

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 6 July 2017 at 4.00 pm

- Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)
- Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Alastair Milne-Home
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Barry Richards
Councillor Les Sibley
- Substitute Members: Councillor Hugo Brown
Councillor Jolanta Lis for Councillor Nigel Simpson
- Apologies for absence: Councillor Simon Holland
Councillor Nigel Simpson
- Officers: Bob Duxbury, Team Leader (Majors)
Jenny Barker, Assistant Director, Bicester
Matt Chadwick, Planning Officer
Caroline Ford, Principal Planning Officer
Gary Owens, Strategic Housing Officer
Ben Arrowsmith, Solicitor
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

7. Land South Of Banbury Rise Adj To, Edinburgh Way, Banbury.

Councillor Alastair Milne-Home, Declaration, as a member of Banbury Town Council which had been consulted on the application.

Councillor Andrew Beere, Declaration, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Declaration, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application.

Councillor Surinder Dhesi, Declaration, as a member of Banbury Town Council which had been consulted on the application.

8. OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane, Bicester.

Councillor D M Pickford, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Jolanta Lis, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application and local resident.

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Declaration, as a member of Bicester Town Council which had been consulted on the application.

9. OS Parcel 4200 Adjoining & North East Of A4095 And Adjoining And South West Of Howes Lane Bicester.

Councillor D M Pickford, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Jolanta Lis, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application and local resident.

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Declaration, as a member of Bicester Town Council which had been consulted on the application.

10. 8 Tubb Close, Bicester, OX26 2BN.

Councillor D M Pickford, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Jolanta Lis, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Declaration, as a member of Bicester Town Council which had been consulted on the application.

11. St Edburges Church Of England Voluntary Aided School, Cemetery Road, Bicester, OX26 6BB.

Councillor D M Pickford, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Jolanta Lis, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Declaration, as a member of Bicester Town Council which had been consulted on the application.

17. Cherwell District Council, Former Offices, Old Place Yard, Bicester.

Councillor Colin Clarke, Declaration, as a member of Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Declaration, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of Executive and would leave the meeting for the duration of the item.

Councillor Mike Kerford-Byrnes, Declaration, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Declaration, as a member of Bicester Town Council which had been consulted on the application and a separate declaration as a member of Executive and would leave the meeting for the duration of the item.

18. Amendment of legal agreements for Lincoln Close, Banbury and Coach House Mews, Bicester.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor Mike Kerford-Byrnes, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

41 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

42 **Urgent Business**

There were no items of urgent business.

43 **Minutes**

The Minutes of the meeting held on 15 June 2017 were agreed as a correct record and signed by the Chairman.

44 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

45 **Amendment of legal agreements for Lincoln Close, Banbury and Coach House Mews, Bicester**

The Head of Development Management submitted a report which enabled members to consider the acceptability of proposed changes to tenure arrangements to Lincoln Close Banbury and Coach House Mews, Bicester housing schemes.

Resolved

- (1) That the proposed changes to the legal agreement and authorisation of the deed of variation be accepted.

46 **Land Adj To Manor Farm Barns, Spring Lane, Cropredy**

The Committee considered application 17/00778/OUT an outline application for the demolition of an existing building and outline planning application for residential development of up to 37 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (Resubmission of 16/01468/OUT) at land adjacent to Manor Farm Barns, Spring Lane, Cropredy for Catesby Estates Ltd.

Councillor Reynolds proposed that consideration of application 17/00778/OUT be deferred to allow for a formal site visit. Councillor Heath seconded the proposal.

Resolved

That consideration of application 17/00778/OUT be deferred to allow for a formal site visit.

47 **West Of Homestead, Church Lane, Epwell**

The Committee considered application 17/00913/F for a proposed Connemara Equestrian Stud with provision for a mobile home sited internally within existing building at West of Homestead, Church Lane, Epwell for Mrs Emma Rugman.

Councillor Reynolds proposed that consideration of application 17/00913/F be deferred to allow for a formal site visit. Councillor Milne-Home seconded the proposal.

Resolved

That consideration of application 17/00913/F be deferred to allow for a formal site visit.

48

Land To Rear Of Ladygrass, Church Lane, Weston On The Green

The Committee considered application 17/00920/F to replace redundant stables and hay barn with single storey 1 bed cottage at land to the rear of Ladygrass, Church Lane, Weston on the Green for Mr and Mrs Frank Butt. The application was a resubmission of 16/00954/F

Councillor Kerford-Byrnes proposed that consideration of application be deferred for a formal site visit. Councillor Corkin seconded the proposal.

Resolved

That consideration of application 17/00920/F be deferred to allow for a formal site visit.

49

Land South Of Banbury Rise Adj To, Edinburgh Way, Banbury

The Committee considered application 17/00189/F a full application for the erection of 319 dwellings, including affordable housing, areas of open space, new vehicular junction onto Bretch Hill and Edinburgh Way and associated infrastructure at Land South of Banbury Rise Adjacent to Edinburgh Way, Banbury for Bloor Homes.

Mr Nick Rawlings of Bloor Homes addressed the committee in support of the application.

In reaching their decision the committee considered the officer's report and presentation, the written update and the address of the public speaker.

Resolved

That authority be delegated to officers to secure satisfactory amendments to the layout to overcome the design, highway and landscaping issues identified in the officers report and approve planning permission subject to the imposition of planning obligations and conditions (delegated authority should also be given to negotiate and draft the required planning obligations and conditions) and the following:

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

OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane, Bicester

The Committee considered application 17/00455/HYBRID a Hybrid (part full and part outline) application for: (1) Full – the construction of a temporary vehicular and pedestrian access (including footway along Howes Lane), permanent highway works (part of the proposed realigned Howes Lane) and pedestrian link to Howes Lane; (2) Outline - residential development, including landscaping, public open space, vehicular and pedestrian access at OS Parcel 4200 Adjoining and North East of the A4095 and adjoining and South West of Howes Lane, Bicester for Albion Land Two Limited.

