

Application No: 10/01381/OUT	Ward: Ambrosden and Chesterton	Date Valid: 21/09/10
--	---	-----------------------------

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

Site Address:	Land south west of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester
----------------------	---

Proposal: Outline – Construction of up to 46 dwellings with associated amenity space, car parking, access roads and public open space.

1. Site Description and Proposal

- 1.1 The application site comprises 1.4ha within the wider 116ha S.W. Bicester development site which was granted consent for mixed use development including 1585 houses in 2008 under application number 06/00967/OUT. The site is roughly triangular in shape and comprises undeveloped agricultural land, although it has not been used for such purposes for some time.
- 1.2 The site is approximately 0.3km from the current southern boundary of Bicester, which is defined by Middleton Stoney Road. The village of Chesterton lies approximately 0.8km to the south west of the site. A triangular copse just to the north will be retained. The site is flat and there are no trees or any other features within the site itself. The buildings of Whitelands Farm lie immediately to the south.
- 1.3 The site will be accessed via the new internal main principle spine road. This site was originally allocated within the larger S.W. Bicester development as a reserve school site for a second primary school should it be required. This application therefore now seeks consent for the site to be developed for residential purposes and illustrative schemes submitted with the application identify that it can accommodate up to 46 units. Reserved matter applications have been approved for the initial infrastructure proposals to enable development to commence on the wider S.W. Bicester site. The drainage has been installed and the first section of the spine road is currently under construction.

2. Application Publicity

- 2.1 The application was advertised by way of site notices, a notice in the local press and neighbour notification letters. As a result of the above publicity, 1 letter of objection has been received from a resident in Tubbs Close whose concerns relate to increased pollution levels including traffic, noise, light, domestic vermin and crime and loss of panoramic views over the English countryside, and fails to understand why the already plentifully concreted land at RAF Bicester has to be preserved intact in glorification of war while the country itself and all that it symbolised has to be sacrificed to developers, in mockery of those who lost their lives in its defence.

3. Consultations

- 3.1 Chesterton Parish Council raise no objections

- 3.2 Bicester Town Council has no objections.
- 3.3 Highways Authority raise no objections and considers that the Traffic Assessment as submitted which demonstrates that the expected minor increase in traffic movements is unlikely to have adverse effects upon the operation of local junctions is reasonable.

The layout should accord with the standards within the approved Design Code and a tracking plan will need to demonstrate that refuse vehicles can turn within the site. A financial contribution towards the Bicester Transport Strategy will be required, as too will a contribution towards rail upgrade.

A number of conditions are recommended should planning consent be forthcoming.

- 3.4 Thames Water advise in respect of surface water drainage that the developer must ensure that proper provision is made for drainage to ground water courses or a suitable sewer, and recommends an informative be attached advising that Thames Water will aim to provide customers regarding water pressure etc. This proposal is acceptable on the condition that this site is connected with proposals for the adjacent Whitelands Farm development. No surface water systems to be adopted by Thames Water. Any on site foul sewers required for adoption will require specific agreement with Thames Water Development Services.
- 3.5 Environment Agency has no objections, but recommends a number of conditions.
- 3.6 Oxfordshire County Council – Developer Funding seek see 106 Contributions in relation to infrastructure requirements for schools, education, Library, Day Resource Centre for the elderly, strategic waste, museum, adult learning, fire and rescue together with an administration fee.
- 3.7 Cherwell District Council – a number of internal consultees have requested Section 106 contributions for infrastructure provision Sec 106 requirements include informal open space provision, LAP provision, 30% affordable housing, i.e. 13 units and public art.
- 3.8 Cherwell District Council – Chief Engineer advises that all highway and drainage work should conform to the infrastructure master plan. Porous paving required for all roads and drawings. All sustainable drainage to be adopted by OCC. OCC should be consulted for specifications and commuted sums payable.
- 3.9 Cherwell District Council – Landscape Architect raises no objections subject to the provision of appropriate open space and play space and that the adjacent woodland and calcareous grassland are appropriately protected, and Sec 106 contributions in respect of open space and play provision.
- 3.10 Cherwell District Council –Biodiversity and Countryside Officer has requested that consideration be given to the incorporation of bird habitat into the development.
- 3.11 Cherwell District Council – Head of Planning Policy and Economic Development advises that this application site is 1.4ha of agricultural land within the site of the S.W. Bicester urban extension allocated in the Non-Statutory Cherwell Local Plan 2011 and granted outline permission (06/00967/OUT) in June 2008. The 46 dwellings would be additional to the 1585 already permitted. Provided it has been confirmed by OCC that this second primary school site is no

longer required to accommodate the permitted urban extension, there is no policy objection to the proposal in the interests of making effective and efficient use of land within a site already approved for an urban extension.

