" to co-operate in taking the unmet housing needs of another LPA into account.
- 1.5 In addition, the applicant considers that the 20% buffer as required by the NPPF is the correct buffer to apply, in order to address the persistent under delivery of housing in Cherwell District over many years, rather than the 5% buffer applied by the Council.
- 1.6 Furthermore, it is noted that the consultation response from the Council's Planning Policy team recommended **no objection in principle** to the provision of some additional development in Launton to meet the requirement of Policy Villages 2 of the Local Plan, subject to detailed consideration of the potential harm to nearby heritage assets and highways issues.
- 1.7 Having set out the Council's assertion that the District has a strong housing and delivery position, the first reason for refusal then goes on to state that the proposals would result in an unacceptable extension of the village that would harm the character and rural setting village to the detriment of the built, natural and historic environment. However, it should be noted that the Council's Landscape officer has raised **no objection** to the development and that the section of the Committee Report dealing with 'Impact on Heritage Assets' (paragraphs 8.36 to 8.39 inclusive) concludes that the proposed development would be **acceptable** with regard to the potential impact of heritage assets within the vicinity of the site.
- 1.8 The second reason for refusal refers to the application having a lack of connectivity with the existing settlement and that this would result in an isolated form of unsustainable development. The applicant draws attention to the consultation response from Oxfordshire County Council Transport which begins

"The site is within reasonable walking and cycling distance of the local shops and services e.g. shop, school, post office, pub. Bus stops with hourly services to Bicester and Oxford are very close by on Station Road."

- 1.9 Whilst the applicant accepts that the site is located on the edge of Launton, the applicant draws attention to the 'Local Facilities and Links' Plan (which forms part of the Public Rights of Way Statement submitted with the application). This clearly demonstrates the **proximity** of the site to services and facilities within the village; all of which are within walking distance. Indeed, the primary school would be easily accessed from the proposed development, via public footpaths, meaning that children would have a safe route to school, with no roads to cross. The Local Facilities and Links Plan also serves to highlight the connectivity of the site to these village facilities via the Public Footpath network and the potential improvements to this network proposed by this development, which would lead to integration rather than isolation of the development.
- 1.10 Furthermore, the Transport Assessment (TA) submitted with the application includes Figure 7.1 which also shows the local facilities in Launton; these include two play areas, a butchers/farm shop, two public houses, a Costcutter food store, a Post Office, a Sports and Social Club and the local Primary School (Launton Church of England Primary). The TA notes that all of the local facilities are within a 1.2km walking distance of the site and therefore accord with preferred maximum Institute of Highways & Transportation (IHT) walking distance guidance.
- 1.11 In addition, the TA also notes that Manual for Streets (MfS) states that walkable neighbourhoods typically have a range of facilities within 10 minutes (800m walk) walking distance of residential areas which residents may access comfortably on foot. Although a number of the local facilities shown on Figure 7.1 are outside of this distance, they are only slightly further in many cases (805m to the butchers/farm shop, 840m to the public house, 948m to the Primary School (via the PRow), and 960m to the Costcutter food store). The TA also refers to MfS, noting that the 800m walking distance is not an upper limit and references the former PPG13 guidance in respect of walking replacing short car trips, particularly those under 2km. Whilst PPG13 has now been superseded by the NPPF, the NPPF does not include any references to distances or thresholds as guidance in respect

of walking trips. The 'Guidelines for Providing Journeys on Foot' published by the IHT refers to 800m for the 'Preferred Maximum' walking distance to 'Town centres', with up to 1,200m for 'Elsewhere', and 2,000m considered a preferred maximum for 'Commuting/School trips and Sight-seeing'. It is noted that the IHT guidance indicates that the 'Acceptable' walking distances for the above categories are 400m, 800m and 1,000m. The IHT guidance also refers to the walking environment being important to the attractiveness of walking as a mode of travel, stating in section 3.1 that the most important real or perceived deterrents to walking are:

- Land use patterns that are unsuited to walking
- Unpleasant pedestrian environments
- Danger from vehicular traffic
- Personal security fears
- Inconvenient pedestrian facilities

1.12 The TA goes on to highlight that in terms of the guidance noted above, the site has a number of facilities between 300m and 1.2km, including bus stops, a local foodstore, post office and local school. The routes to these facilities are relatively flat, overlooked by existing residential or commercial properties; with convenient crossing points along the routes. Therefore, the deterrents to walking are significantly reduced and the internal layout of the site will be designed to provide a favourable walking environment. The proposed development is therefore located within a realistic and reasonable walkable distance of the local facilities within the village and is therefore considered to be located in a **sustainable location** for access to local facilities.

1.13 With regard to the third reason for refusal and to Local Plan Policy SLE 1: Employment Development, the applicant strongly considers that the development would achieve other planning objectives that would outweigh the value of retaining this unattractive small area of the overall Grange Mews Business Park site in employment use. The provision of housing, and especially of affordable rural housing, are significant positive benefits that the scheme would bring about. These benefits, together with the visual improvement to the approach to the village from the north, improvements to the existing business units that would be possible, the generation of jobs in the construction sector and the generation of

additional household expenditure in the local economy would fulfil several key economic, social and environmental objectives of the planning system. Furthermore, the current tenants which occupy the units encompassed within the application site have entered into short term leases which only run to 1st June 2018. They are also very likely to re-establish their employment operations within Cherwell District and the accommodation they currently occupy is unlikely to be suitable for prospective tenants and is beyond economical repair.