Stephen Rand and Geoff Wheeler, local residents, addressed the committee in objection to the application.

Tim Waring, agent for the applicant had registered to address the committee in support of the application but due to travel delays was unable to attend. A statement was provided to the Planning Officer which was read out to the Committee.

Councillor Sibley proposed that application 17/00455/HYBRID be refused against the officer recommendation as it was contrary to Local Plan policy Bicester 1. Councillor Pickford seconded the proposal.

Councillor Sibley proposed that a recorded vote be taken. Councillor Pickford seconded the proposal. A recorded vote was duly taken and Members voted as follows:

Councillor Hughes - Against
Councillor Macnamara - Against
Councillor Beere - Against
Councillor Clarke - Against
Councillor Corkin - Against
Councillor Dhesi - Against
Councillor Heath - Against
Councillor Kerford-Byrnes - Against
Councillor Milne-Home - Against
Councillor MacKenzie-Wintle - Against
Councillor Mould - For
Councillor Pickford - For
Councillor Pratt - For
Councillor Reynolds - Against
Councillor Richards - Abstain
Councillor Sibley - For
Councillor Brown - For
Councillor Lis - For

The motion fell.

Councillor Clarke proposed application 17/00455/HYBRID be approved in-line with the officer recommendation. Councillor Macnamara seconded the proposal.

Councillor Sibley proposed that a recorded vote be taken. Councillor Pickford seconded the proposal. A recorded vote was duly taken and Members voted as follows:

Councillor Hughes - For
Councillor Macnamara - For
Councillor Beere - For
Councillor Clarke - For
Councillor Corkin - For
Councillor Dhesi - For
Councillor Heath - For
Councillor Milne-Home - For
Councillor Kerford-Byrnes - For
Councillor MacKenzie-Wintle - For
Councillor Mould - Against
Councillor Pickford - Against
Councillor Pratt - Against
Councillor Reynolds - For
Councillor Richards - Abstain
Councillor Sibley - Against
Councillor Brown - Against
Councillor Lis - Against

In reaching its decision the committee considered the officer's report and presentation, the written update, the address of the public speakers, and the statement from the agent.

Resolved

That application 17/00455/HYBRID be approved subject to the following requirements:

- a) Delegation of the negotiation of a satisfactory S106 agreement to include securing the construction through the application site, and the ability to construct the Strategic Road through land within the control of Albion Land (within application sites 17/00455/HYBRID and 17/01090/OUT) to Officers and; further in accordance with the summary of the Heads of Terms (presented as Appendix A) and subsequent completion of S106 agreement
- b) The following conditions with delegation provided to the Head of Development Management to negotiate final amendments to the wording of conditions:

Outline Permission

1. No development shall commence on any phase (identified within an approved phasing plan) of the development of the outline permission until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) for that phase have been submitted to and approved in writing by the Local Planning Authority.

2. In the case of the reserved matters, application for approval shall be made for the first residential phase of development not later than the expiration of three years beginning with the date of this permission.
3. In the case of all other reserved matters for subsequent phases, application for approval shall be made not later than the expiration of five years beginning with the date of this permission.
4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first reserved matter and for all other matters two years from the final approval of the reserved matters or, in the case of approval on different dates, two years from the final approval of the last reserved matters to be approved.
5. Except where otherwise stipulated by condition, the reserved matters to be submitted under condition 2 shall be in accordance with the following plans and documents:
 - Drawing number 4216_PL_01 (Application site boundary)
 - 4216_PL_02 (Parameter Plan 02 Land Use)
 - 4216_PL_03 Rev A (Parameter Plan 03 Residential Building Heights)
 - 4216_PL_04 (Parameter Plan 04 Vegetation Parameters)
 - 4216_PL_05 (Parameter Plan 05 Vegetation Retention and Removal)
 - 4216_PL_06 (Parameter Plan 06 Access and Circulation)
 - Biodiversity Strategy and Biodiversity Offsetting Metric dated 24th February 2017
 - Arboricultural Statement dated February 2017
 - Site specific flood risk assessment and drainage strategy Issue 3 dated February 2017
 - Energy Statement dated February 2017
 - Environmental Statement (February 2017)
6. No more than 150 dwellings shall be constructed on the site.

Design

7. Prior to the submission of the first reserved matter, an Urban Design Framework to cover the whole application site shall be submitted to and approved in writing by the Local Planning Authority. The Urban Design Framework shall set out the urban design approach for the site to include a regulating plan and supporting information to include;
 - Details to provide continuity with adjacent development
 - Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
 - Character areas for built form and green spaces and their key features
 - A Plan to demonstrate that 40% Green Infrastructure will be provided across the site and how this will be achieved and which will demonstrate which areas are accessible to the public
 - Indicative block size, structure and permeability

- Movement network and streetscape including bus routes and stop locations
- Public realm and public open space
- Density and open space
- Building heights
- Key views, vista, landmarks, landscape character, trees and retained hedges
- Legibility and diversity of built form and landscape
- Adaptability
- Play provision in accordance with Adopted Cherwell Local Plan Policy BSC 11
- Information as to how homes will be adaptable to all life stages

All reserved matters applications and development shall thereafter be in accordance with the approved Urban Design Framework.