This site is also included in the District's 5 year land supply as a deliverable housing site. This in itself carries no policy weight but the loss of the site as a residential development could undermine the districts housing land supply position.

- 3.12 Cherwell District Council – Urban Design raises no objection. The site is not covered by the Design Code for the rest of the Kingsmere Development but the accompanying Design and Access Statement draws material from the approved code to explain and justify the proposals. It does so adequately and consistently. The illustrative layout adequately demonstrates that 46 units can be accommodated on the site.

4. Relevant Planning Policies

- 4.1 Policy H 13 of the Non-Statutory Cherwell Local Plan identifies this site as part of the S.W. Bicester urban extension as a mixed use development to include up to 1585 dwellings
- 4.2 Policy C28 of the Adopted Cherwell Local Plan seeks to exercise control over all new development to ensure standards of design are sympathetic to the character of its context.
Policy C30 relates to housing development and seeks to ensure that it is compatible with existing dwellings in the vicinity of the site.
Policy H5 seeks affordable housing provision on substantial new residential schemes where there is a need.
- 4.3 Policies CC1, CC4 and CC6 of the South East Plan are relevant in seeking sustainable development and high quality design.

Policy CO3 of the South East Plan promoted Bicester as a main location for housing development.

Policy NRM4 seeks the incorporation of SUDS within all new developments.
- 4.4 PPS1 'Delivering Sustainable Development'
PPS3 'Housing'
PPS9 'Biodiversity'
PPG13 'Transport'

5. Appraisal

- 5.1 The main issues for consideration include, the principle of the development, the need for the reserve school site, access and traffic, ecology and landscape impact.
- 5.2 Principle of Development
As previously stated, this site was part of the original development proposed for S.W. Bicester which was granted outline planning permission in June 2008 under application number 06/00967/OUT. This particular site at that time was identified as

a reserve primary school site should it be needed to serve this new urban extension. The site is therefore included within that allocated within Policy H13 of the Non-Statutory Cherwell Local Plan. The development of this site is reliant upon the wider S.W. Bicester development being progress to provide the access network and utilities.

The proposal seeks consent for the erection of up to 46 dwellings within the limits of the above urban extension which is acceptable in principle and does not result in any further encroachment into the open countryside. The development of 46 dwellings results in a density of approximately 33 dwellings per hectare. This accords with the range of densities across the site and this area of the development which is most appropriately located within the Avenue Character Area of Kingsmere Development.

HDC & MD therefore considers that subject to all other material planning considerations, the proposal is acceptable in principle and accords with the principle of development as set out in the policies above.

5.3 Loss of Secondary Primary School Site

During the initial consideration and allocation of the South West Bicester site for development in the Non-Statutory Cherwell Local Plan, it was indicated that there may be a need for two primary schools to be provided to serve the new development and any other shortfall within the town. The site in question was therefore included as part of the master plan as one of the sites for a primary school. However, as the outline progressed, it became evident that based on the proposed densities and likely housing mix, that only one primary school would be required, and this site would therefore not be needed. As the outline had progressed so far at that time, the applicants made the decision not to amend the application at that time but to continue with the determination of the application.

Oxfordshire County Council have however, now raised concerns regarding the development of this site for residential purposes as the densities included in the recent reserved matters applications for the site submitted by Bovis Homes and Taylor Wimpey greatly exceed the mix envisaged at the outline stage due to there being a far greater proportion of 4 and 5+ bedroom properties proposed within the layout exceeding the previous estimate that 4040 bedrooms might be built across the development. The County Council are therefore questioning whether indeed a second primary school to serve the development may actually be necessary and therefore question whether this site should remain reserved until all the reserved matter planning applications have been received following the original outline planning consent (06/00967/OUT refers). Oxfordshire County Council further consider that to grant permission for this development at this stage could therefore prevent primary school children from the South West Bicester development from being educated within their own community, and neither is it currently clear where, within the County there may be spaces within other schools to accommodate them.

