

## Appendix 1

**Site Address:** Land at Whitelands Farm,  
South West of Bicester  
Adjoining Oxford Road and Middleton Stoney Road,  
Bicester

13/00433/OUT

**Ward:** Ambrosden & Chesterton      **District Councillor:** Councillor A Fulljames

**Case Officer:** Linda Griffiths      **Recommendation:** Approve

**Applicant:** Countryside Properties (Bicester) Ltd

**Application Description:** Outline application for construction of up to an additional 100 dwellings above those permitted under 06/00967/OUT

**Committee Referral:** Major

### 1. Site Description and Proposed Development

1.1 The application site comprises a series of land parcels located to the south west of Bicester, bounded by the A41 Oxford Road to the east, B4030 Middleton Stoney Road to the north and to the west by the A4095 leading to Chesterton. The northern boundary and part of the eastern boundary abut the existing built up edge of Bicester. The southern boundary is open fields abutting Gagle Brook and Chesterton Village. Planning consent was granted in outline for the mixed use development of the site comprising 1585 dwellings, schools, hotel, sports village, local centre, health village and infrastructure in 2008 (06/00967/OUT refers). Construction began on the site in July 2010. The southern boundary of the built development is now defined by the perimeter road, Vendee Drive, which was opened in May 2012 as part of the development. A number of the residential parcels have been sold to developers and a number are now being built out, with the number of completions now exceeding 100 dwellings. The hotel and public house adjacent to the A41 signalised junction have been completed and are open for business.

This application effectively seeks outline planning consent for the erection of up to 978 dwellings on the remaining parcels which have not been sold and currently being built out by other house builders across the Phase 1 development. The purpose of the application is essentially therefore to seek consent for an additional 100 units increasing the permitted number of dwelling units from 1585 to 1685, with the increased number being located within the central parcels of the site where delivery has not yet begun. The planning application boundary therefore has been drawn to include only those residential development parcels where reserved matters have not yet been approved and excludes the main road infrastructure, balancing ponds and strategic open space as these have already been provided and will remain unchanged. The figure of an additional 100 units is a maximum additional figure, but does not include the permission granted on the reserve school site for which permission was granted for up to 46 dwellings (11/01052/OUT refers).

The Local Centre under the current permission (06/00967/OUT) is proposed to solely comprise of retail, B1 units and community uses, but it is envisaged as part of this new application that a proportion of the additional units will be accommodated within the Local Centre as well as the remaining housing development parcels.

Access to the development will not change from that currently permitted, along the spine road which links to the wider road network via a new roundabout to the Middleton Stoney Road, signalised junction to the A41 and newly opened perimeter

road and roundabout to the A41. A series of lower order roads leading off the spine road which have yet to be constructed will serve the parcels in question.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of 4 site notices, and a notice in the local press. The consultation period expired on 23 May 2013.

No representations have been received as a result of the above

## **3. Consultations**

- 3.1 Chesterton Parish Council raise no objections

Ambrosden Parish Council have no objections

Bicester Town Council have yet to comment

Thames Water raise no objections

Environment Agency have no objections subject to the imposition of conditions regarding contamination and surface water drainage.

### **Cherwell District Council Consultees**

- 3.2 Head of Environmental Services - objects to the proposal on arboricultural grounds due to insufficient space allocated for any substantial tree planting within the street scene.

- raises no objections in respect of the landscape framework, open space and play provision as this will not change, however providing contextual structural landscape information to developers regarding individual parcels would ensure a cohesive urban/landscape layout and aid the design of the layouts.

- 3.3 Head of Community Services – ecology advises that it is unlikely that the addition of these houses will have a further material effect on ecology above that already caused by the development as a whole, and advises the ecological update assessment, which concludes that no additional mitigation would be required seems reasonable. Previous conditions should be imposed. An increase in dwellings would make it appropriate to expect an increase in the provision of biodiversity enhancements such as nest boxes and bat roosting opportunities for building reliant species.

- 3.4 Head of Housing and Regeneration – raises no objections provided 30% of the additional dwellings provided are affordable. The ensure split should be consistent with the existing permission. 50% of the affordable homes should be built to lifetime homes requirements. The affordable housing provision should fall under the same framework agreement stipulations which covered the affordable housing provision on the remainder of the site.

Head of Strategic Planning and the Economy – advises in summary as follows

- It is understood that the increased density would not conflict with the approved design code and will not result in the loss of any open space
- In view of the requirement of Policy H13 to provide ..'appropriate social and recreational facilities for community use including a community centre...' and the fact that an additional 46 homes has been approved, detailed consideration should be given to ensure that the community facilities will be of sufficient size and capacity for a development of 1731 homes

- Any constraint to providing Phase 1 facilities should not impinge on meeting the needs of a potential phase 2 development
- Following planning committee in June 2013, there has been a further change to the District's five year housing land supply position
- Should the additional 100 homes be deliverable within the period 2013-18 in addition to maintaining the projected rate of delivery set out in the latest Housing Delivery Monitor, then, at the time of writing, approval of the application would help achieve a position of at least five years plus 20%. However there would need to be a clear and accepted understanding of the phasing of the development and the total rate of delivery for the five year period.
- The additional 100 homes would be over and above that identified in the housing trajectory for the emerging Local Plan. However, housing requirements are not a ceiling on development and this is an existing development site identified in the Non-Statutory Local Plan.