8. Each reserved matter submission for built residential development shall be accompanied by details showing how Building for Life 12 has been used to inform the design process and that the scheme achieves Built for Life™.
9. Any reserved matters application for residential development shall be accompanied by a schedule of the market housing, to accord with the requirements of Policy BSC4 of the Local Plan. The market housing shall thereafter be provided in accordance with the approved schedule (and detailed reserved matter approval).
10. All dwellings shall be provided with real time energy and travel information in accordance with details to be submitted prior to the commencement of the construction of any dwelling unless otherwise agreed in writing by the Local Planning Authority. No work shall commence on the construction of the dwellings in any phase until the submitted details have been approved.
11. Each reserved matter application submission shall be accompanied by a statement setting out how the design of buildings and the layout has taken account of future climate impacts, as identified in TSB research 'Future Climate Change Risks for NW Bicester', or any more recent assessment that has been published, and how the proposed development will be resilient to overheating, changing rainfall patterns and higher intensity storm events.
12. Prior to the commencement of each phase, those areas of the phase that are subject to elevated levels of noise, principally from road traffic sources, shall be identified and the dwellings that are constructed in these areas shall be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 are achieved in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Phase conditions

13. All phases of residential development shall be provided with high speed broad band (not less than 100mbs); such that on occupation of each building on the phase the occupiers can secure a high speed broad band connection unless otherwise agreed in writing by the Local Planning Authority.
14. Each reserved matter for any phase of development shall be accompanied by a strategy outlining how embodied carbon will be minimised for that phase. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the strategy so approved.
15. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not (permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Transport

16. Prior to the occupation of each phase of the development, the portion of the length of strategic link road to be delivered in full - identified on drawing number 4216_PL_01 (Application site boundary) required to access that phase shall be provided in accordance with the approved plans. Access to that parcel shall be taken by no other route.
17. Prior to the commencement of any phase of residential development hereby approved, full details of the means of vehicular accesses for that particular phase between the land and the strategic link road, including layout, construction, drainage, lighting, landscaping and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation on any phase, the means of access shall be constructed and retained in accordance with the approved details.
18. Prior to the commencement of the development hereby approved, full details of the means of footway and cycleway links between the land and the local highway network extending to the boundary of the application site, including, position, layout, construction, drainage and street lighting and a programme for provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of footway and cycleway links shall be constructed and retained in accordance with the approved details.
19. Prior to the commencement of any phase of residential development details of footpath improvements and directional signage between Howes Lane and Shakespeare Drive retail and community facilities

and Kings Meadow Primary School shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No occupation of buildings on the site shall take place until the approved signage and improvements have been completed.

20. Prior to the first occupation of the development, a Travel Plan setting out how the development (and/or the specific phase) will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a), to meet the requirements set out in the Oxfordshire County Council guidance document 'Transport for New Developments Transport Assessments and Travel Plans' and to specifically include details of cycling incentives, a car club, electric vehicle charging and public transport incentives. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The actions of the Travel Plan shall thereafter be delivered in accordance with the Travel Plan.

Contamination

21. Prior to the commencement of any phase of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development of that phase shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
22. If a potential risk from contamination is identified as a result of the work carried out under condition 21, prior to the commencement of development within that phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development of the phase shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
23. If contamination is found by undertaking the work carried out under condition 22, prior to the commencement of development on the relevant phase, a scheme of remediation and/or monitoring for that phase to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and

the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development on the phase shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

24. If remedial works have been identified in condition 23, the development within that phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 23. 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.
25. No occupation of any phase shall take place until a verification report for that phase demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
26. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority. The remediation strategy shall detail how this unsuspected contamination shall be dealt with and written approval from the local planning authority shall be obtained. The remediation strategy shall be implemented as approved.

Biodiversity

27. The retained hedges shown on drawing reference 4216 PL 05 (Parameter Plan 05 Vegetation Retention and Removal) and any hedges adjacent to the site shall have a buffer of a minimum of 20m in width comprising of 10m either side of the retained hedge. The hedge buffers shall be maintained as public open space and managed to maintain and create bio diversity.
28. Each reserved matter application submission shall be accompanied by a statement setting out how the proposed development will contribute to the Bio Diversity Strategy and net biodiversity gain within that phase to include a calculation to demonstrate a net biodiversity gain. The development shall be carried out in accordance with the approved biodiversity statement.

Construction

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

Drainage

30. Development shall not commence until a study of the existing water supply infrastructure has been submitted to, and approved in writing by, the Local Planning Authority. The study should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
31. Development shall not commence until a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works has been submitted to and approved in writing by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No building shall be occupied until the foul drainage has been provided in accordance with the approved strategy.
32. In addition to the site wide surface water drainage scheme, each Reserved Matters application shall be accompanied by a detailed surface water drainage scheme, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the relevant phase. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy. No residential phase shall commence until the detailed surface water drainage scheme for that relevant phase has been approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved scheme.
33. Each detailed surface water drainage scheme shall be accompanied by a scheme of maintenance for all drainage features which shall be agreed in writing by the Local Planning Authority. The scheme shall include timings of the implementation of the plan, long term objectives, management responsibilities, maintenance schedules and procedures for dealing with the failure of any part of the systems. The scheme for maintenance shall apply thereafter and in perpetuity unless an alternative scheme for maintenance is agreed otherwise in writing with the Local Planning Authority.
34. The residential development shall be constructed so as to meet the higher Building Regulation Standard for water consumption of 110 litres per person per day (lppd) as a minimum.

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

Waste

36. Prior to the occupation of any relevant phase of the development, a waste strategy, setting targets above national standards for residual waste levels, recycling levels and landfill diversion and which identifies measures to facilitate waste reduction and recycling for residential occupiers of that phase shall be submitted to and approved in writing by the Local Planning Authority. The waste reduction measures shall be implemented in accordance with the strategy.

