



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

Secretary Of State For Defence
c/o Defence Infrastructure Organisation
Ms Ellen O'Grady
St George's House
Kingston Road
Sutton Coldfield
Birmingham B75 7RL

Date Registered : 3rd October 2011

Proposal : Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas

Location : Site C Ploughley Road & Site D & E Ambrosden Road MOD Bicester Upper Arccott Oxfordshire


Parish(es) : Arccott

OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA

Cherwell District Council
Certified a true copy

Head of Public Protection & Development Management

Date of Decision : 8th August 2014

**Head of Public Protection
& Development Management**

SCHEDULE OF CONDITIONS

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 for that part of the site (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 development shall be carried out strictly in accordance with the following plans and documents: Application forms, Environmental Statement and drawings numbered:

- o 1982-A-L-005-B [MOD Bicester Application Site Red Line]
- o 1982-A-L-010-C [Proposed Master plan]
- o 1982-A-L-011-B [Proposed Master plan Northern Area]
- o 1982-A-L-012-B [Proposed Master plan Southern Area]
- o 1982-A-L-030-C [Building Height Constraints]
- o 1982-A-L-035-B [Building Density Constraints]
- o 1982-A-L-040-H [Land Use Diagram]
- o 1982-A-L-050-F [Land Transfer Areas]
- o 1982-A-L-060-B [Commercial Areas Sheet 1]
- o 1982-A-L-061-B [Commercial Areas Sheet 2]
- o 1982-A-L-551-G (19.05.14) [Proposed phasing boundaries - Land transfer 1]
- o 1982-A-L-073-G (3.3.14) - [Primary School Plan]
- o 1982-A-L-074-D (19.5.14) - [Primary School Title plan Land Transfer 1]
- o 1982-A-L-075-D (19.5.14) [Primary School Title Plan Land Transfer 2]
- o 1982-A-L-550 (16.5.14) [Proposed Bus Route Land Transfer 1 and 2]
- o 1982-A-L-542 (7.2.14) [Indicative Peripheral Road Position]
- o 1982-A-L-553 (19.5.14) [Spine Road Location Land Transfer 1 and 2]
- o 27808-L508a (December 2012) - Landscape Screening Proposals
- o 27808-LEA520a (December 2012) - C Site strategic masterplan
- o 27808-L509 (December 2012) - C Site: Proposed Sections
- o 27808-L506 (December 2012) - C Site: Screen planting to west boundary
- o 27808-L415 (September 2011) - MOD Bicester application sites
- o 27808-L464.dwg.smitv (September 2011) - A41/Pioneer Road mitigation scheme
- o 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 27808-L415.dwg.smitv (September 2011) - MOD Bicester application sites, 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 DREAM excellent standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREAM excellent 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, including the material finish 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 on C site. 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 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.

- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 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.

- 19 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.

- 20 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.

- 21 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.

- 22 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.

- 23 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.

24 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.

25 Prior to work commencing on C 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.

Graven Hill

26 Prior to the submission of reserved matters for Graven Hill, a master plan and design code shall be provided covering at least such matters as 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, applications for the approval of reserved matters 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 on Graven Hill, 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.dwg.smitv (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:

o The maximum ridge height of no more than 80% of dwellings shall exceed 8.5 metres

o 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 the commencement of each phase relating to the Graven Hill site, 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.

36 That prior the first occupation of any part of the Graven Hill development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason - To secure the provision of essential community infrastructure on site in accordance with Government guidance contained within the National Planning Policy Framework.

Energy

37 Prior to the commencement of development at Graven Hill, 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.

38 Should the feasibility study required by condition 37 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.

39 Prior to the first occupation of any dwelling on the site at Graven Hill, either a final Code Certificate, certifying that the dwellings in question achieve Level 5 of the Code for Sustainable Homes, or a 'passivhaus' certificate including reduced water use (to meet code for sustainable Homes level 4) 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.

- 40 All non residential buildings hereby approved on Graven Hill shall be constructed to at least a BREEAM 'Excellent' standard.

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

Housing

- 41 No more than 1900 houses shall be provided on the Graven Hill site. The market housing shall comprise no less than;

5% maximum 50sqm
5% maximum 83sqm
34% maximum 98sqm

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.

- 42 Prior to commencement of development at Graven Hill, a housing plan shall be submitted to and approved in writing by the Local Planning Authority identifying how the dwellings identified in condition 41 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

- 43 Prior to work commencing at Graven Hill, 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) include initiatives to attract and develop knowledge and high technology industries to Bicester.
- iii) include initiatives to reduce out commuting from Bicester.
- iv) provide an assessment of the rail freight opportunity of the site and its potential to attract employment to the site and reduce road transport.
- v) address the wider Local Enterprise Partnership priorities and the opportunity for the site to contribute to their aims.
- vi) the rail lines serving the commercial units on Graven Hill shall not be removed until the assessment of the rail freight opportunity required by this condition has been submitted to and approved by the Local Planning Authority.

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.

- 44 The local shops or facilities at Graven Hill (use classes A1, A2, A3, A5 or D1) shall not exceed 1358m² in total or comprise of any single unit exceeding 150m² in area, with the exception of a single additional retail unit (use class A1) which shall not exceed 1000m² 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 1000m² 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.

- 45 Notwithstanding the provisions of Class J of Part 4, schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and its subsequent amendments, the approved B1 (a) development on Graven Hill shall not be converted to provide residential accommodation, without the express planning consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of the Graven Hill site, in order to ensure an appropriate level of services and amenities will remain for the development, in accordance with central Government advice contained the National Planning Policy Framework.

Construction

- 46 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.

- 47 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 unless otherwise agreed in writing by the Local Planning Authority.

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

- 48 Notwithstanding the details submitted, no development shall take place on Graven Hill 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.

49 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.

50 No enclosures shall be erected within 5 metres of the retained barracks, without the prior express planning consent of the Local Planning Authority.

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

51 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-L463 (September 2011) – A41/Gravenhill Road/B4100 mitigation scheme (signal), 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.

52 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-L464 (September 2011) – A41/Pioneer Road mitigation scheme, 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.

53 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.

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 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.

55 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.

56 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.

57 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.

- 58 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.

- 59 That, before any of the dwellings are first occupied within each agreed phase of the Graven Hill development, 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.

- 60 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

- 61 A safeguarded route for a South Eastern relief road shall be identified on the master plan for the site (maximum width 15 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

- 62 No development shall commence until full details of a scheme for the provision of mains foul water drainage and treatment, including any improvements or other works to existing off site drainage and treatment infrastructure ('the drainage scheme'), has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include details of the drainage and treatment works to be provided for each phase of the development set out in the Phasing Plan approved under condition 30. No dwellings in any phase of the development shall be occupied until that part of the drainage scheme for the relevant phase(s) of the development has been implemented in full.

Reason: To ensure that sufficient capacity is made available to dispose and treat the foul flows discharged from the development. This condition is imposed in light of policies set out within the NPPF.

- 63 Development shall not be commenced on the Graven Hill site 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.

- 64 Prior to the commencement of development on the Graven Hill site, 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.

- 65 Prior to the commencement of development at Graven Hill, a surface water drainage strategy 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.

- 66 Prior to the development of each phase, the related 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.

- 67 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 . in order to comply with Government guidance contained within the National Planning Policy Framework.

- 68 The development permitted by this planning permission shall only be carried out in accordance with the approved drainage strategy CIV15119 DR 002 Rev A03, dated November 2013 and the following mitigation measures as stated on the email dated 20 November 2013 from Peter Johnson (Waterman Transport and Development Ltd).

- o Discharge rates limited to 2l/s/ha during a 1 in 1 year storm event and 11l/s/ha during a 1 in 100 year plus climate change storm event.
- o Attenuation provided for up to the 1 in 100 year (plus 30% for climate change) event using swales and ponds.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in order to comply with Government guidance contained within the National Planning Policy Framework.

Historic Environment

- 69 No development shall take place on Graven Hill 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.

- 70 No development shall be occupied Graven Hill until the programme of recording as set out in condition 69 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.

- 71 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.

- 72 Prior to any demolition on the Graven Hill site and the commencement of the development hereby approved on Graven Hill, and following the approval of the Written Scheme of Investigation referred to in condition 71, 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

- 73 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.

- 74 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.

- 75 Prior to work commencing on Graven Hill, 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.

- 76 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 for each phase of development. 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

- 77 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.

- 78 If contamination is found by undertaking the work carried out under condition 77, prior to the commencement of the development hereby permitted on Graven Hill, 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.

- 79 If remedial works have been identified in condition 78, the development of Graven Hill shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 78. 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.

PLANNING NOTES

1. All historic reports completed as part of condition 70 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
6. 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.
7. Please note all the internal vision splays must be dedicated as public highway land to maintain the vision splays for safety reasons.

STATEMENT OF ENGAGEMENT

With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through the approval of a sustainable form of development and ongoing dialogue with the applicants during pre-app and throughout the course of the application, in accordance with the guidance set out in the NPPF.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 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.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before considering work on site.**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 0030 200 , fax 0300 0030 201 or E-mail at building.control@cherwellandsouthnorthants.gov.uk
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion

of a public footpath.

- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.