Subject to the above there is no policy objection

### **Oxfordshire County Council Consultees**

- 3.7 Transport and Planning Strategy – raise no objections subject to the imposition of conditions, a legal agreement, a number of informatives and the following comments:-
- Additional trip generation is not significant
  - Travel plan will need to be reviewed
  - Proposal will increase the demand for public transport to Bicester town centre and Oxford beyond the original projections, and requests that the developer modifies the design of certain aspects of the spine road to better facilitate low operation
  - The bus stop provision must be reviewed to ensure it meets the needs of additional dwellings
- 3.8 Highways – raise no objection subject to the imposition of conditions, a legal agreement, informatives and the following comments:-
- The transport assessment is acceptable
  - The proposal will need to accord with the Design Codes requirements in respect of access/layout
  - Parking levels must be in accordance with the Design Code
  - Existing Section 106 requirement for public transport services will need to be reviewed and a transport contribution will be required. This figure has been requested and an update will be given at the meeting.
- 3.9 Drainage – raise no objections, the drainage strategy has already been agreed for the Kingsmere Development and the addition of 100 dwellings is unlikely to cause a significant impact on the drainage overall so long as the design code is adhered to
- 3.10 Archaeology – raise no objection as the area has already been subject to a phased programme of archaeological evaluation ahead of the determination of the original application and a programme of archaeological mitigation ahead of the commencement of the development. No further archaeological investigations will be required for this area
- 3.11 Developer contributions has yet to provide any detailed information, justification and costs. These have been requested and an update will be given at the meeting.
- 3.12 Ecology advises that the appropriate management of translocated grassland does not appear to be taking place. However the housing density will not have any ecological impacts, but need to ensure correct management of retained grassland/woodland areas is undertaken in accordance with the 2009 Ecological Management Plan

- 3.13 Architectural Liaison Officer does not object, however, increasing the numbers of dwellings permitted will allow more opportunities to design out crime/and or fear of crime and to promote community safety, particularly in relation to the proposed local centre. A condition is suggested to ensure that these opportunities are not missed, and to ensure that the development meets the requirements of the NPPF and the Supplementary Planning Guidance document 'Safer Places' 2004.

Although the plans for the local centre are only indicative at this stage, concerns are raised regarding parking/delivery arrangements in relation to the security of the flats above the retail uses

#### 4. Relevant National and Local Policy and Guidance

##### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H5	Affordable Housing
TR1	Transportation funding
R12	Provision of public open space within new residential development
C1	Native conservation
C2	Protected species
C4	Creation of new habitats
C14	Trees and land scaping
C25	Archaeology
C28	Design and layout
C30	Design control
ENV12	Contamination

##### 4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with particular regard to the following sections:-

1. Building a strong competitive economy
2. Ensuring the vitality of town centres
4. Promoting Sustainable Transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

##### 4.3 Non Statutory Cherwell Local Plan 2011

The non statutory Cherwell Local Plan is not part of the statutory development plan but has been approved as interim policy for development control purposes and remains a material consideration.

Policy H1a – Location of housing  
 Policy H4 – Types of housing  
 Policy H7 – Affordable housing  
 Policy H13 – Bicester urban extension. SW Bicester  
 Policy TR2 – Traffic generation  
 Policy TR3 – Transport assessments and travel plan  
 Policy TR4 – Transport mitigation measures  
 Policy TR5 – Road safety  
 Policy TR11 – Parking provisions  
 Policies R 8 and R9 – Open space provision/Play space  
 Policy R10a – Built sport and recreation facilities  
 Policy EN1 – Impact on natural and built environment  
 Policy EN5 – Air quality  
 Policy EN14 – Flood risk  
 Policy EN17 – Contaminated land  
 Policy EN23 – Ecological survey  
 Policy EN25 – Protected species  
 Policy EN37 – Trees, hedging and landscaping  
 Policy D1 – Urban design objectives  
 Policy D 3 – Local distinctiveness  
 Policy D5 – Design of the public realm  
 Policy OA1 – General infrastructure provision

#### 4.4 **Draft Cherwell Local Plan 2012**

This was approved by the Executive for public consultation in May 2012 and went out to public consultation in August 2012. A further second phase of public consultation has recently been completed following revisions as a result of the initial consultation. Although this local plan does not have Development Plan status, it is as a material planning consideration. The Plan sets out the Council's strategy for development within the District to 2031. The policies listed below are considered relevant for the consideration of this proposal.

Policy BSC1 – District wide housing distribution  
 Policy BSC2 – Effective and efficient use of land  
 Policy BSC3 – Affordable housing  
 Policy BSC4 – Housing mix  
 Policy BSC7 – Meeting education needs  
 Policy BSC10 – Open space, outdoor sport and recreation provision  
 Policy BSC11 – Outdoor recreation provision  
 Policy BSC12 – Indoor sport, recreation and community facilities  
 Policy ESD1 – Mitigating and adopting to climate change  
 Policy ESD3 – Sustainable construction  
 Policy ESD6 – Sustainable flood risk management  
 Policy ESD7 – Sustainable drainage systems (SUDS)  
 Policy ESD8 – Water resources  
 Policy ESD10 – Protection and enhancement of Biodiversity  
 Policy ESD16 – Character of the built environment  
 Policy INF1 – General infrastructure provision

## 5. **Appraisal Context**

The application relates to the existing south west Bicester development site now known as 'Kingsmere'. The site was allocated for a mixed use development under Policy H13 of the Non-Statutory Cherwell Local Plan, and included residential development for the construction of up to 1585 dwellings. Outline planning consent was granted in June 2008 (06/00967/OUT refers). The purpose of this application is to effectively seek consent to increase the number of residential dwellings by a further 100.