Whilst it was agreed with the applicants during the consideration of the outline application, based on the information available at that time, that the consent for up to 1585 dwellings with the density agreed across the site, was likely to produce up to 3040 bed spaces, and therefore unlikely to be a need for a second primary school, a clause contained within the Section 106 Agreement accompanying that application does seek further education contributions from the applicant should that

number of bed spaces be exceeded.

The site however, whilst indicated as the reserve school site within the outline application documents is not required to be retained as such either as part of that outline consent nor the accompanying Section 106 Agreement, and there is therefore no mechanism for requiring its reservation until South West Bicester has been built out and the exact numbers are known. HDPS is of the view that to resist the development of this site for residential purposes on the grounds that it is premature to release it for additional housing at this stage would not be reasonable and would be difficult to defend on those grounds alone at appeal.

It is expected that the main primary school on the South West Bicester development will be two form entry and will include the relocation of the existing St. Edburgh's School, whose original site will then be available for redevelopment subject to the necessary planning consents being granted.

Having regard to the above therefore, no objections are raised relating to the loss of this site as a second primary school and the alternative use residential is considered appropriate.

5.4 Impact on the Adjacent Woodland and Wildlife Corridor

The site is located just to the south of an existing small area of woodland which is to be retained and protected as part of the development of S.W. Bicester. The woodland in question is triangular in shape and stands in isolation from other groups of trees and hedges within the site, but will be enhanced by the provision of a green corridor and wildlife corridor from the Middleton Stoney road down through the site and to its south linking through with other green routes within the development. The development site is located to the south of this woodland and will not encroach upon the tree protection areas which have already been identified by a full arboricultural report already produced in conjunction with the S.W. Bicester development.

5.5 Landscape and Visual Impact

Whilst the proposed residential development will be visible from the surrounding area it will be seen in relation to and as part of the wider S.W. Bicester development, and will therefore be bordered to the north and east by residential properties and therefore viewed against this urban extension background.

The proposed residential development is within the building parameters set out in the Environmental Statement accompanying the 2006 outline application for the S.W. Bicester development. The development of this site for residential purposes rather than as a school site is unlikely to significantly alter the overall visual impact of the development.

The copse to the north of the site has been subject to a full arboricultural survey and a tree protection plan and copse management plan have been submitted as part of the outline Section 106 requirements. This proposal will not impact and encroach into that area.

It is considered therefore that this development will be acceptable in terms of its landscape and visual impact.

5.6 Ecology

Full ecological surveys were undertaken in connection with the outline consent including a phase 1 habitat survey, and it is accepted that the change of use of this site from a school site to residential will not affect the conclusions of that Environmental Statement. The site does not have a high ecological value being a former arable field.

Prior to submitting this application agents on behalf of the applicant revisited the application site advised that as the site had been under arable cultivation since the last survey in 2004 and is still ploughed on a biennial basis and therefore there was little likelihood that any features of ecological interest developing with no significant boundary features within the area.

HDC & MD therefore considered that an additional ecological survey was unnecessary and that the conclusions of the Environmental Statement submitted in 2006 which found nothing of any significance on this part of the site, remain valid.

5.7 Access and Traffic

As previously stated, this part of the development is reliant on the wider South West Bicester scheme being progressed to provide the access network and utilities. Work on the wider S.W. Bicester mixed use development has commenced, the drainage has been installed and works to the main spine road and roundabout entrance on to the Middleton Stoney road commenced in August 2010. These works are now well underway with completion expected by the new year.

A Traffic Assessment has been submitted as part of the application. WSP undertook a traffic assessment as part of the wider outline consented scheme in addition to the assessment made in the Environmental statement. The 2006 assessment however made no allowance for trips associated with this part of the site due to its reserved status, and therefore the trips associated with this new residential scheme must be considered as additional trips generated into the network.

The Traffic Assessment concluded that overall, compared to the traffic movement generated by the S.W. Bicester development as a whole that the additional trips generated by this development would not be significant and therefore would not alter the conclusions of the Environmental statement submitted as part of the wider outline scheme. Oxfordshire County Council as Highway Authority do not disagree with this conclusion and made no objections to the proposal subject to the imposition of a number of conditions.

5.8 Flood Risk

A Flood Risk Assessment was submitted and accepted by the Environmental Agency as part of the wider S.W. Bicester development. This part of the development is in Flood Zone 1 and not at risk of fluvial flooding. The drainage design strategy provides specific requirements to manage surface water on this development parcel and the detailed design for the main sewer has been approved by the Environment Agency and OCC who will adopt the systems. The Environment Agency have not raised any objections to the development proposed subject to the imposition of a number of conditions.

5.9 Planning Obligations

The proposed development would generate a need for infrastructure and other contributions that need to be secured through a planning obligation, to enable the development to proceed. Negotiations are ongoing at the time of writing this report with the applicants to secure the necessary contributions generated by the development. However, the precise details have not yet been agreed as the applicant and agents are questioning the level of contributions and the justification for many of the County Council contributions relating in the main to education and libraries and the administration fee required by Oxfordshire County Council. Members may recall that this application was deferred at the meeting on 2 December to enable further consideration of the level of Section 106 contributions requested.

Having regard to the above, it is likely that the Heads of Terms relating to the planning obligation as part of this development will include the following:-

- Affordable housing at 30% which equates to 13 units of 46 dwellings to be built, of those 9 No. being for social rent and 4 No. shared ownership constructed to Lifetime Homes Standards.
- Informal open space and LAP provision within the site.
- Public Art at £150 per dwelling.
- Outdoor sports contributions for facilities at South West Bicester Sports Village.
- Highways and public transport contribution.
- County Council education contributions.
- County Council library contributions.
- County Council day centre and elderly contributions.
- County Council waste recycling contributions.
- District Council refuse and recycling bins.
- District Council and County Council administration/monitoring fees.

The applicants have now confirmed that with the exception of the education contributions, Oxfordshire County Council indexation requirements, library and the administration fee requested, the obligations requested are now agreed. Further discussions in this regard are ongoing and a verbal update will be given at the meeting. In respect of the administration fee, based on Circular 05/2005, CLG guidance on planning obligations and a recent appeal decision, and a lack of a policy document at Oxfordshire County Council, the applicants consider that the £5,000 administration fee being sought is unacceptable and will not agree that this fee is payable. This element is currently being considered by Oxfordshire County Council and a further update with regard to all areas yet to be agreed identified above will be given at the meeting.

5.10 Conclusion

Having regard to the above assessment, it is considered that on balance the proposal for the erection of up to 46 residential dwellings on this reserved school site is acceptable in principle. It will provide additional affordable housing and will help to meet the Council's housing land supply targets. The development will not cause significant harm to the visual amenities of the locality and will not impact significantly upon the local infrastructure subject to securing appropriate contributions. The application is therefore recommended for approval subject to the applicants entering into a planning obligation relating to additional infrastructure provision as stated above, and a number of conditions.

6. Recommendation		
1.	SC1.0AB	<p>That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>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(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
2.	SC1.1A	<p>That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.</p> <p>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(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
3.	SC1.2A	<p>That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.</p> <p>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(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
4.	SC2.0A	<p>That the external walls and roof(s) of the dwellings and garages and boundary walls shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of</p>

		<p>the works hereby approved.</p> <p>Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
5.	SC2.10A	<p>That a plan showing the details of the finished floor levels of the proposed development in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.</p> <p>Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
6.	SC2.15AA	<p>That no more than 46 dwellings shall be accommodated on the site.</p> <p>Reason – In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policies H5 and BE1 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan.</p>
7.	SC3.0A	<p>That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-</p> <p>(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,</p> <p>(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,</p> <p>1. details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.</p> <p>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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
8.	SC3.1A	<p>That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives</p>

		<p>written consent for any variation.</p> <p>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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
9.	SC3.7AA	<p>That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.</p> <p>Reason – To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.</p>
10.	SC3.10A	<p>Prior to the commencement of the development hereby permitted details of the provision, landscaping and treatment of open space/play space within the site shall be submitted to and approved in writing by the Local Planning Authority. The open space/play space, once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space/play space.</p> <p>Reason – In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BE1 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.</p>
11.		<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Reflection on Flood Risk document dated September 2010, and the following mitigation measures detailed within this document:</p> <ol style="list-style-type: none"> 1. The surface water drainage scheme shall be designed to infiltrate or attenuate (where infiltration is not possible) surface water from storms up to and including the 1 in 10 year storm event, as detailed in Section 1.4.2 of the Reflection on Flood Risk document. 2. The design of the surface water drainage system shall be designed in accordance with the surface water strategy and catchment layout drawing 19.3/D/006 rev L, as set out in Section 1.6.1 of the reflection on Flood Risk document. 3. The surface water drainage system shall be in accordance with the Design Code dated July 2008 for

		<p>the wider Kingsmere development, as detailed in Section 1.8 of the Reflection on Flood Risk document.</p> <p>4. Permeable paving shall be used on all minor roads within the parcel, as detailed in Section 1.4.2 of the Reflection on Flood Risk document.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and provide environmental enhancements through the use of a suitable mix of SUDS techniques.</p>
12.		<p>No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological 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.</p> <p>Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat amenity, and ensure future maintenance of the drainage system. To prevent the potential pollution of the underlying aquifer from the use of soakaways in contaminated land.</p>
13.		<p>If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason – The geology under the site is Cornbrash Limestones (Secondary A Aquifer). There is the potential for fly-tipping to have occurred on the site and should any olfactory or visual evidence of contamination be detected during construction then it should be dealt within an appropriate manner. The underlying aquifer has the potential to be contaminated. This is in accordance with Local Plan Policy ENV7 (Development affecting water quality) adopted 1996.</p>
14.		<p>That the internal vehicle access vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and that the land and vegetation within the splays shall not be obstructed by any object, structure, planting or other material.</p> <p>Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
15.		<p>That before any of the dwellings are first occupied the whole of the</p>

		<p>estate roads, footpaths and pedestrian/cycle links shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's specifications.</p> <p>Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
16.	SC4.10AA	<p>That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained SUDS in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.</p> <p>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 in PPG13: Transport.</p>
17.		<p>That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan (to be agreed at reserved matters stage) hereby approved and shall be constructed, laid out, surface, drained (SUDS) and completion and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.</p> <p>NO REASON GIVEN</p>
18.		<p>Prior to the commencement of the development hereby approved, a construction travel plan shall be submitted to and approved in writing by the local planning authority which shall also include details of wheel washing facilities.</p> <p>Reason – In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period, to comply with Policy ENV1 of the adopted Cherwell Local Plan.</p>
19.	SC4.21AA	<p>Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".</p> <p>Reason – To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government advice in PPS25: Development and Flood Risk, Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.</p>

20.	SC9.11A	<p>A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling.</p> <p>Reason – To ensure the provision of appropriate play facilities to serve the development and comply with Policy CC7 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.</p>
21.	SC3.3AA	<p>No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:</p> <ul style="list-style-type: none"> a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan. b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule. c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work. d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works. e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837). f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase. g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837). h) the details and positions (shown on the plan at paragraph (a)

		<p>above) of the underground service runs (section 11.7 of BS5837).</p> <ul style="list-style-type: none"> i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground. j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing) k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees. l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction. m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site. n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity. o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837). p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837). q) the timing of the various phases of the works or development in the context of the tree protection measures. <p>Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
1.	I	Thames Water and Environment Agency have been consulted in respect of the application and a copy of their letter of reply is enclosed for your information.
2.	Q1	Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local

		Government Act 1972 and/or other enabling powers.
3.	U1	The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
4.	X1	Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.
5.		In the submission of reserved matters details for approval it is expected that the new scheme will follow closely the details identified in the Design and Access Statement which has been based on the Design Code produced for the South West Bicester development.
6.		Consideration should be given to the provision of bird and bat nesting provision within the development in the interests of improving biodiversity within the site.
<p>SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES</p> <p>The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not cause demonstrable harm to the character of the local landscape, residential amenity and highway safety and will be seen in conjunction with the wider S.W Bicester development. As such the proposal is in accordance with Policies CC1, CC4, CC6, C03 and NRM4 of the South East Plan, and Policies C28 and C30 of adopted Cherwell Local Plan.. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.</p>		

CONTACT OFFICER: Linda Griffiths	TELEPHONE NO: 01295 227998
---	-----------------------------------