

**CHERWELL DISTRICT COUNCIL  
PLANNING COMMITTEE**

**11 April 2013  
WRITTEN UPDATES**

**Agenda Item 4**

**11/01494/OUT**

**Site C Ploughley Road  
Upper Arccott &  
site D & E  
Ambrosden Road  
MOD Bicester**

**Additional Recommendation;**

That it is resolved that in accordance with the provisions of Regulation 24 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.

**The following Heads of Terms**

- **Affordable Housing provision** in accordance with an agreed mix phasing through the development
- **Land for Sports Pitches**, the provision and laying out of the pitches and the transfer of them with an appropriate commuted sum
- **Local Centre**, the provision of the local centre site and appropriate marketing
- **Community Centre**, the provision of a community centre and transfer with an appropriate commuted sum and funding for community development
- **Employment Land**, the provision of the employment land and a marketing strategy
- **Ecological Mitigation & Management Plan**
- **Graven Hill Woodland, Informal Open Space, Play & Allotments**, provision, maintenance and laying out of woodland, open space, play and allotments, transfer with appropriate commuted sums
- **Public Art**, on site provision of public art and provision for its long term maintenance
- **Waste Bins & Recycling Site**, the provision of funding for bins for each new property and provision of a recycling site and banks
- **SUDS & Balancing Ponds**, provision of sustainable drainage features to adoptable standard and provision for maintenance
- **Primary School**, provision of land and funding to provide a primary school on site
- **Education funding**, provision for temporary school provision, secondary and SEN and early years funding
- **Highway Improvements works**, S278 works to Rodney House roundabout and Pioneer Road roundabout, M40 J9 improvements, pedestrian link improvements and other off site works. Safe guarding of SE perimeter road route
- **Public Transport Contribution**
- **Travel Plan**
- **libraries, adult day care, adult education and fire & rescue**
- **Cemetery contribution**
- **Routing agreement**
- **Bonds**
- **Overage**

- **Monitoring**

**The following conditions;**

Conditions for 11/01494/OUT – Graven Hill & C site

**Outline permission time limits and plan details**

1. No development shall commence on any part of the site until full details of the [internal access roads, layout, scale, appearance and landscaping] (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:  
Application forms, Environmental Statement and drawings numbered:
  - 27808-L508a (December 2012) – Landscape Screening Proposals
  - 27808-LEA520a (December 2012) – C Site strategic masterplan
  - 27808-L509 (December 2012) – C Site: Proposed Sections
  - 27808-L506 (December 2012) – C Site: Screen planting to west boundary
  - 27808-L503b (April 2013) – Graven Hill Strategic Land Use Plan
  - 27808-L310b (February 2013) – Graven Hill Building Density
  - 27808-L389d.ai (April 2013) – Graven Hill Building Heights
  - 27808-L415 (September 2011) – MOD Bicester application sites
  - 27808-L464 (September 2011) – A41/Pioneer Road mitigation scheme
  - 27808-L463 (September 2011) – A41/Gravenhill Road/B4100 mitigation scheme (signal)

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

**C Site**

3. In the case of the reserved matters for C site, as identified on the attached plan, applications for approval shall be made not later than the expiration of three years beginning with the date of this permission.

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

4. The first reserved matter application for C site including the new building or part thereof, shall also include the landscape reserved matters. These details shall include;

- a) the location and extent of landscape areas, which shall be no less than those detailed on 27808-L506 (December 2012).
- b) the construction details of landscape bunds including their profile and make up
- c) details of the planting including the size, location and species together with necessary protection
- d) details of fencing or other measures to protect planted areas whilst they become established
- e) programme for delivery of the landscaping
- f) 15 year management programme to establish and maintain the landscape areas.
- g) an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions

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

- 5. The development on C site to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

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

- 6. The Fulfilment Centre on C Site shall not exceed 18.6m to ridge height, 14.6m to external eaves height, or have a dimension that exceeds 320m x 220m. A distance of at least 60m shall be maintained between the proposed building and the existing residential properties on Green Lane.