Full Permission

37. The development to which this full permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
38. Except where otherwise stipulated by condition, the full development shall be carried out strictly in accordance with the following plans: drawings numbered 14042-45 Rev E (Residential Right Turn Lane Access From Strategic Link Road) 14042-39 (titled Interim Residential Access with RSA Amendments) (pursuant to the Howes Lane works and the temporary access to the point it meets the Strategic Link Road only) and 14042-37 (titled Proposed Footway/ Cycleway).
39. Prior to the construction of the element of the strategic link road within the application, full design details including details of final surface treatment, SUDs, detail of SUDs crossings, lighting columns, trees and landscaping, tree pits, traffic signals, road markings, kerblines and the type of kerb to be used, adoption boundary, service corridor, sections including long sections and levels and drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall follow the design principles of the following drawings prepared by Arcadis: drawing numbers 204-UA005241-04 (titled Detailed General Arrangement Plan Sheet 4 of 5), 203-UA005241-06 (titled Detailed General Arrangement Plan Sheet 3 of 5), 227-UA005241-03 (titled General Arrangement Road Markings Sheet 4 of 5), 226-UA005241-05 (titled General Arrangement Road Markings Sheet 3 of 5), 3001-UA005241-04 (Strategic Infrastructure Landscape General Arrangement 1 of 5), 3002-UA005241-04 (Strategic Infrastructure Landscape General Arrangement 2 of 5), 3006-UA005241-04 (Strategic Infrastructure Landscape Detailed General Arrangement Main Boulevard Layout), 3016-UA005241-02 (titled Landscape Details Typical Swale Crossing), 3017-UA005241-02 (titled Landscape Details Swale Cross Section), 3018-UA005241-02 (titled Landscape Details Swale Tree Planting), 3019-UA005241-02 (titled Landscape Details: Tree pits),

7809-UA005241-02 (titled Typical Service Locations), 207-UA005241-01 (titled Long Section Sheet 1 of 2) and drawings showing existing and proposed levels and topography – referenced BIMP6 305B and BIMP6 306B.

40. Prior to the first use of the temporary access hereby approved, the existing field accesses onto the A4095 to the application site shall be permanently stopped up by means of full face kerbing, planting, and the reinstatement of the highway verge and shall not be used by any vehicular traffic whatsoever.
41. Prior to the commencement of the development hereby approved, full details of the means of vehicular access between the land and the temporary access junction with Howes Lane, including, position, layout, construction, drainage and vision splays and lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation, the means of access shall be constructed and retained in accordance with the approved details.
42. Prior to the commencement of the development hereby approved, details of the final surface treatment of road, cycleway and footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
43. Prior to the commencement of the development, full construction details of
 - the temporary access road between Howes Lane and the Strategic Link Road,
 - the junction with Howes Lane

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

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

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

44. Prior to the commencement of the development, details of the closure of the temporary vehicular access onto Howes Lane and the removal of the temporary access arrangements shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a. Details of areas of the temporary access road that fall outside the approved Strategic Link Road layout, showing how they will be removed and the ground remediated, or otherwise treated, following the opening of the Strategic Link Road

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

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

- 45. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.
- 46. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas
- 47. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the final surface course of the road/ footways being completed. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
- 48. Except to allow for the means of access and vision splays the existing hedgerow/trees along the boundary of the site with Howes Lane shall

be retained and properly maintained and any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

49. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, including details of any required engineering solution methods for development within the Root Protection Area of any tree/ hedgerow shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
50. Prior to the commencement of the development, a report outlining how embodied carbon has been minimised for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved report.

Conditions relevant to Both Full and Outline permissions:

51. Prior to the submission of reserved matters and prior to the commencement of the development in respect of the Full permission, a full surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - Sizing of features – attenuation volume
 - Infiltration in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS - Swales, Ponds, Permeable Paving, Filter Strips, Rain Gardens
 - Network drainage calculations
 - Phasing
52. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this permission, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing.

53. No development shall commence on a phase until a Construction Traffic Management (CTM) Plan providing full details of the construction of that phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) for that relevant phase. This CTM Plan will include wheel washing facilities, a restriction on construction & delivery traffic during the am and pm peak traffic periods and an agreed route for HGV traffic to the development site. The approved CTM Plan shall be implemented in full during the entire construction period of the relevant phase.
54. No development shall commence on any phase until a Construction Environment Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but shall not be limited to):
- a) the suggested mitigation in the Environmental Statement including measures to be taken to ensure construction works do not adversely affect the existing biodiversity of the site and residential properties on, adjacent to or surrounding the site;
 - b) details of the consultation and communication to be carried out with local residents;
 - c) Details of how carbon emissions from the construction process have been minimised;
 - d) A Soil Resources Plan that detail the soils present, proposed storage location, handling methods and locations for reuse; and
 - e) A Site Waste Management Plan, targeting zero waste to landfill and setting targets for residual waste, recycling and diversion from landfill.
- Thereafter the development of the phase shall be carried out in accordance with approved CEMP.
55. If a period of more than two years elapses from the date of the outline planning permission, no development shall commence on any phase thereafter until an updated extended Phase 1 Habitat survey for that phase has been undertaken. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
56. No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
57. Notwithstanding the submitted information, no development shall commence on any phase until a scheme for the provision of protective fencing in the form of an Arboricultural Method Statement, to prevent damage during construction, for the retained hedgerows, trees and

areas of green space, within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed in accordance with the approved plans prior to work commencing on site.