- 1.14 Reason for refusal 4 refers to the proposed development failing to adequately take account of the policy requirements for general green open space & outdoor sports provision and that the LPA cannot determine whether the proposal is in accordance with the policy requirements for this green infrastructure. However, it is the case that throughout the supporting documentation submitted with the application the applicant has demonstrated compliance with the requirements of these policies. Firstly, the attention is drawn to the Illustrative Masterplan submitted with the application which clearly indicates areas of informal public open space and also dedicated children's play space in the form of a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP). Secondly, attention is drawn to the Design & Access Statement which quantifies the overall area of open space to be provided on the site as 3.45ha, which is clearly well in excess of the 0.46ha required for policy compliance. It is also of note that there have been **no objections** from Council officers in this regard, just requests for commuted sums.
- 1.15 In relation to outdoor sports provision the applicant's Planning Statement clearly sets out that off-site financial contributions are to be secured through a legal agreement, in compliance with Policy BSC 11 of the Local Plan (Part 1).
- 1.16 Furthermore, the application is accompanied by an Ecological Mitigation Strategy, highlighting the fact that the two blocks of woodland within the site are to be retained and Natural England have raised **no objections** to the proposals.
- 1.17 It is therefore the case that the application clearly demonstrates that the proposed development, along with all attendant requirements for open space, landscape, ecology and biodiversity, can be satisfactorily accommodated on site in accordance with policy requirements. It is therefore considered that there is no basis for this this reason for refusal.

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- 1.18 With regard to the 5th reason for refusal the applicant would specifically draw attention to the fact that the application is submitted in **OUTLINE** form, with only details of access to be determined at this stage. Details of appearance, landscaping, layout and scale are to be determined at the Reserved Matters stage, through the imposition of conditions on any grant of planning permission. The role of the Design and Access Statement submitted with the application is to illustrate the processes which have led to the outline proposals and to demonstrate that the proposed development is responsive to its surrounding context and local distinctiveness. It is similar in its level of detail to many Design and Access Statements submitted at the outline stage of a development and it is also noted that there is **no objection** from the Council's Landscape officer. The applicant is therefore of the view that the application contains a sufficient level of acceptable detail for the future detailed consideration of the development proposed and it is therefore considered that there is no basis for this this reason for refusal.
- 1.19 The 6th recommended reason for refusal notes that the site is located in an off-gas area where Local Plan policies ESD4 and ESD5 apply, requiring feasibility studies for the consideration of Decentralised Energy Systems and onsite Renewable Provision. However, as the applicant has already noted in the Energy and Sustainability Statement submitted with the application, the requirement of these policies is a higher requirement than that set by more recent national policy and guidance, as contained within Building Regulations. In addition, the Energy and Sustainability Statement notes the intention to utilise a fabric first approach to energy efficiency and the applicant is of the view that any further requirements can be sought at the reserve matters stage via the imposition of a condition to that effect.
- 1.20 The 7th reason seeks to refuse the application on the basis of there being no completed satisfactory Planning Obligation and thus no demonstration that the necessary infrastructure required as a result of the development can be provided. However, the Planning Statement submitted with the application contains a section entitled "Planning Conditions and Obligations" which sets out initial draft Heads of Terms for negotiation in relation to a Section 106 Agreement. These encompass a range of matters including the on-site provision of 35% of the

scheme to provide affordable housing, along with open space, children’s play facilities and landscape and biodiversity enhancements, as well as financial contributions towards education, highway improvements, public transport, outdoor sports provision, local community facilities, healthcare, community safety and policing and maintenance of public open space.

CONCLUSION

- 1.21 The applicant contends that the proposed development is in accordance with the development plan for the area and also accords with the guidance of the NPPF. The proposals constitute sustainable development and would deliver significant economic, social and environmental benefits to the local area, as highlighted in the table below:

TABLE 1: THE PLANNING BALANCE

	POSITIVES	NEGATIVES
ECONOMIC	<p><u>Construction benefits</u></p> <ul style="list-style-type: none"> • 90 construction jobs per annum created over the estimated build phase • £9 million est. construction cost over 2-year build programme • £12.0 million GVA generated by build phase <p><u>Operational Benefits</u></p> <ul style="list-style-type: none"> • 92 economically active new residents • £2.2 million annual household expenditure 	<ul style="list-style-type: none"> • Relocation of 2 businesses, currently supporting 11 jobs

	<p>in the local economy</p> <ul style="list-style-type: none"> • 7 new jobs supported by new spend associated with the dwellings • 40% estimated employed residents working in higher value/higher income occupations • £113,000 est. annual increase in Council Tax Revenue • New Homes Bonus income 	
SOCIAL	<ul style="list-style-type: none"> • Delivery of affordable rural housing • Delivery of rural market housing • Provision of children's play areas • Contributions towards improvements to educational facilities • Appropriate contribution towards enhancing local community facilities • Creation of 2.5 construction apprenticeships 	
ENVIRONMENTAL	<ul style="list-style-type: none"> • Utilisation of brownfield 	<ul style="list-style-type: none"> • Loss of some greenfield

	<p>land & tidying up of an unattractive area of decaying buildings and open storage</p> <ul style="list-style-type: none"> • Provision of a significant amount of open space, including retention of woodland blocks, wildlife corridors, new planting and ecological enhancements • Strategic highway & PRow improvements • Public transport voucher per dwelling to be provided • Enhanced sustainable transport options (£1,000 per plot towards improvement of S5 bus service) • Use of SuDs will enhance surface water drainage in this location 	<p>land</p> <ul style="list-style-type: none"> • Potential loss of a short section of hedgerow on site boundary & within the site • Loss of some ecological habitat (field of improved grassland & arable crop) • Loss of some low-importance ridge & furrow earthworks in northern field
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In light of the above, the applicant therefore respectfully requests that outline planning permission be granted.