Reason: To ensure high quality development in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7. The building hereby permitted on C site shall be constructed to DREEAM very good standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREEAM very good shall be provided to the local planning authority prior to the first occupation of the building.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

- 8. The permission for the building hereby granted for C site shall only be occupied by the Ministry of Defence for purposes associated with national defence.

Reason: In the interests of highway safety and to safeguard the amenities of the occupants of adjacent dwellings, in accordance with Policy C30 of the Adopted Cherwell Local Plan and Government guidance contained in the National Planning

Policy Framework.

9. A cladding colour scheme for the building(s) on C site, to mitigate the impact of the building in views to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The cladding shall thereafter comply with the approved scheme.

Reason: To ensure high quality development in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of development at C site hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details prior to the first occupation of the building.

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

11. The building hereby approved on C site shall not be occupied until such time as a routing agreement is in place identifying routes for commercial traffic to and from the site.

Reason: In the interests of highway safety and sustainability, in accordance with Government guidance contained in the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved at C site, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

13. The development hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, Chapter 3, page 30 of the Environmental Statement set submitted with the application, which was prepared by AMEC dated September 2011.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. If the development of C Site hereby approved, does not commence within 1 year from the date of this decision, revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken within the 12 months prior to the commencement of the development to establish changes in the presence, abundance and impact on

badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of development. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Construction Environment Management Plan (CEMP) for the development on C site shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the permission for C Site. Thereafter, the development shall be carried out in accordance with the approved CEMP.

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

16. Prior to the commencement of the development hereby approved at C site, including any demolition, any works of site clearance and prior to the introduction of any construction machinery onto the site, protective fencing and warning notices shall be erected on the site in accordance with the approved ecological mitigation and approved CEMP. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development on C site hereby permitted, 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 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.

18. If contamination is found by undertaking the work carried out under condition 16 prior to the commencement of the development on C site hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its

proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

19. If remedial works have been identified in condition 17, the development at C Site shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. 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.

20. No development shall commence on C Site until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during and routes to the Graven Hill development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of Bicester, Ambrosden and Arncott during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

21. The building hereby approved at C site shall not be occupied until such time as a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall thereafter be implemented as approved.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government advice contained in the National Planning Policy Framework.

22. Development at C site shall not commence until a drainage strategy detailing any on or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. 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.

Reason: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with new development; and in order to avoid adverse environmental impact upon the community in accordance with guidance set out in the National Planning Policy Framework.

23. Development at C site shall not be commenced until: impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with guidance set out in the National Planning Policy Framework.

24. The development of C Site permitted by this planning permission shall only be carried out in accordance with the approved drainage strategies BIC/OPA/DOC/15 dated Sept 2011, and following mitigation measures detailed within the FRA:
1. Surface water discharge rates from the site shall be limited to those set out in Table 4.7 of document BIC/OPA/DOC/15
  2. Surface Water discharge rates from the site shall be limited to those set out in Tables 4.5 and 4.6 of document BIC/OPA/DOC/17

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with guidance set out in the National Planning Policy Framework.

25. In relation to C Site, a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the C Site: Tree Survey (BIC/OPA/DOC/20, September 2011); and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent..

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.

## **Graven Hill**

26. Prior to the submission of reserved matters for Graven Hill, a master plan and design code shall be provided covering the distribution of land uses, character areas, forms of buildings, street hierarchy, measures to support sustainable travel, strategic landscape, building typology, materials, servicing, parking and sustainability features. The Design Code shall be approved in writing prior to the submission of reserved matters and thereafter the reserved matters shall be made in accordance with the agreed Code.

Reason: To ensure high quality development in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

27. In the case of the reserved matters for Graven Hill, reserved matters applications for approval for the first phase, which shall include a minimum of 100 residential properties, shall be made not later than the expiration of four years beginning with the date of this permission.

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

28. In the case of the reserved matters for the remaining phases at Graven Hill, provided condition 27 has been complied with, approval shall be made not later than the expiration of eight years beginning with the date of this permission.