58. No development shall commence on any phase until a Landscape & Habitat Management Plan (LHMP) for that phase detailing both management and monitoring proposals for green space (excluding building curtilages) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the LHMP shall be implemented in accordance with the approved details.
59. No development shall commence on any phase until details of the existing and proposed ground levels for that phase have been submitted to and approved in writing by the local planning authority. The development of that phase shall thereafter be carried out in accordance with the approved levels.
60. Prior to the commencement of any phase of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the area covered by that phase, which shall be submitted to and approved in writing by the Local Planning Authority.
61. Prior to the commencement of any phase of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 60, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

51 **OS Parcel 4200 Adjoining & North East Of A4095 And Adjoining And South West Of Howes Lane Bicester**

The Committee considered application 17/01090/OUT an outline application for a development of B1, B2 and B8 (Use Classes) employment buildings, including landscaping; parking and service areas; balancing ponds and swales; and associated utilities and infrastructure. Construction of a new access off Middleton Stoney Road (B4030); temporary access off Howes Lane; internal roads, footways and cycleways at the OS Parcel 4200 adjoining and North East of the A4095 and adjoining and South West of Howes Lane, Bicester for Albion Land Two Limited.

Noel Farrer of Farrer Huxley Associates addressed the Committee in objection to the application.

Councillor Sibley proposed that application 17/01090/OUT be refused against the officer recommendation as it was contrary to the local plan. Councillor Pickford seconded the proposal.

Councillor Sibley proposed that a recorded vote be taken. Councillor Pickford seconded the proposal. A recorded vote was duly taken and Members voted as follows:

Councillor Hughes – Against
Councillor Macnamara – Against
Councillor Beere – Against
Councillor Clarke – Against
Councillor Corkin - Against
Councillor Dhesi - Against
Councillor Heath – Against
Councillor Milne-Home – Against
Councillor Kerford-Byrnes – Against
Councillor MacKenzie-Wintle – Against
Councillor Mould – For
Councillor Pickford – For
Councillor – Pratt – For
Councillor Reynolds – For
Councillor Richards – Against
Councillor Sibley – For
Councillor Brown – For
Councillor Lis – For

The motion fell.

Councillor Clarke proposed application 17/01090/OUT be approved in-line with officer recommendations. Councillor Dhesi seconded the proposal.

Councillor Sibley proposed that a recorded vote be taken. Councillor Pickford seconded the proposal. A recorded vote was duly taken and Members voted as follows:

Councillor Hughes – For
Councillor Macnamara – For
Councillor Beere – For
Councillor Clarke – For
Councillor Corkin – For
Councillor Dhesi – For
Councillor Heath – For
Councillor Milne-Home – For
Councillor Keyford-Byrnes – For
Councillor MacKenzie-Wintle – For
Councillor Mould – Against
Councillor Pickford – Against
Councillor Pratt – Against
Councillor Reynolds – Against
Councillor Richards – For
Councillor Sibley – Against
Councillor Brown – Against

Councillor Lis Against

In reaching its decision the committee considered the officer's report and presentation, the written update, the address of the public speakers.

Resolved

That application 17/01090/OUT be approved subject to the following conditions:

- a) Delegation of the negotiation of a satisfactory S106 agreement to include securing the construction through the application site, and the ability to construct the Strategic Road through land within the control of Albion Land (within application sites 17/00455/HYBRID and 17/01090/OUT) to Officers and; further in accordance with the summary of the Heads of Terms (presented as appendix A) and subsequent completion of S106 agreement
- b) The following conditions (finalised list following negotiation post Committee):
 62. No development shall commence on any phase (identified within an approved phasing plan) of the development of the outline permission until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) for that phase have been submitted to and approved in writing by the Local Planning Authority.
 63. In the case of the reserved matters, application for approval shall be made for the first commercial phase of development not later than the expiration of three years beginning with the date of this permission.
 64. In the case of all other reserved matters for subsequent phases, application for approval shall be made not later than the expiration of five years beginning with the date of this permission.
 65. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first reserved matter and for all other matters two years from the final approval of the reserved matters or, in the case of approval on different dates, two years from the final approval of the last reserved matters to be approved.
 66. Except where otherwise stipulated by condition, the reserved matters to be submitted under condition 2 shall be in accordance with the following plans and documents:
 - 4216_SK_201 Rev B (Application site boundary)
 - 4216_SK_202 Rev E (Parameter Plan 02 Land Use)

- 4216_SK_203 Rev E (Parameter Plan 03 Building Heights Plan)
 - 4216_SK_04 Rev C (Parameter Plan 04 Vegetation Parameters)
 - 4216_SK_05 Rev J (Parameter Plan 05 Vegetation Retention and Removal)
 - 4216_SK_06 Rev F (Parameter Plan 06 Access and Circulation)
 - 14042-30 Rev B (Highway Infrastructure – Middleton Stoney Road Access)
 - 14042-43 Rev A (Highway Infrastructure prior to North West Bicester Link Road)
 - 14042-44 Rev A (Highway Infrastructure Post North West Bicester Link Road)
 - Biodiversity Strategy and Biodiversity Offsetting Metric (Strategy dated 11 May 2017 and Calculation accompanying email from the Council's Ecologist of the 26/06/2017)
 - Arboricultural Statement dated June 2017 (CBA10710PH2 v2)
 - Site specific flood risk assessment and drainage strategy Issue 1 dated May 2017
 - Energy Strategy Addendum (May 2017)
 - Environmental Statement (May 2017)
67. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this permission, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing unless otherwise agreed in writing.
68. No more than 53,000sqm of employment floor space shall be provided across the two employment sites labelled 'Plot 1' and 'Plot 2' on drawing number 4216_SK_202 Rev E titled 'Parameter Plan – Land Use'.
69. No more than 30% of the floor space of the employment plots hereby approved shall be utilised for purposes falling within Class B1c/B2 and no more than 70% of the floor space of the employment plots hereby approved shall be utilised for purposes falling with Class B8 both specified within the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (and all subsequent amendments).