Following reserve matters consents for the main infrastructure provision, development began on the site in June 2010, and the main spine road through the development, the new access and roundabout onto the Middleton Stoney Road, new signalised junction to the A41 and new roundabout onto the A41 are now in place. The perimeter road linking the A41 and the new Middleton Stoney roundabout by the Chesterton turn has also been constructed and opened ahead of schedule. The drainage infrastructure has been provided and the main strategic areas of open space are currently being laid out.

The residential development area has been divided into 21 development parcels, some of which have already been sold and are being developed by house builders. A number of dwellings on the earlier parcels adjacent to the Middleton Stoney Road are now occupied. In August 2011, outline planning permission was also granted for the erection of up to an additional 46 dwellings on land which had previously identified for the possible provision of a second primary school within the development (11/01052/OUT refers).

As a number of the residential parcels have already been sold and are being built out by house builders, it is expected that the additional 100 units proposed will be distributed across the remaining parcels which are located centrally within the site where construction and delivery has not yet begun.

5.1 The key issues for consideration in this application are:

- Environmental statement
- Planning Policy and Principle of Development
- Five year housing land supply
- Housing mix
- Indicative layout
- Design code
- Transport assessment
- Planning obligation

### **Environmental Statement**

5.2 The original outline application (06/00967/OUT) was accompanied by an Environmental Statement (ES). The ES accompanying that application was quite specific in terms of the planning elements to be considered; the number of proposed dwellings at 1585 being one of them. Furthermore this ES was dated 2006, and since that time a number of new developments and changes have also taken place in and around Bicester which had not been considered within the ES. The applicants were therefore advised that a further ES was necessary in relation to this proposal. The application is therefore accompanied by a revised ES. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, where an ES has been submitted with an application the Local Planning Authority must have regard to it when determining the application, and can only approve the application if it is satisfied that the ES provides adequate information. Prior to the submission of the application, the applicants submitted a screening opinion. In the response, whilst it was accepted that some of the issues considered under the previous ES were unlikely to have changed. The applicants were advised which of those issues would need to be updated and re-assessed. These issues were namely, hydrology and water quality including an updated FRA, social and community effects, traffic and transport, air quality, natural heritage and drainage. The submitted revised ES covers

all the topics identified and a summary of the conclusions is presented below. Details of the full ES submitted can be viewed via the Council's website.

### 5.3 **Cumulative Effects**

These are effects as a result of both this proposal from the already permitted development together with the effects of other proposed, permitted and implemented developments for example N.W. Bicester and Graven Hill which may have an impact on the environment and the locality, and, where appropriate for each topic, covered by the ES.

### 5.4 **Air Quality**

This addressed potential air quality effects both during and after construction of the development as a result of the additional 100 dwellings proposed and the 46 dwellings approved on the reserve school site. The applicants agent advises that the scope of the air quality assessment has been agreed with CDC officers.

One of the 12 core planning principles in the NPPF is that planning should 'contribute to conserving and enhancing the natural environment and reducing pollution' In respect of air quality para 124 states 'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management areas is consistent with the local air quality action plan'

Cherwell District Council has to date only designated one Air Quality Management Area within the District, and at the time of the assessment the application site does not fall within an AQMA.

The air quality assessment undertaken for the 2006 ES concluded that the consented development would give rise to a negligible change in dust and particulate matter generation, and determined that dust and particulate matter generated during the construction of the development would not be significant. The revised ES submitted with this application concludes that the proposed additional 100 units is unlikely to result in any significant change in terms of dust and particulate matter deposition above the consented development. The effects of emissions from both construction traffic and post construction traffic are also concluded to be not significant. The ES therefore concludes that no further mitigation measures in terms of air quality are necessary. Comments are awaited from the Council's Environmental Protection Officer to confirm that the conclusions drawn are considered acceptable.

### 5.5 **Natural Heritage**

The Phase 1 ecological survey which was carried out in respect of the original outline was updated in July 2012 to reflect the changes on site since the granting of planning permission. Farming activity has now ceased within the red line area of the 2006 consent and the creation of balancing ponds and new landscape planting has changed the baseline conditions on site. Vegetation monitoring of new habitats and established woodland on site was undertaken in 2011 as part of the monitoring associated with the Section 106 Agreement accompanying the outline consent (06/00967/OUT refers).

The ES submitted as part of this application concludes that no additional significant effects above those already assessed have been identified from this proposal to increase the number of dwellings within the remaining undeveloped and unsold area of the 2006 consented scheme. Therefore further mitigation is not required above that already identified in the 2006 ES and committed to in the associated Section 106 Agreement. Neither will the additional dwellings lead to any further significant residual effects. No objections are raised by the Council's ecologist and the conclusions drawn are considered acceptable.

## 5.6 **Social and Community Effects**

The 2006 ES considered the following

- Demography – existing and future trends
- Housing – existing supply and demand
- Economic – existing and future trends of employment and the economy
- Socio – cultural factors
- Community facilities – including education, health services, social services, retail outlets, local amenities, recreation and leisure and other services.

A review of the 2006 baseline has been undertaken and updated information obtained through a desk study, and the assessment considers the potential effects of the additional 100 dwellings above the 1631 consent under the original outline application together with the further application for 46 dwellings on the reserve school site.