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

29. The development on Graven Hill to which this permission relates shall be begun not later than;

- i) the expiration of two years from the final approval of the reserved matters for phase 1 or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for phase 1.
- ii) provided i) has been complied with, expiration of two years from the approval of the reserved matters for the remainder of the site, or, in the case of approval on different dates, the final approval of reserved matters.

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

30. Prior to the commencement of development hereby approved, a phasing plan covering the entire Graven Hill site 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



phasing plan.

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.

31. No development shall be occupied on the Graven Hill site identified on the attached drawing 27808-L415 (September 2011) – MOD Bicester application sites, until a programme of highway improvements has been fully implemented at M40 Junction 9 that are sufficient to mitigate the impacts of the development and this has been agreed, in writing, by the Local Planning Authority, in conjunction with the Highways Agency.

Reason: To ensure the safe and efficient operation of junction 9 of the M40 and in accordance with central Government guidance contained in the National Planning Policy Framework.

32. Building heights for residential properties on Graven Hill site shall not exceed those denoted on plan 27808-L389d ai (April 2013) – Graven Hill Building Heights, except those specifically restricted by condition 33. Those buildings located above the 80m contour shall not exceed 5.4 metres in height.

Reason: To ensure the satisfactory appearance of the completed development and prevent visual encroachment above the base of the tree line on the Graven Hilltop and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

33. Building heights for residential properties on Graven Hill site adjacent to the A41 frontage (referred to as the Westacott Woodland Park area on the Landscape Masterplan/Major Open Spaces on page 165 of the Design and Access statement) shall be restricted as follows:
  - The maximum ridge height of no more than 80% of dwellings shall exceed 8.5 metres
  - The maximum ridge height of no more than 20% of the dwellings shall exceed 10.5 metres

Reason: In order to achieve a varied roofscape and satisfactory appearance of the development to mitigate the impact of the development on the rural peripheral landscape, in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

34. The maximum height of any new commercial building at Graven Hill site shall not exceed 15 metres to the ridge.

Reason - To ensure the satisfactory appearance of the completed development and to ensure that the proposed development is in scale and harmony with its rural surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

35. Prior to work commencing on any phase details of existing and proposed levels shall be submitted to and approved in writing by the local planning authority. The details shall include measures to deal with any arisings on site wherever possible.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

## **Energy**

36. Prior to the commencement of development a feasibility assessment for district heating and/or combined heat & power to serve the site, including the consideration of bio mass, shall be carried out by a suitably qualified person and submitted to and approved in writing by the local planning authority.

Reason: To achieve a high quality, sustainable development that mitigates the impacts of climate change, in accordance with Government guidance contained in the National Planning Policy Framework.

37. Should the feasibility study required by condition 36 identify the potential for district heating or combined heat and power, an energy plan shall be produced and be submitted to and approved in writing prior to the commencement of development. The plan shall thereafter be implemented to serve the development in accordance with the approved details.

Reason: To achieve a high quality, sustainable development that mitigates the impacts of climate change, in accordance with Government guidance contained in the National Planning Policy Framework.

38. Prior to the first occupation of any dwelling on the site, a final Code Certificate, certifying that the dwellings in question achieve Level 4 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

39. All non residential buildings hereby approved shall be constructed to at least a BREEAM ‘Very Good’ standard.

Reason – To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

## **Housing**

40. No more than 1900 houses shall be provided on the site. The market housing shall comprise no less than;

- 1 bed flats (maximum 50sqm) – 5%
- 2 bed flats (maximum 83sqm) – 5%
- 2 bed houses (maximum 83sqm) – 5%
- 3 bed or smaller houses (maximum 98sqm) – 34%

Reason: In order to provide a mix of homes to meet current and expected future housing requirements, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Government guidance

contained in the National Planning Policy Framework.

41. Prior to commencement of development a housing plan shall be submitted to and approved in writing by the Local Planning Authority identifying how the dwellings identified in condition 40 shall be distributed through the phases of the development. The development shall thereafter be carried out in accordance with the approved housing plan.

Reason: In order to provide a mix of homes to meet current and expected future housing requirements, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Government guidance contained in the National Planning Policy Framework.