The approved floor space shall be used only for development within the approved Use, together with ancillary B1a use and for no other purpose(s) whatsoever.

70. The employment units provided on the small business plot (Plot 1) shall not individually exceed 500m² in area and shall not be amalgamated to form larger units unless first agreed in writing by the Local Planning Authority.
71. The employment buildings shall not exceed a height of 16m to the ridge and 13.7m to the eaves measured from the development plateau level, as indicated on drawing number 4216_SK_203 Rev E (Parameter Plan 03 Building Heights Plan).

Design

72. Prior to the first submission of a reserved matter for commercial development, a Design Code shall be submitted covering the two commercial areas of the site. The Design Code shall include:
 - Key approaches to deliver sustainable development that as a minimum meets the Eco Town Standards
 - Block principles
 - Street types, materials and details
 - Building types, uses, materials and details
 - A plan to demonstrate that 40% Green Infrastructure will be provided across the site and how this will be achieved and which will demonstrate which areas are accessible to the public.
 - Parking Strategy
 - Boundary treatments and landscaping
 - SUDs and open spaces
 - Measures to ensure high quality development to key frontages
 - Mitigation landscape planting
 - Measures to ensure noise levels are controlled through layout considerations

The development shall thereafter be in accordance with the approved Design Code.

73. All commercial buildings shall be provided with real time energy and travel information in accordance with details to be submitted prior to

the commencement of the construction of any commercial building unless otherwise agreed in writing by the Local Planning Authority. No work shall commence on the construction of the commercial buildings in any phase until the submitted details have been approved.

74. Each reserved matter application submission shall be accompanied by a statement setting out how the design of buildings and the layout has taken account of future climate impacts, as identified in TSB research 'Future Climate Change Risks for NW Bicester', or any more recent assessment that has been published, and how the proposed development will be resilient to overheating, changing rainfall patterns and higher intensity storm events.

Phase conditions

75. All phases of development shall be provided with high speed broad band (not less than 100mbs); such that on occupation of each building on the phase the occupiers can secure a high speed broad band connection unless otherwise agreed in writing by the Local Planning Authority.
76. Each reserved matter for any phase of development shall be accompanied by a strategy outlining how embodied carbon will be minimised for that phase. No work shall commence until the report has been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the strategy so approved.
77. 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.

Transport

78. No more than 17,437sqm floorspace of B8 use and 7,473sqm floorspace of B1c/B2 use shall be constructed until the development work to realign Howes Lane/ Lords Lane approved under application 14/01968/F has been completed and the road is open to vehicular traffic.
79. Any commercial floorspace within use classes B1c/B2 and B8 to be constructed before the work to realign Howes Lane/ Lords Lane has been completed and the road opened to vehicular traffic, shall be accessed from the B4030 Middleton Stoney Road.

80. Prior to the commencement of any phase of commercial development hereby approved, full details of the means of vehicular accesses for that particular phase between the land and the highway, including layout, construction, drainage, lighting and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation on any phase, the means of access shall be constructed and retained in accordance with the approved details.
81. Prior to the commencement of the development hereby approved, full details of the means of footway and cycleway links between the land and the local highway network extending to the boundary of the application site, including, position, layout, construction, drainage and street lighting and a programme for provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of footway and cycleway links shall be constructed and retained in accordance with the approved details.
82. Prior to the commencement of the development hereby approved, full specification details of the internal roads, parking and turning areas, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the commercial development, the access, driveways and turning areas shall be constructed in accordance with the approved details.
83. Prior to any works on the construction of the temporary access, full construction details of
- the temporary access road between Howes Lane and the Strategic Link Road,
 - the junction with Howes Lane
- shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- Construction details to adoptable standards including the interface with the remainder of the Strategic Link Road.
 - Interim drainage arrangements
 - The construction programme for the works
- Thereafter, and prior to first occupation of any commercial development on Plot 1, the temporary access road shall be constructed in its entirety in accordance with the approved plans and details.
84. Prior to any works on the construction of the temporary access, details of the closure of the temporary vehicular access onto Howes Lane

and the removal of the temporary access arrangements shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a. Details of areas of the temporary access road that fall outside the approved Strategic Link Road layout, showing how they will be removed and the ground remediated, or otherwise treated, following the opening of the Strategic Link Road
- b. Details of the closure of the temporary vehicular access onto Howes Lane
- c. Details of the decommissioning and removal of street lighting and traffic signals on Howes Lane, and any other infrastructure required solely as part of the temporary access strategy
- d. Details of the areas of the temporary access road that fall within the line of the Strategic Link Road and their alteration

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

85. Prior to the first use of the temporary access hereby approved, the existing field accesses onto the A4095 to the application site shall be permanently stopped up by means of full face kerbing, planting, and the reinstatement of the highway verge and shall not be used by any vehicular traffic whatsoever.
86. Prior to the first occupation of the development, a Travel Plan setting out how the development (and/or the specific phase) will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a), to meet the requirements set out in the Oxfordshire County Council guidance document 'Transport for New Developments Transport Assessments and Travel Plans' and to specifically include details of cycling incentives, a car club, electric vehicle charging and public transport incentives. The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The actions of the Travel Plan shall thereafter be delivered in accordance with the Travel Plan.
87. Prior to the commencement of the development hereby approved, full details of the bus stop locations, including, position, layout, construction, and drainage shall be submitted to and approved in

writing by the Local Planning Authority. Such works are to be completed prior to the first occupation of the development site.