The ES concludes that the additional development proposed will not have any significant effect on the social and community effects. A revised Section 106 Agreement will be necessary however to mitigate the impacts of the development on the local infrastructure such as education, affordable housing, sports provision, community facilities and transport in accordance with the Development Plan.

## 5.7 **Traffic and Transport**

The approach to ascertaining the traffic flows used in the Transport Assessments was agreed through correspondence between WSP and OCC in June 2012. The traffic/trip generation data outlined in the Transport Assessment are realistic and the additional trip generation is not significant. The Transport Assessment concludes that the performances of the local junctions will not be unduly affected. A review of the accident data for the area has been carried out as part of the revised ES which found that a number of incidents had occurred, but looking at the information provided the incidents involved appear to be down to driver rather than the characteristics of the local highway network. The TA concludes that the additional dwellings will not lead to any significant further effects on the local highway network. The conclusions drawn are considered acceptable to the Highway Authority.

## 5.8 **Hydrology and Water Quality**

There are three water courses within or close to the site, Pingle Brook, Gagle Brook and an unnamed water course as well as a number of field drains. Following the granting of the 2006 outline permission, Pingle Brook, which is defined as a main river has been redesigned and canalised, and balancing ponds constructed adjacent to accommodate water run-off in clearing heavy rainfall. Further balancing ponds have been constructed at the southern end of the site adjacent to the A41.

It is proposed to serve the additional 100 units by the sustainable drainage system (SUDS) designed for the 2006 consented development. This uses a combination of on plot source control SUDS such as soakaways, and pervious pavements, and balancing ponds to restrict run-off to the existing Greenfield runoff rates. Therefore, there will be no changes to run off rates as a result of the additional 100 dwellings, and the consented surface water drainage system will ensure there will be no significant effects on surface water or ground water hydrology. The drainage system has been designed in accordance with best practice and includes pollution prevention measures to ensure that runoff from the development will not significantly affect the quality of water courses or ground water post construction.

There is capacity at the main Bicester sewage treatment works to serve the new



development. Thames Water are stated to have confirmed that an adequate drinking water supply can be provided.

The proposed increase in dwelling numbers will be within the parameters set out in the 2006 outline application and associated ES, which allows for a range of building heights, the majority of the site being up to 2.5 storeys with a road frontage of up to 3.5 storeys (11.5m) and maximum heights around the local centre of 4 storeys (14.5m).

The increase in numbers proposed will not alter the densities set out in the building density parameter plan which was assessed through the 2006 ES. Proposals put forward in this application also remain within the parameters of the approved Design Code and the developable area remains unchanged.

In conclusion therefore the ES states that the proposed increase in dwellings will not result in any significant effects in addition to those identified as part of the 2006 EIA. No additional mitigation is proposed. Consultation response from Thames Water and the Environment Agency confirm that the conclusions are acceptable and the additional housing densities can be accommodated within the design requirements of the original drainage strategy.

All new development has some impact. The revised ES submitted has not identified any significant effects above those which were already identified in the original ES submitted with the outline application in 2006, however, should the application be approved, any remaining mitigation measures will need to be secured through conditions and a revised planning obligation. The ES submitted, together with the technical notes and summary are considered to contain adequate information to enable the determination of the application.

## 5.9 **Planning Policy and Principle of Development**

The Development Plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provision of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) 2012 states that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy, supporting strong, vibrant and healthy communities and contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 17 of the NPPF sets out 12 core planning principles which require planning to:-

- Be genuinely plan led, providing a practical framework to enable decisions on planning applications to be made with a high degree of predictability and efficiency.
- Enhance and improve the places in which people live their lives
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity
- Take account of the different roles and character of different areas
- Support the transition to a low carbon future in a changing climate

- Contribute to conserving and enhancing the natural environment and reducing pollution
- Encourage the effective use of land by reusing land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and forms significant development in locations which are or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

Local Planning Authorities are expected to set out a clear economic vision and strategy for sustainable economic growth, Local Plans are considered to be the key to delivering sustainable development and an adequate up to date and relevant evidence base is required.

The adopted Cherwell Local Plan contains no specific policies relating to the original allocation for the development of South West Bicester. The non-statutory Cherwell Local Plan 2011 however, which was approved by the Council as interim policy for development control purposes, specifically identified this site as a strategic mixed use development to include 1585 dwellings under Policy H13. It was in accordance with this policy that the development was considered and granted outline planning permission in 2008, and the non-statutory Cherwell Local Plan is therefore a material consideration in respect of this proposal. This proposal for the erection of an additional 100 dwellings does not seek to extend the developable area, but to accommodate those dwellings within the approved development site

The National Planning Policy Framework at paragraph 14 states, 'At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.....approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted'

As permission has already been granted for the development of the site, consideration of the additional 100 residential units must be made in the context of the whole development, which is now part of the built area of Bicester. With regard to making effective use of land the proposal is sustainable development as set out in the NPPF.

#### 5.10 **Five Year Housing Land Supply**

The NPPF includes a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole' (paragraph 14).

Local Planning Authorities are required to boost significantly the supply of housing by meeting assessed needs and identifying key sites critical to the delivery of the housing strategy over the plan period (paragraph 47)

Local Planning Authorities are expected to identify and update annually a supply of

specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with a additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land (paragraph 47)

Footnote 11 to paragraph 47 states 'to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable, with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example, they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans'.