### **Employment**

42. Prior to work commencing an employment strategy for the site, carried out by a suitably qualified person, shall be submitted to and approved in writing by the local planning authority. The employment strategy shall;

- i) address the local employment situation, identify the areas of need and opportunity for the site to address them.
- ii) provide an assessment of the rail freight opportunity of the site and its potential to attract employment to the site and reduce road transport
- iii) address the wider Local Enterprise Partnership priorities and the opportunity for the site to contribute to their aims.

Reason: To secure sustainable economic growth in order to create jobs and prosperity in accordance with Government advice contained in the National Planning Policy Framework.

43. The local shops or facilities (use classes A1, A2, A3, A5 or D1) shall not exceed 500m<sup>2</sup> in total or comprise of any single unit exceeding 150m<sup>2</sup> in area, with the exception of a single additional retail unit (use class A1) which shall not exceed 1000m<sup>2</sup> gross area. The local shops and facilities thereafter shall not be amalgamated to form larger units without the prior written consent of the Local Planning Authority. The 1000m<sup>2</sup> retail unit shall not be used for any purpose outside of use class A1.

Reason: To ensure the provision of appropriate local community facilities to serve the development in accordance with Government advice contained in the National Planning Policy Framework.

### **Construction**

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

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government advice contained in the National Planning Policy Framework.

45. A Construction Environment Management Plan (CEMP), in relation to Graven Hill, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on Graven Hill. Thereafter, the development shall be carried out in accordance with the approved CEMP.

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

### **Landscape**

46. Notwithstanding the details submitted, no development shall take place until a Strategic landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include;

- i) identification of strategic landscape areas which shall accord with the approach set out in the Design and Access Statement
- ii) phasing of the provision
- iii) key principles for the laying out and management of each area
- iv) protection of habitat and open space areas pre and post laying out, whilst development takes place on the site.
- v) fifteen year management plan for the maintenance of the area.
- vi) an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

47. In relation to Graven Hill, a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the Graven Hill: Tree Survey (BIC/OPA/DOC/19, September 2011); and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent..

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.

48. Prior to the commencement of the development hereby approved on the Graven Hill site, full details of the enclosures along all boundaries of the retained barracks within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any dwellings on Graven Hill.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy and safety of the occupants of the proposed dwellings and to safeguard the security of the MoD barracks and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

## **Highways**

### **Access/Entrance Works**

49. That prior to the first occupation of the Graven Hill development the proposed Entrance Works (A41/Graven Hill Road/B4100/A4421 roundabout) as shown on Figure 11.3 in the accompanying Transport Assessment, drawing reference 27808-L390, between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.

Reason – In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

50. That prior to the first occupation of the Graven Hill development, a construction timetable for the proposed works at Pioneer/A41 roundabout, as shown on Figure 11.4.3 in the accompanying Transport Assessment and drawing reference 27808-L384, between the land and the highway shall be agreed. The agreed timetable shall thereafter be adhered to and the works shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken. There shall be no occupation of phase 2 (residential) or phase 1, 2 or 3 of commercial land, as set out in the phasing plan on page 178 of the Design and Access statement, until the agreed works have been implemented in accordance with the timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

51. No development shall commence on site within each agreed phase for the Graven Hill development until the internal vision splays for all vehicle access and pedestrian crossing points for the development are submitted to and approved in writing by the Local Planning Authority. Such vision splays shall be formed, laid out and constructed in accordance with the approved plan and shall not be obstructed by any object, structure, planting or other material at any time.

*Please note all the internal vision splays must be dedicated as public highway land to maintain the vision splays for safety reasons.*

Reason – In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

52. No development shall commence on site within each agreed phase for the Graven Hill development until the tracking manoeuvres for refuse vehicles, fire tenders etc are submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

53. No development shall commence on site within each agreed phase for the Graven Hill development until details of the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority.. Such routes shall be formed, laid out and constructed strictly in accordance with the approved details.

Reason – In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

54. No development shall commence on site within each agreed phase for the Graven Hill development until a lighting scheme for the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority. Such lighting shall be formed, laid out and constructed strictly in accordance with the approved details.

Reason – In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

55. No development shall commence on site for the Graven Hill development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during and routes to the Graven Hill development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arncott during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

56. That, before any of the dwellings within each agreed phase of the Graven Hill development are first occupied, the whole of the estate roads, bridges, footways, cycleway and other pedestrian/cycle routes (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to Oxfordshire County Council's specifications

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

57. That, before any of the dwellings are first occupied within each agreed phase, the proposed vehicular accesses, driveways, parking courts, parking areas and turning areas that serve those dwellings shall be constructed, laid out, surfaced and in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

58. That, before the non-residential elements of the Graven Hill development are first occupied, the parking areas shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

59. A safeguarded route for a South Eastern relief road shall be identified on the master plan for the site (maximum width 12 metres) which shall be submitted to and approved in writing prior to work commencing at Graven Hill. The safeguarded area shall thereafter remain free of built development.

Reason: In order to safeguard the possible provision of a new relief road, in accordance with the Bicester Movement Study, Proposed Submission Cherwell Local Plan 2013 and guidance set out in the National Planning Policy Framework.

#### **Drainage Conditions**

60. Development shall not commence until a drainage strategy detailing any on or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. 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.

Reason; The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with new development; and in order to avoid adverse environmental impact upon the community.

61. Development shall not be commenced until: impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

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

62. Prior to the commencement of development a scheme to ensure that no surface water from the Graven Hill development shall be discharged onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved scheme, prior to the commencement of each agreed phase.

Reason – In the interests of highway safety and mitigating flood risk and to comply with Government advice contained in the National Planning Policy Framework.

63. That, before any of the Graven Hill development is first occupied, the whole of the Sustainable Drainage Systems (SUDS) shall be laid out, constructed to Oxfordshire County Council's specifications.

Reason – In the interests of highway safety and mitigating flood risk to comply with Government advice contained in the National Planning Policy Framework.

64. Prior to the commencement of development at Graven Hill, a surface water drainage scheme based on Sustainable Urban Drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved scheme, prior to the commencement of development. The approved scheme shall then be implemented and maintained in accordance with approved details.

Reason; To prevent the risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure maintenance of the scheme.

65. No development on any phase or parcel at Graven Hill shall commence until a detailed scheme for disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on site balancing arrangements reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with approved scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

66. The development of Graven Hill permitted by this planning permission shall only be carried out in accordance with the approved drainage strategies BIC/OPA/DOC/15 dated Sept 2011, and following mitigation measures detailed within the FRA:

- Surface water discharge rates from the site shall be limited to those set out in Table 4.7 of document BIC/OPA/DOC/15
- Surface Water discharge rates from the site shall be limited to those set out in Tables 4.5 and 4.6 of document BIC/OPA/DOC/17

Reason To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site

### **Historic Environment**

67. No development shall take place on either site until the applicant, or their agents or successors in title, has secured the implementation of a programme of recording in accordance with a written scheme which has been submitted to and approved by the Local Planning Authority.

Reason: To secure the proper recording of buildings which are of national significance, forming part of the former Central Ordnance Depot, to comply with



Government advice contained in the National Planning Policy Framework.

68. No development shall be occupied on either site until the programme of recording as set out in condition 67 has been completed and the provision made for publication and dissemination of the results and archive deposition has been secured.

Reason: To secure the proper recording of buildings which are of national significance, forming part of the former Central Ordnance Depot, to comply with Government advice contained in the National Planning Policy Framework.

69. Prior to any demolition and the commencement of the development at Graven Hill a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the Graven Hill application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

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

70. Prior to any demolition on the Graven Hill site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 67, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

## **Ecology**

71. The development of Graven Hill hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, chapter 3, page 30 of the Environmental Statement set submitted with the application, which was prepared by AMEC dated September 2011..

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

72. If the development of Graven Hill hereby approved does not commence within 1 year from the date of this decision, revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. 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 C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

73. Prior to work commencing on either site, a habitat creation plan, identifying how existing bio diversity on the site will be maintained and a net bio diversity gain will be delivered, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the phasing set out in the plan.

Reason To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

74. Prior to the commencement of the development hereby approved at Graven Hill, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, 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 CEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Contamination**

75. Prior to the commencement of the development on any phase hereby permitted on Graven Hill, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. The report shall identify clearly the phase to which it relates and the relationship to remediation of phases already completed and to those remaining to be undertaken. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

76. If contamination is found by undertaking the work carried out under condition 75, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its

proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

77. If remedial works have been identified in condition 76, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 76. 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.

### **Informatives**

1. All historic reports completed as part of condition 67 shall be made publically available through the Local Historic Environment Record and the National Monuments Record.
2. The construction or alteration of any culverting or dam or weir like structure on a watercourse, requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds and consent for such works will not normally be permitted.
3. Permission is required before removing hedges that are at least 20 metres in length, over 30 years old and containing certain species of plant.
4. 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.
5. Attention is drawn to the attached advice for applicants from the Environment Agency

### **Late representations**

#### **Thames Valley Police**

Are disappointed to note that the committee report makes little reference to the requests from TVP for S106 contributions towards infrastructure to mitigate against the impact of this significant development. TVP are keen to establish whether the items of infrastructure they have requested are part of the S106 infrastructure requests.

*Officer response* - At Graven Hill, as on a number of other sites, there are viability issues. In addition, the Council is increasingly being challenged by applicants and developers over the contributions being sought in terms of CIL regulation compliance. At Graven Hill considerable work has been done in looking at the viability of the scheme and what it can afford to contribute to. Through the viability process, we did look to reduce the level of contributions sought from the scheme which were one of a number of factors impacting on viability. There were a number of areas where requests were dropped or reduced especially where there were not sufficiently robust evidence on the need and deliverability of the requested infrastructure.

### **Highways Agency (HA)**

Initially requested a condition in relation to improvements to junction 9 as part of the 'pinch point' programme of works. The original drafting was not considered to provide sufficient flexibility with regard to what can be occupied prior to the junction improvement, nor would it pass the tests set out in Circular 11/95.

Consequently, the condition has been amended as follows:

No development shall be occupied on the Graven Hill site identified on the attached drawing 27808-L415 (September 2011) – MOD Bicester application sites, until a programme of highway improvements has been fully implemented at M40 Junction 9 that are sufficient to mitigate the impacts of the development and this has been agreed, in writing, by the Local Planning Authority, in conjunction with the Highways Agency.

The HA are now satisfied with the amended wording and have issued a Direction as such.

### **DIO (the applicants)**

Have specifically commented on the committee report as follows:

5.7 Noise and Vibration – acoustic works fully accepted by EHO as per email dated 9 August 2012 from Rob Lowther to Laura Bailey.

Biodiversity – Derogation tests have been satisfied.

5.107 – a plan has been submitted which demonstrates the available areas between the site boundary and the nearest rail line. December 2012 - 27808-L506

5.227 – as it is not intended to demolish buildings C30 and C31 no condition shall be accepted in regard to these buildings. Eng Heritage have stated that they are not of sufficient interest to list.

5.317 and 5.320 are incorrect. DIO are willing to have the decision document tied to the Strategic Land Use Plan, and shall accept the design code and masterplan condition proposed.

*Officer response* – The comments from the Anti Social Behaviour Manager in relation to the additional information supplied as part of the Addendum to the ES (relating to noise) are supplied in paragraph 3.31 of the report.

In relation to biodiversity, the applicants intend to deliver the ecological mitigation and enhancement measures through the creation of a detailed habitat management plan, to be written at the reserved matters stage. A condition will also be imposed to

ensure the mitigation as set out in the ES is followed. Natural England does not object to the proposal, although they have stated they may require additional pond habitat to be created at the licensing stage.

In relation to buildings C30 and C31, as English Heritage have confirmed they do not intend to list the buildings, Officers have not recommended the imposition of a condition requiring their retention. DIO have confirmed that the buildings will remain on site, as they are.

Officers consider that condition 2 provides a sufficient set of development parameters that are consistent with the assumptions as set out in the Environmental Statement, in order to comply with the requirements of the Environmental Impact Assessment Regulations.

### **Written Updates**

#### **Sport England**

The consultation response from Sport England raises no objection to the development, subject to details relating to a contribution towards built sport. As outlined above, there are viability issues in relation to this site and insufficient information was available with regard to additional provision. Consequently, the request for a contribution towards indoor sport has removed.

#### **Local Plan revisions**

The Proposed Submission Cherwell Local Plan August 2012 has now been superseded by the Proposed Submission (Focused Consultation) Cherwell Local Plan March 2013. The following sets out changes that are considered to be material to this application:

<b>PSLP (August 2012) Policies</b>	<b>PSLP (March 2013) Policies: Summary of material changes</b>
<b>Employment development</b> SLE1: Employment development SLE2: Securing dynamic town centres SLE4: Improved transport connections	SLE1: Employment proposals must be designed to a high quality, using sustainable construction. SLE2: Publication of Retail Study 2012. Council will support new local centres containing a small number of shops of a limited size. SLE4: Movement Study has been published for Banbury and Bicester. SE perimeter road and use of rail freight needs to be determined and consulted upon.
<b>Sustainable communities</b> BSC1: District wide housing distribution BSC2: Effective and efficient use of land BSC3: Affordable housing BSC4: Housing mix BSC9: Public services and utilities BSC10: Open space, sport and recreation provision BSC11: Local standards	BSC2: Generally, new housing should be at a density of at least 30dph. BSC3: Self-build and self-finish should contribute towards meeting the need for affordable housing. BSC4: Mix of housing will be negotiated having regard to the Council's most up to date evidence on housing need and available evidence from developers on market conditions. Strategic housing sites to provide minimum of 45 self contained extra care dwellings.

<p>of provision – outdoor recreation BSC12: Indoor sport, recreation and community facilities</p>	
<p><b>Sustainable development</b> ESD1: Mitigating and adapting to climate change ESD2: Energy Hierarchy ESD3: Sustainable construction ESD4: Decentralised Energy Systems ESD5: Renewable Energy ESD6: Sustainable flood risk management ESD7: Sustainable drainage systems ESD8: Water resources ESD10: Biodiversity and the natural environment ESD13: Local landscape protection and enhancement ESD16: Character of the built environment ESD18: Green Infrastructure</p>	<p>ESD 1 – 5: Background paper (appendix 3 of PSLP recent consultation) forming part of evidence base to support policies has been published. ESD3: Council will seek at least BREEAM ‘very good’ for non residential development. ESD8: Some development can remediate contaminated land which may be having an adverse impact on ecology. ESD10: All developments around Bicester will require surveys carried out for the Brown Hairstreak butterfly (this is covered by condition). ESD13: Graven Hill and Blackthorn Hill added to list of key landform and landscape features of value. ESD16: New development should, ‘improve the quality and appearance of an area and the way it functions...promote permeable, accessible and easily understandable places...consider sustainable design and layout at the master planning stage of design...incorporate sustainable construction techniques’. ESD18: All strategic development sites should include details for future management and maintenance [of green infrastructure].</p>
<p><b>Strategic Development</b> Policy Bicester 2 – Graven Hill</p>	<p>‘Possible’ relief road – following publication of the Movement study for Bicester. Requirement for 34dph removed. Provision of extra care and community self build housing added. New footpaths and cycle ways to be provided on site that link to existing networks beyond the site. Removal of need for layout that protects of views of Graven Hill (although this is now covered by ESD13) Requirement for ecological and landscape management plan. Good accessibility to public transport services should be provided, including provision of bus route through the site. Consideration of the Council’s SFRA including the use of SuDS.</p>
<p><b>Infrastructure Delivery</b> INF1: Infrastructure</p>	<p>Bicester Movement Strategy has been published. SE perimeter road and use of rail freight needs to be determined and consulted upon.</p>