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

Contamination

89. Prior to the commencement of any phase of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development of that phase shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
90. If a potential risk from contamination is identified as a result of the work carried out under condition 28, prior to the commencement of development within that phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development of the phase shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
91. If contamination is found by undertaking the work carried out under condition 29, prior to the commencement of development on the relevant phase, a scheme of remediation and/or monitoring for that phase to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and

the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development on the phase shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

92. If remedial works have been identified in condition 30, the development within that phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 30. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
93. No occupation of any phase shall take place until a verification report for that phase demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
94. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority. The remediation strategy shall detail how this unsuspected contamination shall be dealt with and written approval from the local planning authority shall be obtained. The remediation strategy shall be implemented as approved.

Biodiversity and Landscape

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

96. The retained hedges shown on drawing reference 4216 SK 05 Rev J (Parameter Plan 05 Vegetation Retention and Removal) and any hedges adjacent to the site shall have a buffer of a minimum of 20m in width comprising of 10m either side of the retained hedge. The hedge buffers shall be maintained as public open space and managed to maintain and create bio diversity.
97. Each reserved matter application submission shall be accompanied by a statement setting out how the proposed development will contribute to the Bio Diversity Strategy and net biodiversity gain within that phase to include a calculation to demonstrate a net biodiversity gain. The development shall be carried out in accordance with the approved biodiversity statement.
98. No development shall commence on any phase unless or until an up to date reptile, badger and bat survey for that phase has been undertaken to establish changes in the presence, abundance and impact on bio diversity. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
99. No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
100. No development shall commence on any phase until a Landscape & Habitat Management Plan (LHMP) for that phase detailing both management and monitoring proposals for green space (excluding building curtilages) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the LHMP shall be implemented in accordance with the approved details.
101. No development shall commence on any phase until details of any existing hedgerow, or part thereof, to be removed, and proposals for creation of new compensatory hedgerow, have been submitted to and approved in writing by the Local Planning Authority. The compensatory hedgerow shall be provided in accordance with the approved details.
102. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter and prior to the occupation of any building the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

Environmental

103. No development shall commence on any phase until a Construction Environment Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but shall not be limited to):
- a) the suggested mitigation in the Environmental Statement including measures to be taken to ensure construction works do not adversely affect the existing biodiversity of the site and residential properties on, adjacent to or surrounding the site;
 - b) details of the consultation and communication to be carried out with local residents;
 - c) Details of how carbon emissions from the construction process have been minimised;
 - d) A Soil Resources Plan that detail the soils present, proposed storage location, handling methods and locations for reuse; and
 - e) A Site Waste Management Plan, targeting zero waste to landfill and setting targets for residual waste, recycling and diversion from landfill.

Thereafter the development of the phase shall be carried out in accordance with approved CEMP.

104. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.
105. Prior to the commencement of the development hereby permitted, where an adverse impact has been identified during works in condition 43 an air quality mitigation strategy shall be submitted to and approved in writing, by the Local Planning Authority. Once approved the measures within this strategy will be implemented as agreed. No development shall take place until the Local Planning Authority has given its written approval that measures are in place which mitigate the impact of the development on local air quality.
106. Construction noise levels from the site shall not exceed the predicted mitigated façade construction noise criteria levels as set out within

section 5.2.1 of appendix 10.1 (Noise Assessment dated May 2017 prepared by WYG) of the Environmental Statement dated May 2017.

107. Any reserved matter application for commercial development to include plant and/or machinery shall be accompanied by a noise assessment relating to that proposal demonstrating that there will be no increase in background noise levels at the nearest existing or proposed residential properties to the building.
108. Operational noise levels from the site shall not exceed the target noise criteria level set out within table 5.5 of appendix 10.1 (Noise Assessment dated May 2017 prepared by WYG) of the Environmental Statement dated May 2017.
109. Notwithstanding the submitted information, no development shall commence on any phase until a scheme for the provision of protective fencing in the form of an Arboricultural Method Statement, to prevent damage during construction, for the retained hedgerows, trees and areas of green space, within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed in accordance with the approved plans prior to work commencing on site
110. No development shall commence on any phase until details of the existing and proposed ground levels for that phase have been submitted to and approved in writing by the local planning authority. The development of that phase shall thereafter be carried out in accordance with the approved levels.
111. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.
112. Prior to the commencement of the development of a commercial phase, a scheme for lighting the commercial areas of the site within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to the first occupation of the commercial area within that phase.

Drainage

113. Development shall not commence until a study of the existing water supply infrastructure has been submitted to, and approved in writing by, the Local Planning Authority. The study should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

114. Development shall not commence until a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works has been submitted to and approved in writing by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No building shall be occupied until the foul drainage has been provided in accordance with the approved strategy.
115. Prior to the submission of reserved matters, a full surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Discharge Rates
 - Discharge Volumes
 - Sizing of features – attenuation volume
 - Infiltration in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS - Swales, Ponds, Permeable Paving, Filter Strips, Rain Gardens
 - Network drainage calculations
 - Phasing
116. In addition to the site wide surface water drainage scheme, each Reserved Matters application shall be accompanied by a detailed surface water drainage scheme, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the relevant phase. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy. No commercial phase shall commence until the detailed surface water drainage scheme for that relevant phase has been approved in writing by the Local Planning Authority. The development shall be carried out and managed in accordance with the approved scheme.
117. Each detailed surface water drainage scheme shall be accompanied by a scheme of maintenance for all drainage features which shall be

agreed in writing by the Local Planning Authority. The scheme shall include timings of the implementation of the plan, long term objectives, management responsibilities, maintenance schedules and procedures for dealing with the failure of any part of the systems. The scheme for maintenance shall apply thereafter and in perpetuity unless agreed otherwise in writing with the Local Planning Authority.