Paragraph 49 states, 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate five year supply of deliverable housing sites'

The Council has been in the position where it could not demonstrate a five year housing land supply. However following planning committee in June 2013 where Members considered a number of housing proposals, and resolved to approve them subject to the applicant entering into Section 106 Agreements, there has been a change to the District's five year housing land supply position.

At the time of writing, the District has a 5.5 year supply of deliverable sites for the period 2013-18 incorporating an additional 5% requirement and a 4.8 year supply with an additional 20% requirement. A written briefing on five year land supply was presented to the Committee (agenda item 6) at the beginning of the meeting in June.

The briefing report makes clear that the Council has not formally resolved whether the District should return to a position of five years plus an additional 5% requirement or should continue to a position of at least five years plus an additional 20%. This is a matter that has been debated at recent public inquiries, decisions of which are still awaited.

However, in view of the under-delivery of housing in recent years, the fluctuations that can occur in land supply, and the need to return to a defensible five year land supply position, the advice to Members was, '.....' the Council should seek to return to a position of five years plus an additional 20% requirement in the interests of meeting housing need, sustaining a five year land supply, and placing the Council in a stronger position to ensure that housing is delivered in accordance with its existing and emerging planning policies. Returning to a five year plus 20% position does not of course remove the need to consider all future residential applications in the context of the Development Plan and all other material considerations'.

Should the additional 100 homes be shown to be deliverable within the period 2013-18 in addition to maintaining the projected rate of delivery set out in the latest Housing Delivery Monitor, then, at the time of writing, approval of the application would help achieve a position of at least five years plus 20%. The additional 100 homes would be in excess of that identified in the housing trajectory for the emerging Local Plan. However housing requirements are not a 'ceiling' on development and this is an existing development site identified in the non-statutory Cherwell Local Plan.

The applicants agents state that the additional 100 units are deliverable as part of the

south west Bicester development which is currently under construction, arguing that the proposal will enable a higher density range to be provided over the remaining parcels. By having the ability to sell parcels with a wider density range, and therefore attract greater interest from house builders /developers, it may be possible to speed up the delivery of the site. The contribution to meeting the five year housing land supply is a significant factor in favour of the proposed development. No viability information has been submitted by the applicants agents however to support the claim that the additional units will make the development more viable and deliverable despite being requested.

#### 5.11 **Design Code**

Following the granting of outline planning permission for the development at South West Bicester (06/00967/OUT), the Design Code was approved. The Design Code sets out the key issues to be addressed by developers and their architects and the type of place to be created. The Design Code divides the development into seven different character areas, the non residential areas being the education campus, employment zone and health village; and the residential areas and local centre, being Whitelands, Pingle Brook, Avenue and Urban Village. The character area codes explain the subtle changes of emphasis required within the townscape of Kingsmere and the density ranges across the character areas changes, with the least dense development being within the 'Whitelands Character Area' and the highest density within the 'Urban Village Character Area' within the centre of the development. The Design Code also seeks to ensure consistency throughout the development and between various developers and is therefore a material consideration as part of the planning application. Many of the aspects within the Design Code are mandatory and therefore must be adhered to.

The density and scale of the buildings and the development has been established across the site through the approved design code. The proposed development, including the additional 100 units will continue to be delivered within the density parameters set out in the Design Code and establishes densities ranging between 30 and 45 dwellings per hectare. As required by the Design Code, the highest densities are located in the most accessible parts, that is, adjacent to the primary routes and the local centre within the central part of the site.

The proposed additional dwellings will be incorporated into the existing structure of the site without exceeding the density or building height parameters and without proposing residential development outside of the areas previously identified for residential purposes in 06/00967/OUT and the subsequent approved Design Code. The development proposed therefore remains in accordance with the approved Design Code in these respects and is therefore in principle acceptable.

#### **Indicative Design Layout**

- 5.12 The area proposed for the most significant change in order to accommodate the additional 100 dwellings is the local centre. The local centre had originally been conceived as solely comprising retail, some B1a employment and community uses (although the original EIA assessed the impact of housing as well). It is now proposed that a proportion of the additional units will be accommodated within the local centre, and a proving layout has been submitted as part of this application to demonstrate how the residential units may be accommodated while also allowing the committed retail, community uses and public realm area to be provided in accordance with the outline planning consent, the attached Section 106 Agreement and the approved Design Code.

The proving layout, provided as part of the application demonstrates that it is possible to accommodate up to 40 dwellings within the area originally identified as the local

centre with the majority being shown as flats above shops with some mews houses. The design code allows for the development within the local centre to be 3 or 4 storeys in height and it is therefore accepted in principle, that the required retail and employment uses can still be accommodated with a proportion of the proposed residential units above.

Whilst the principle of residential uses within the local centre is acceptable, there are however concerns about whether or not the proposed residential development will prejudice the delivery of the local centre and the community building, both in terms of the requirements of the Section 106 Agreement and the approved Design Code which requires the principle retail unit within the local centre to be the key focus of the local centre and to be designed as a 'Landmark Building'. The Section 106 Agreement specifies the size of the community building itself together with the need to accommodate car parking provision, cycle parking, recycling centre and employment uses and the Design Code is also mandatory in its requirements for the local centre. It is therefore vital that the accommodation of residential properties within the local centre does not prejudice the scope and type of development within it, to create an important meeting place with shops and services alongside community uses and the primary school, and a safe and attractive public space which is not entirely dominated by car parking and does not prejudice the provision of office accommodation within it.

### 5.13 **Housing Mix**

There is no specific housing mix proposed in respect of seeking to accommodate the additional 100 units within this development, as the applicants argue that they are influenced by the number and mix of residential units that a specialist developer may bring forward for the local centre. The applicants have however identified a market need for smaller units stating that the parcels to date have delivered predominantly family housing and a relatively few smaller 2 bed units and no flats or apartments. The applicants agent states that the current housing market, as supported by Countryside's land agents, suggest that a greater number of smaller house types would sell well in Bicester and attract a greater level of interest in the site thereby increasing the delivery and viability of the development and providing a greater mix of housing sizes.

An assessment of the type and size of housing needed in Cherwell informs Policy BSC4 Housing mix of the proposed submission Cherwell Local Plan, although at this stage the policy carries little weight. However the work does suggest a need for smaller units. In respect of this proposal, the provision of an additional 100 residential units, the development will require 30% of those units to be affordable, that is up to 30 in this case. The tenure split would need to be consistent with the wider phasing and parcelling and should be 70/30 affordable rent/shared ownership. The standards and further requirements should also reflect those that have been established on the wider scheme under the previous outline permission, with 50% lifetime homes on the affordable housing. All should meet the HCA's Design Quality Standards together with the relevant HQL's. The units should be dispersed through the scheme in clusters of no more than 15 units. The applicants have indicated that 30% of the additional units provided will be affordable.

#### **Code 4 Construction**

Policy ESD3 'Sustainable Construction' of the proposed submission Cherwell local Plan states that all new homes will be expected to meet Code level 4 of the Code for Sustainable Homes.

Clearly, Policy ESD3 has limited weight given the status of the Local Plan, however, the Council are seeking to achieve this sustainable construction value on all new development, and to not require it in respect of this development at this early stage of

the Local Plan, may undermine the Council's position in respect of other new development within the District. The applicants have not submitted a viability statement as part of this application arguing that Code Level 4 would not be possible. It is therefore recommended that a condition be imposed on the consent requiring that Code Level 4 development is achieved in respect of this application.

#### 5.14 **Developer Contributions**

The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive Committee in May 2011 and was approved as interim guidance for development control purposes. It has not been subject to public consultation.

New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning obligations are the mechanism used to secure these measures. The Heads of Terms have not yet been agreed with the applicants.

In respect of planning obligations the NPPF advises at paragraph 204 that they should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

Having regard to the above, it is likely that the Heads of Terms relating to the additional development will include the following:-

##### OCC Contributions

- General transport
- Education
- Library infrastructure
- Day care and adult learning
- Youth provision
- Museum resources
- Strategic waste management

##### CDC Contributions

- 30% affordable housing
- Outdoor sports provision
- Indoor sports provision
- Community facility provision
- Childrens play space
- Public art
- Waste bins
- Monitoring fee

In addition it will be necessary for the provisions of the existing agreement to be linked to this permission.

#### **Engagement**

5.17 With regard to the duty set out in paragraphs 186 and 187 of the Framework, there have been a number of discussions with the applicants regarding the proposal throughout both prior and throughout the consideration of the application. It is

therefore considered that the local planning authority have be positive and proactive

## **Conclusion**

- 5.19 The NPPF presumes in favour of sustainable development and in the context of this application, requires that developments are considered favourably unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Whilst the development is not in accordance with the Development Plan insofar as it is not allocated for development within the adopted Cherwell local plan, and exceeds the number specified within Policy H13 of the Non-statutory Cherwell Local Plan, the proposed submission and revised ES do not identify any additional harm and the proposed additional dwellings will benefit the District by potentially increasing housing delivery.

In this case the south west Bicester Urban extension was identified and granted consent under Policy H13 the non statutory Cherwell Local Plan. The construction of that development began in June 2010 and the main infrastructure and approximately half of the residential parcels now have reserved matters consent and construction on those is also well underway. The proposed additional 100 residential properties will be accommodated within the identified built areas and will have no impact on the road or other infrastructure or have any additional visual impact when viewed from the surrounding area. In the context of the presumption in favour of sustainable development, and the reasons identified above, the proposed development is considered acceptable and is recommended for approval.

## **6. Recommendation**

### **Approval, subject to:**

- a. The delegation of the completion of a Section 106 negotiations to officers in consultation the Chairman
- b. The completion of the Section 106 Agreement
- c. That it is resolved that in accordance with the provisions of Regulation 24 of the Town and 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.
- d. the following conditions

- 1 No development shall commence on any phase until full details of the layout, scale, siting, height, design, external appearance, access and landscaping within the phase (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Procedure) Order 2010 (as amended).

- 3 The development 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).
- 4 The development hereby approved shall be carried out in accordance with the Proposals Plan which was submitted to and approved by the Local Planning Authority as part of the outline application 06/00967/OUT by letter dated 13th April 2010.  
Reason - To ensure that the development and subsequent reserve matters applications are determined by the Local Planning Authority in the context of the approved overall plan for the site consistent with the principles set out in Policy H13 of the non statutory Cherwell Local Plan and to comply with Government Guidance within the National Planning Policy Framework.
- 5 The development hereby approved shall be carried out in accordance with the approved Design Code dated June 2008 and approved in writing by the Local Planning Authority on 18th September 2008.  
Reason -To ensure that the development and subsequent reserve matters applications are submitted and considered by the Local Planning Authority in accordance with the approved Design Code which seeks to guide the development and to accord with Policies C28 and C30 of the adopted Cherwell Local Plan and Government Guidance within the National Planning Policy Framework.
- 6 The development hereby approved shall be carried out in accordance within the Sustainable Urban Drainage Opportunities Plan submitted to and approved in writing by the Local Planning Authority on 18th March 2010.  
Reason -To prevent the increased risk of flooding and to improve water quality, and in order to comply with Government Advice within the National Planning Policy Framework.
- 7 Prior to the first occupation of any additional dwelling on the site authorised by this permission, a final Code Certificate, certifying that the dwelling in question achieves 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.
- 8 No development on any phase or parcel shall commence until a scheme for the 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 the approved scheme.  
Reason -To ensure that the development / site is served by proper arrangements for the disposal of surface water and to comply with the



Environmental Statement and Government guidance within the National Planning Policy Framework.

- 9 That the development hereby approved shall be carried out in accordance with the impact studies and subsequent scheme for dealing with foul drainage from the site, including the phased works, submitted to and agreed in writing by the Local Planning Authority on 19th April 2010. The foul drainage works shall be carried out in accordance with this approved scheme prior to the first occupation of any of the buildings on the site.  
Reason - To ensure that the development / site is served by proper arrangements for the disposal of foul sewage and to comply with Government guidance within the national Planning Policy Framework.
- 10 The development hereby approved shall be carried out in accordance with the impact studies and subsequent scheme for providing an adequate water supply to serve the development as submitted and agreed in writing by the Local Planning Authority on 21st April 2010. The approved scheme shall be implemented prior to the first occupation of any of the buildings on the site.  
Reason - To ensure that the development is served by an adequate water supply and to comply with Government guidance within the National Planning Policy Framework.
- 11 Within the vicinity of Pingle Brook, a minimum finished floor level of 300mm above 1 in 100 year + 20% Pingle Brook top water level shall be provided. Elsewhere on the site slab levels shall be a minimum of 150mm above existing ground levels.  
Reason - To ensure compliance with the Flood Risk Assessment and to ensure that properties are not at risk of flooding now or in the foreseeable future and to comply with Government guidance within the National Planning Policy Framework.
- 12 No buildings on the site shall exceed the heights specified on the Building Heights Plan (figure 3.3) contained within the amended Planning Statement dated November 2006.  
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 in the National Planning Policy Framework.
- 13 That the development hereby approved shall be carried out in accordance with the staged programme of archaeological and palaeoenvironmental mitigation measures, including physical preservation in situ, and the written schemes of investigation which were submitted to and approved in writing by the Local Planning Authority on 12th January 2010.  
Reason - To ensure the preservation, either by record, or physically in situ, of remains of archaeological or palaeoenvironmental importance, and the appropriate analysis and publication of the evidence and to comply with Government advice within the National Planning Policy Framework.
- 14 No development shall commence on any phase or land parcel until a remediation scheme has been submitted to deal with the identified areas of contamination and the submitted scheme has been approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and a validation report shall thereafter be submitted confirming the works have been completed within 2 months of the works being carried out.  
Reason - To ensure that the proposed remediation is carried out and will not cause any long term pollution issues in accordance with the Environmental

Statement and to comply with Government guidance within the National Planning Policy Framework.

- 15 The development hereby approved shall be carried out in accordance with the measures submitted to and approved by the Local Planning Authority on 31st March 2010 for the protection of the public footpaths and the amenity of users of the public footpaths crossing the site during and after construction works. The measures shall be put in place to protect the public rights of way and retained in accordance with the approved details.  
Reason - To ensure the risk of the footpaths are not compromised by the development and to accord with Government guidance within the National Planning Policy Framework.
- 16 That before any of the dwellings are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to the Oxfordshire County Council's "Conditions and Specifications for the Construction of Roads".  
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 within the National Planning Policy Framework.
- 17 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.  
Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.
- 18 Prior to the commencement of the development hereby approved, full details of a scheme to prevent any surface water from the development discharging onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented and retained in accordance with the approved details.  
Reason - In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.
- 19 No service trenches, pipe runs or drains, or any other excavation, earth movement or mounding shall be constructed within 2 metres of the canopy spread of trees on the site, without the prior approval in writing of the Local Planning Authority.  
Reason - To ensure that the trees are retained in a safe and healthy condition and are not adversely affected by construction works, in the interest of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.
- 20 No development shall take place within 8m of any water course without the prior written consent of the Local Planning Authority.  
Reason - To ensure that the water environment is protected and to comply with Government guidance within the National Planning Policy Framework.
- 21 Prior to the commencement of the development hereby approved, the existing trees and hedges on the land to be retained shall be preserved, fenced

around and properly maintained in accordance with details to be submitted and agreed in writing by the Local Planning Authority. None of the trees shall be felled, topped, lopped or uprooted without prior consent of the Local Planning Authority unless such tree has become dangerous. In the event of any tree or hedge dying or being seriously damaged or destroyed within five years of the completion of the development, a new tree or hedge of a species first approved in writing by the Local Planning Authority shall be planted and properly maintained in a position or positions first approved by the said Authority.

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 within the National Planning Policy Framework.

- 22 Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 23 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 occupation of the building(s) or on the completion of the development, whichever is the sooner. 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 Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 24 Fire hydrants shall be provided on each phase of the development in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The details of the provision of the fire hydrant shall be approved prior to the commencement of construction of each phase and thereafter shall be implemented in accordance with the approval details.

Reason - To ensure the necessary infrastructure is provided and to accord with Government guidance within the National Planning Policy Framework.

- 25 Notwithstanding the requirement of Condition 11, prior to the commencement of the development on any phase, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the phase 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 finished floor levels.

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.

- 26 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.
- 27 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, 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.
- 28 Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.  
Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- 29 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, 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.

30 Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

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

31 Local Areas of Play (LAPs) shall be provided in each phase or sub phase in accordance with the Council's adopted policy. Details of the siting and design of the LAPs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in any phase or sub phase and shall thereafter be provided in accordance with the approved details prior to the occupation of any dwelling situated within 30m of the perimeter of the local play area.

Reason - To ensure the provision of appropriate play facilities to serve the development and to comply with Policy R12 of the adopted Cherwell Local Plan and Government Advice within the National Planning Policy Framework.

32 The Local Centre shall include one retail unit of a suitable size to accommodate a convenience store of between 200m<sup>2</sup> and 400m<sup>2</sup> gross floorspace and a minimum of 2 and maximum of 6 other retail units of no more than 150m<sup>2</sup> each gross floor space. The units shall not be amalgamated without the prior consent of the Local Planning Authority.

Reason - To comply with the Environmental Statement and to ensure that the retail premises are of a suitable size and type to meet the day to day needs of the residents of the proposed development and to comply with Policy S28 of the adopted Cherwell Local Plan and Government guidance in the National Planning Policy Framework.

33 The employment floor space shall be provided in accordance with the Approved Proposals Plan and Design Codes in units suitable to accommodate small businesses with an individual floor area of no more than 500m<sup>2</sup>. No units shall be amalgamated or mezzanine floors inserted to create a unit with floor space exceeding 500m<sup>2</sup> unless first agreed in writing by the Local Planning Authority.

Reason - In order to create an acceptable mix of uses on the site and to comply with Government guidance in the National Planning Policy Framework.

34 . Employment space within the Local Centre shall be used for B1a purposes only of the schedule of the Town and Country Planning (use classes) (Amendment) (England) Order 2005,

Reason - In order to create an acceptable mix of uses on the site and to comply with Government guidance in the National Planning Policy Framework.

35 The development hereby approved shall be carried out in accordance with the Construction Environment Management Plan (CEMP) as submitted to and approved by the Local Planning Authority under application number 10/0015/DISC.

Reason - To comply with paragraph 3 III of the Environmental Statement, Policy ENVI of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

- 36 No imported waste materials whatsoever shall be imported and deposited on the site.  
Reason - To comply with the advice within the National Planning Policy Framework.
- 37 No minerals shall be dug from or exported from the site.  
Reason - To comply with the advice within the National Planning Policy Framework.
- 38 The development hereby approved shall be carried out in accordance with the details and programme of works of excavation and raising of ground levels submitted to and approved in writing by the Local Planning Authority on 31st March 2010.  
Reason - To provide a satisfactory form of development and to accord with Government guidance within the National Planning Policy Framework.
- 39 Prior to the commencement of any development on any phase or sub phase, measures shall be put in place to ensure that vehicle wheel washing is carried out to prevent any material being carried on to the public highway.  
Reason - In the interests of highway safety and to comply with Government guidance within the National Planning Policy Framework.
- 40 Prior to the commencement of development of any phase or sub phase, details of the location of all site compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land shall be submitted to and approved in writing by the Local Planning Authority. The compounds and accesses shall be located and subsequently removed in accordance with the approved details.  
Reason - To ensure that site compounds are sited in locations that will not adversely affect the amenities of nearby residents or the environment and to comply with the Environmental Statement Policy ENVI of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- 41 All chemicals, oils, fuels and other potential contaminants shall be stored in bunded tanks or structures with a minimum of 110% of the maximum volume stored. The location of any tanks or structures shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment.  
Reason - In order to ensure that there is no risk of pollution to the environment and to comply with Policy ENVI of the adopted Cherwell Local Plan and Government Advice within the National Planning Policy Framework.
- 42 Construction dust mitigation measures shall be carried out in accordance with figure 12.14 of the Environment Statement during all construction works on the site.  
Reason - To ensure no nuisance occurs as a result of dust from construction activities in accordance with the Environmental Statement, Policy ENVI of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.
- 43 The development shall be designed and constructed in accordance with recommendations in the Flood Risk Assessment Rev 4 produced by WSP dated January 2007 reference 11011546.  
Reason -To protect the development from the risk of flooding, and to prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity and to comply with Government guidance in the

National Planning Policy Framework.

- 44 The development hereby approved shall be carried out in accordance with the drainage strategy which was submitted in writing and approved by the Local Planning Authority on 31st March 2010.  
Reason - To prevent the increased risk of flooding and to improve water quality and to comply with Government guidance within the National Planning Policy Framework.
- 45 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.  
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.
- 46 No development shall commence on any phase until the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.  
Reason - The site is contaminated / potentially contaminated and piling could lead to the contamination of ground water in the underlying aquifer and to comply with Government guidance within the National Planning Policy Framework.
- 47 Prior to the commencement of any phase of the development hereby approved, full details of a scheme for the location of bat and bird boxes on that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any building on that phase of the development, the bat and bird boxes shall be installed in accordance with the approved details.  
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.

**PLANNING NOTES**

1. This permission shall not imply or be deemed to imply approval for the indicative sketch details shown on the plans accompanying the application.
2. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If

protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

#### STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.