118. No development of a phase shall commence on a commercial building until details of measures to be installed into the commercial buildings within that phase to minimise water consumption have been submitted to and approved in writing by the Local Planning Authority. The development of the phase shall be carried out in accordance with the details so approved.
119. Prior to the commencement of the development, details of a strategy to work towards water neutrality, in accordance with the Eco Towns PPS shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be carried out in accordance with the approved strategy.

Archaeology

120. Prior to the commencement of any phase of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the area covered by that phase, which shall be submitted to and approved in writing by the Local Planning Authority.
121. Prior to the commencement of any phase of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 59, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Waste

122. Prior to the occupation of any relevant phase of the development, a waste strategy, setting targets above national standards for residual waste levels, recycling levels and landfill diversion and which identifies measures to facilitate waste reduction and recycling for commercial occupiers of that phase shall be submitted to and approved in writing by the Local Planning Authority. The waste

reduction measures shall be implemented in accordance with the strategy.

52 **8 Tubb Close, Bicester, OX26 2BN**

The Committee considered application 17/00585/F for a change of use from one dwelling to a house of multiple occupation at 8 Tubb Close, Bicester OX26 2BN for Ardour Ltd.

Janet Citynskyj, Caroline Malloy and Pamala Malendewicz, local residents, addressed the Committee in objection to the application.

Councillor Sibley proposed that application 17/00585/F be refused against the officer recommendation as it was contrary to the Cherwell Local Plan with the exact wording for refusal delegated to officers and agreed with the Chairman. Councillor Pickford seconded the proposal.

In reaching its decision the Committee considered the officers report and presentation, the written update and the address of the public speakers.

Resolved

That application 17/00585/F be refused for the following reasons:

The proposal, by virtue of the number of potential occupants and the greater likelihood of short term occupancy, and greater potential parking requirements, would result in an intensive form of residential use in an area characterised by family housing, and so would fail to integrate with the prevailing character of housing stock in the area and would fail to promote social wellbeing and cohesion. The proposal would therefore be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained in the NPPF.

53 **St Edburys Church Of England Voluntary Aided School, Cemetery Road, Bicester, OX26 6BB**

The Chairman advised that application 17/00696/OUT had been withdrawn from the planning process by the applicant.

54 **Land Adj To Orchard House, Sir Georges Lane, Adderbury**

The Chairman advised that application 17/00766/F had been withdrawn from the planning process by the applicant.

55 **OS Parcel 2945 Grange Farm West Of Station Cottage, Station Road, Launton**

The Committee considered application 17/00803/OUT an outline application for a residential development of up to a maximum of 70 dwellings, provision of

open space, landscaping, access, infrastructure & demolition of outbuildings at OS Parcel 2945 Grange Farm, West of Station Cottage, Station Road, Launton for Richborough Estates.

In reaching its decision the Committee considered the officer's report and presentation and the written update.

Resolved

That application 17/00803/OUT be refused for the following reasons:

1. Having regard to the District's strong housing supply and delivery position the proposals would result in an unnecessary development of greenfield land forming part of the open countryside which would result in an unacceptable extension of the village that would harm the character and rural setting of the village to the detriment of the built, natural and historic environment. The proposal is therefore contrary to policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. The application site is located some distance from the centre of the village, this would create a new community isolated from the existing village and services and would place heavy reliance on unsustainable car use to reach even local services within the village such as the school and shop. This lack of connectivity within the existing settlement would result in an isolated form of unsustainable development which would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.
3. The proposed development fails to demonstrate that any of the applicable criteria as set out in policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 have been met and as such would result in the unacceptable loss of employment land. No other planning objectives would outweigh the value of retaining the site in employment use and as such the development would be contrary to policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1.
4. The application and accompanying Illustrative Masterplan(s)/indicative layout submitted fail to adequately take adequate account of the policy requirements for general green open space and outdoor sports provision. As such, the Local Planning Authority is unable to determine whether the quantum of residential development proposed could be satisfactorily accommodated on site in accordance with basic policy requirements whilst also safeguarding areas identified within the application for landscape, ecological and biodiversity enhancements. The proposal therefore fails to accord with the requirements of policies BSC10, BSC11, ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice within the National Planning Policy Framework.

5. The Design and Access Statement and Illustrative Masterplan(s)/indicative layout submitted as part of application fails to provide sufficient acceptable detail in respect of design principles set as a basis for the future detailed consideration of the development proposed. This includes siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on site in a manner that would respect its context and respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and policies C28 and C30 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
6. The site is located within an off-gas area where policies ESD4 and ESD5 apply. The application fails to provide the required feasibility studies for the consideration of Decentralised Energy Systems and onsite Renewable Energy provision. The proposal therefore fails to accord with the requirements of policies ESD4 and ESD5 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
7. In the absence of the completion of a satisfactory Planning Obligation, it cannot be demonstrated that the necessary infrastructure directly required both on and off site as a result of the development can be provided in the interests of safeguarding public infrastructure, delivering mixed and balanced communities through the provision of affordable housing and securing on site future maintenance arrangements. The development is therefore contrary to policy INF1, BSC3, BSC4, BSC9, BSC11, BSC12 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

56

Cherwell District Council, Former Offices, Old Place Yard, Bicester

The Committee considered application 17/00287/DISC for the discharge of conditions 15 (adjacent railing) and 16 (landscaping scheme) of application 16/00043/F at Cherwell District Council former offices, Old Place Yard, Bicester for Cherwell District Council.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

That application 17/00287/DISC be approved and delegated authority be given to officers to approve the application subject to the design of the end panel to the railings being amended and the details of the landscaping scheme being found acceptable, having regard to the comments of the Landscape Officer.

Appeals Progress Report

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 8.40 pm

Chairman:

Date: