

# Public Document Pack

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 9 February 2023 at 4.00 pm

#### **Present:**

Councillor George Reynolds (Chairman)  
Councillor Andrew Beere  
Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Colin Clarke  
Councillor Jean Conway  
Councillor Ian Corkin  
Councillor Ian Harwood  
Councillor David Hingley  
Councillor Simon Holland  
Councillor Fiona Mawson  
Councillor Richard Mould  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Dorothy Walker

#### **Substitute Members:**

Councillor Sandy Dallimore (In place of Councillor Bryn Williams)  
Councillor Barry Wood (In place of Councillor Maurice Billington)

#### **Apologies for absence:**

Councillor Maurice Billington (Vice-Chairman)  
Councillor Bryn Williams

#### **Officers:**

Paul Seckington, Senior Manager Development Management  
Karen Jordan, Deputy Principal Solicitor  
Katherine Daniels, Principal Planning Officer  
Lewis Knox, Planning Officer  
Wayne Campbell, Principal Planning Officer  
Chris Wentworth, Principal Planning Officer  
Rebekah Morgan, Principal Planning Officer  
Aaron Hetherington, Democratic and Elections Team Leader  
Matt Swinford, Democratic and Elections Officer  
Eleanor Gingell, Planning Policy Team Leader



Officers Attending Virtually:

Natasha McCann, Planning Officer

118

## **Declarations of Interest**

### **8. Land South West Of Avonbury Business Park, Howes Lane, Bicester.**

Councillor Les Sibley, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application

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

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

Councillor Sandy Dallimore, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

### **9. Land Adjoining Withycombe Farmhouse, Stratford Road, A422, Drayton.**

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

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

### **12. OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road, Banbury.**

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

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

### **13. Recreation Ground, Keble Road, Bicester, OX26 4UX.**

Councillor Barry Wood, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Ian Corkin, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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



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

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

**14. 277 Warwick Road, Banbury, OX16 1AU.**

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

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

119      **Requests to Address the Meeting**

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

120      **Minutes**

The Minutes of the meeting held on 12 January 2023 were agreed as a correct record and signed by the Chairman.

121      **Chairman's Announcements**

The Chairman made the following announcement:

1. The Chairman welcomed the Planning Policy Team Leader to the meeting to give Members an update on the Council's Housing Land Supply figure that was reported to the Executive on 6 February 2023.

122      **Urgent Business**

There were no items of urgent business.

123      **Proposed Pre-Committee Site Visits (if any)**

There were no proposed Pre-Committee Site visits.

124      **Land South West Of Avonbury Business Park, Howes Lane, Bicester**



The Committee considered application 22/02922/F for the construction of Thames Valley Police Technical Services Building (Use Class E) with associated access, car parking and hard and soft landscaping at Land South West of Avonbury Business Park, Howes Lane, Bicester for Thames Valley Police.

Geoff Clark, local resident, addressed the Committee in objection to the application.

Simon Dackombe, on behalf of the Thames Valley Police, addressed the Committee in support of the application.

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

### **Resolved**

- (1) Delegate to the Assistant Director for Planning and Development to grant permission, subject to:
  - i) The following conditions (and any amendments to those conditions as deemed necessary) and:
  - ii) The completion of a planning obligation under Section 106 of the Town and Country Planning Act, as substituted by the Planning and Compensation Act 1991, to secure obligation including contributions and the infrastructure identified in the annex to the Minutes (as set out in the Minute Book) (and any amendments to those obligations as deemed necessary)

### **Conditions**

#### **Time Limit and General Implementation Conditions**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: To be confirmed as a completed S106 agreement will need to be in place prior to the decision notice being issued.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to



comply with Government guidance contained within the National Planning Policy Framework.

3. The development shall be used as a Technical Services Building associated with Thames Valley Police only, and shall not be used for any other purposes whatsoever.

Reason - In order to retain planning control over the use of the site and to ensure that the impacts of the development are no greater than those considered under this application in accordance with Policies SLE1 and Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) 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 as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. The level of noise emitted from the site shall not exceed (A) 41 dB between 2300 and 0700 and (A) 53 dB at any other time, as measured 1m from the nearest noise-sensitive receptor as shown on figure 5-1 of the Noise Impact Assessment (A is noise level expressed as Laeq over a time period T (eg 1 hour day, or 5 mins night) and T is time of day).

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996



7. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed other than the enclosures shown on the approved plans or to be agreed by condition 23, without the prior express planning permission of the Local Planning Authority.

Reason - In order to retain the open character of the development and in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

8. 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 shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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 written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

### **Pre-Commencement Conditions**

9. No development shall commence unless and until full details of the means of construction access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details prior to the commencement of construction on site and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

10. Where the submitted Ecological Assessment Report is more than two years old at the date of the commencement of the development, no



development shall commence, until an updated Ecological Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - In the interests of biodiversity and to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

11. No development shall commence until a Construction Method Statement, incorporating a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:
  - a) The CTMP must be appropriately titled, include the site and planning permission number.
  - b) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - c) Details of and approval of any road closures needed during construction.
  - d) Details of and approval of any traffic management needed during construction.
  - e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - f) Measures to control the emission of dust and dirt during construction as detailed in paragraph 6.1.2 of the Air Quality Management Plan;
  - g) Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
  - h) The erection and maintenance of security hoarding / scaffolding if required.
  - i) A regime to inspect and maintain all signing, barriers etc.
  - j) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
  - k) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
  - l) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
  - m) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
  - n) Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
  - o) Any temporary access arrangements to be agreed with and approved by Highways Depot.



- p) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- q) Delivery, demolition and construction working hours;

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

12. No development shall commence until a detailed surface water drainage scheme for the site, 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 first occupied. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason - To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. No development shall take place on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of



mitigation measures to prevent their harm shall be required to be submitted;

- b) Risk assessment of potentially damaging construction activities;
- c) Identification of 'Biodiversity Protection Zones';
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

14. No development shall take place until the existing tree(s) to be retained have been protected in accordance with the approved Tree Protection Plan 1170 Atk Xx Xx Dr L 481002 P02 (Clearance and Tree Protection Plan) received 23rd September 2022 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme



15. No development shall take place until a Sustainable Waste and Resources Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason – To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Bicester 1 of the CLP 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be managed in accordance with the approved details set out in the LEMP.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

17. No development shall commence until a scheme to demonstrate that the development will achieve BREEAM 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out a timescale for the provision of evidence, including certificates at design stage and post construction stages. Evidence of the achievement of BREEAM Excellent shall be provided in accordance with the approved scheme.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 of the Cherwell Local Plan Part 1 2011-2031.

**Conditions requiring approval or compliance before specific construction works take place**

18. Prior to their installation on any building, full details of the solar PV shall be submitted to and approved in writing by the Local Planning Authority. The solar PV shall be installed prior to first occupation and retained and maintained in working order thereafter.

Reason: To support the delivery of renewable and low carbon energy in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

19. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works.



The development shall thereafter be completed in accordance with the approved details.

Reason - To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. Prior to the commencement of the parking areas, specification details (including construction, layout, surfacing, and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, have been submitted to and approved in writing by the Local Planning Authority. The turning area and car parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development and shall be retained as such for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. Prior to their installation on any building hereby approved, full details of any mechanical ventilation or extraction equipment (if applicable and including any air source heat pumps and their associated condenser units) shall be submitted to and approved by the Local Planning Authority. Thereafter the mechanical ventilation shall be installed, brought into use, and retained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Notwithstanding the submitted details, prior to the first installation of any fencing, details of the fencing and its location shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason – To ensure that the fencing is appropriate to the appearance of the locality, to ensure the satisfactory appearance of the completed development and to ensure that the proposed fencing does not restrict the land required for the future delivery of the realignment of Howes Lane and to ensure the development does not have a detrimental impact on the highway network in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.



### **Prior to occupation**

23. Prior to the first occupation details of improvements to provide safe cycling and pedestrian access to the site along Howes Lane, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The improvements shall be constructed in strict accordance with the approved details prior to first occupation.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

25. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve, and retained as such thereafter.

Reason - To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

26. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

27. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the



Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason - To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

28. Details of the external lighting, and security lighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason - To protect the amenities of nearby residents and in the interest of biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

29. Details of the levels of ammonia emissions from the operation of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building.

Reason – To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework

30. Details of a Management Plan for the control of ammonia emissions emanating from the building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation. The details shall include any action requires where emissions exceed those as set out in condition 29.
31. Prior to the first occupation of the building, details of the measures to be installed in the building to minimise water consumption shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.



Reason: To support the delivery of renewable and low carbon energy in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework

32. No employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed broadband from the building to the nearest broadband service connection outside The Site

Reason: To facilitate information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

33. The building hereby approved shall be provided with real time energy and travel information prior to its first occupation. Details of the provision the building shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of construction of the building above slab level. The devices shall thereafter be retained in operational condition.

Reason: To support the delivery of modal shift towards sustainable modes and create high quality, inclusive, sustainable development in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

125

### **Land Adjoining Withycombe Farmhouse, Stratford Road, A422, Drayton**

The Committee considered application 22/02101/OUT, an outline planning application for a residential development comprising up to 250 dwellings (with up to 30% affordable housing), public open space, landscaping and associated supporting infrastructure. Means of vehicular access to be determined via Edinburgh Way, with additional pedestrian and cycle connections via Dover Avenue and Balmoral Avenue. Emergency access provision also via Balmoral Avenue. All other matters reserved at Land Adjoining Withycombe Farmhouse, Stratford Road, A422, Drayton for Bloor Homes (Western).

Laura Hinds, local resident, addressed the Committee in objection to the application.

Jon Bryan, on behalf of the applicant, Bloor Homes addressed, the Committee in support of the application.

In reaching its decision, the Committee considered the officers' report, presentation, the written update and addresses from the public speakers.

**Resolved**



- (1) That the authority be delegated to the Assistant Director – Planning and Development to grant permission subject to:
  - (i) The following conditions (and any amendments to those conditions as deemed necessary) and:
  - (ii) The completion of a planning obligation under Section 106 of the Town and Country Planning Act, as substituted by the Planning and Compensation Act 1991, to secure obligation including contributions and the infrastructure identified in the annex to the Minutes (as set out in the Minute Book) (and any amendments to those obligations as deemed necessary)

### **Conditions**

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: 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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:  
WE080-PD-039G, 3877 Sheets 1-2;



P20-1853\_04 Rev C;  
P20-1853\_02 Rev H;  
10511-FPCR-XX-XX-DR-L-0001 Issue D;  
06104-SK-001-P0;  
06104-SK-002-P0;  
06104-SK-003-P0.

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

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.
  - The CTMP must be appropriately titled, include the site and planning permission number.
  - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - Details of and approval of any road closures needed during construction.
  - Details of and approval of any traffic management needed during construction.
  - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
  - The erection and maintenance of security hoarding / scaffolding if required.



- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

7. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for written approval. Thereafter, the approved Residential Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to commencement of any development a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;



- h) measures for the protection of the natural environment;
- i) hours of construction, including deliveries;
- j) the temporary site compound including temporary structures
- k) the location and noise levels of any temporary generators or other fixed mechanical plant.
- l) details of external lighting and proposed operation times.
- m) contact details for the site manager or other persons associated with the management of operations on the site.

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

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

9. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 20112031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 20112031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, 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 document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan Part 1.

13. No development shall be occupied until confirmation has been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

14. There shall be no occupation beyond the 49th dwelling until confirmation has been provided that either:-

all water network upgrades required to accommodate the additional demand to serve the development have been completed; or-

a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure



that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological 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 within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

17. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles including 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 include:
  - a. Discharge Rates;
  - b. Discharge Volumes;
  - c. SUDS (Permeable Paving, Soakaway Tanks);
  - d. Maintenance and management of SUDS features (to include provision of a SUDS Management and Maintenance Plan);
  - e. Infiltration in accordance with BRE365;
  - f. Detailed drainage layout with pipe numbers;
  - g. Network drainage calculations;
  - h. Phasing;
  - i. Flood Flow Routing in exceedance conditions (to include provision of a flood exceedance route plan).

Development shall be carried out in accordance with the approved surface water drainage scheme.



Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

18. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres per person per day and shall continue to accord with such a limit thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. All site clearance (including vegetation removal) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive, unless, in the case of a tree that is required to be removed for health and safety reasons, the Local Planning Authority has confirmed in writing that such works can proceed.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works,



in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of development hereby approved, a phasing plan covering the entire application site 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 phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

23. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement which ensures a minimum of 20% biodiversity net gain within the development site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. No reserved matters applications shall be made or development commenced until a Design Code for the site has been produced in accordance with Condition 25 and following consultation with the Local Planning Authority and other stakeholders, and has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Code.

Reason - A Design Code, is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

25. The Design Code shall include,



- a. the character, mix of uses and density of each character area identified, to include the layout of blocks and the structure of public spaces
- b. the character and treatment of the structure planting to the development areas
- c. guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
- d. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
- e. the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
- f. the approach to car parking and cycle parking within the phases, subphases and parcels and the level of car and cycle parking within each phase to be provided to serve the proposed uses
- g. the materials to be used within each character area
- h. the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
- i. the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
- k. lighting proposals

Reason - A Design Code, is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and the Adopted Cherwell Local Plan 2011-2031 and Government Advice within the National Planning Policy Framework.

**OS Parcel 3489 Adjoining And South West Of B4011, Allectus Avenue, Ambrosden**

The Committee considered application 22/01976/OUT, an outline application for a residential development of up to 75 dwellings including bungalows; open spaces (including children's play space); community woodland and other green space; new vehicular and pedestrian access off Blackthorn Road; and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure at OS Parcel 3489 Adjoining and South West of B4011, Allectus Avenue, Ambrosden for Hallam Land Management.



Lawrence Dungworth representing the applicant Hallam Land Management and Dawn Seaworth speaking on behalf of Ambrosden Parish Council addressed the committee in support of the application.

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

## **Resolved**

- (2) Delegate to the Assistant Director for Planning and Development to grant permission, subject to:
- iii) The following conditions (and any amendments to those conditions as deemed necessary) and:
  - iv) The completion of a planning obligation under Section 106 of the Town and Country Planning Act, as substituted by the Planning and Compensation Act 1991, to secure obligation including contributions and the infrastructure identified below and in the annex to the Minutes (as set out in the Minute Book) (and any amendments to those obligations as deemed necessary)

### *Cherwell District Council (all contributions will be index linked)*

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins – WASTE
- Affordable housing provision – 35% (up to 27 units)
- CDC monitoring fee

### *Oxfordshire County Council*

- Public transport contribution of £96,305 equated at £1,133 per dwelling for the provision of bus services in Ambrosden
  - Public Rights of Way of £25,000 to mitigate the impact to the PROW in the vicinity of the site.
  - Delivery of a public footway to connect to the existing footway provision at Allectus Avenue via Church Leys Field to enable appropriate pedestrian access to the village.
  - Obligation to enter into a S278 agreement to secure:
1. New site access Blackthorn Road and as shown on drawing 001 Rev P9 with a visibility splay of 2.4m x 120m
  2. New 3m wide footway as shown on drawing 001 Rev P9
  3. Realignment of existing kerbline over a distance of approximately 83m to accommodate shared footway / cycleway as shown on drawing 001 Rev P9.
  4. Relocation of speed limit terminal signs and village entry feature



5. Provision of the bridleway/cyclepath to link with Bridleway (105/6/20) and details of how this will be facilitated and constructed to adoptable standards
6. Street lighting to be agreed in line with the agreed highway boundary.
  - £598,266 towards secondary education capacity and £63,144 towards secondary school land contribution for secondary school places
  - secondary school places in Bicester to ensure adequate secondary school provision
  - £44,871 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
  - £7,047 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.
  - Monitoring Fee

#### Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 180 people).

#### **Conditions**

##### **Time Limit**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later

Reason: 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 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: 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 6 of the Town and Country Planning (Development Management Procedure (England))



Order 2015 (as amended).

### **Compliance with Plans**

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawing HLM 034/022 Rev D, HLM 034/002 Rev M, HLM 034/024 Rev E, 21297\_SK\_T\_P4\_003 P5 and 001 Rev P9.

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

### **Levels**

4. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within the National Planning Policy Framework.

### **Contamination**

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

6. If contamination is found by undertaking the work carried out under condition 5, prior to the commencement of the development hereby



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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

7. If remedial works have been identified in condition 6, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 6. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

## **Drainage**

8. As part of any application for reserved matters relating to layout, a detailed 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 not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:
  - A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
  - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32



of CIRIA C753 including maintenance schedules for each drainage element, and; Details of how water quality will be managed during construction and post development in perpetuity;

- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

9. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;
  - b) Photographs to document each key stage of the drainage system when installed on site;
  - c) Photographs to document the completed installation of the drainage structures on site;
  - d) The name and contact details of any appointed management company information.

Reason: In order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

## **Archaeology**

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

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

11. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), 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 and approved in writing.

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

## **Environmental Protection**

12. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

13. 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.

Reason: To ensure the development protects and enhances biodiversity and the natural environment in accordance with the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

## **Natural Environment**

14. As part of any reserved matters for layout, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS. Details must include:
  - A management proposal is created for the groups in order to improve their visual contribution, and longevity, particularly when forming a screen between existing properties and the development.



- Space is afforded to the hedges/groups in order to allow future access for maintenance, and reduce likelihood of both above and below ground impact with proposed dwellings.
- Consideration is given to shading arcs where properties sit to the north of retained trees/hedges.
- A finalised plan to incorporate and improve retained groups/hedges surrounding the residential development, and community woodland/green space area to the north.
- Detailed planting plans for the community woodland/green space.

Reason: To protect the existing trees and hedgerows on site and in the interests of visual amenities of the area to ensure the creation of a pleasant environment for the development and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

15. A scheme for the community woodland shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include the provision of a network of routes and their proposed surface treatment, a planting schedule, programme for implementation and areas of interest for people to dwell, including picnic areas.

The community woodland shall be implemented in accordance with the approved scheme and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of biodiversity enhancement and visual amenity in accordance with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

## Highways

16. Prior to the commencement of the development hereby approved, full design details of the means of access between the land and the highway, including, position, layout, construction, drainage, and vision plays 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.

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

17. Prior to the commencement of the development hereby approved, full details of the improvements to footpaths including, position, layout, construction, drainage, vision plays and a timetable for the delivery of the improvements shall be submitted to and approved in writing by the



Local Planning Authority. Thereafter, the works shall be constructed and retained in accordance with the approved details.

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

18. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for approval.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

19. Prior to commencement of the development hereby approved; a construction traffic management plan shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact



0845 310 1111. Final correspondence is required to be submitted.

- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

20. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

## **Water**

21. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

## **Ecology**

22. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the



aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

25. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, 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 document.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

## **Sustainability**



26. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

27. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) 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 details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason - In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

28. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

127

**Land To The Rear Of No.12 And South Of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ**

The Committee considered application 22/02104/F, for the erection of 35 two storey dwelling houses, construction of access off Rye Hill, together with garaging, parking, open space with LAP, landscaping and all enabling works at Land to the Rear of No.12 and South of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ for Stoic Roofing and Construction and Abbeymill Homes.

In introducing the application, the Planning Officer referred to the published written update which set out that the applicant had submitted a legal opinion on the committee report and the recommendation to Committee had therefore



been amended and it was recommended that the application be deferred to allow legal advice to be sought.

It was proposed by Councillor Reynolds and seconded by Councillor Clarke that consideration of application 22/02104/F be deferred for one planning cycle so legal advice could be obtained by the council.

### **Resolved**

That consideration of application 22/02104/F be deferred for one Planning Committee cycle to allow the council to obtain legal advice on a legal opinion submitted by the applicant on the officer committee report.

128

### **OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road, Banbury**

The Committee considered application 22/01488/OUT, an outline application for the construction of up to 140,000 sqm of employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse at OS Parcel 5616 South West Of Huscote Farm and East Of Daventry Road, Banbury for Greystoke CB.

Lisa Phipps, local resident and also on behalf of CPRE and Banbury Civic Society, addressed the committee in objection to the application.

In reaching its decision the committee considered the officers report, presentation, written updates and address from the public speaker.

### **Resolved**

(1) That the Committee resolved to confirm that, had the power to determine application 22/01488/OUT continued to rest with them, application 22/01488/OUT would be refused for the following reasons:

1. The proposal is located on an unallocated site and development would represent an urbanising form of development which by reason of its location and proposed land use would result in a cluster of large warehouse buildings poorly related to Banbury that would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character, appearance and quality of the area. This identified harm would significantly and demonstrably outweigh the benefits of the proposal. Development would therefore fail to accord with Cherwell Local Plan 2011-2031 Part 1 policies ESD10, ESD13 and ESD15 and Cherwell Local Plan 1996 saved policies C7, C8 and EMP4, and with national policy guidance given in the National Planning Policy Framework (NPPF) (2021).



2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future employees would be highly reliant on the private car to access their workplace, which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. The proposed development would therefore conflict with policies PSD1, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.
3. The appeal site is located in an unsustainable location for cycling and walking. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
4. The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
5. Any further development around Junction 11 of the M40 will add to the severe congestion and air quality problems on the A422, particularly along Hennef Way. This development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
6. Safe and suitable operation of affected highway junctions has not been demonstrated by the use of a suitable analysis tool. It has been agreed with the Appellant's transport consultant and National Highways that microsimulation modelling (such as VISSIM) is required to accurately represent the flow of vehicles at all primary local junctions and the interaction between them. Without such analysis and resultant appropriate mitigation, the proposal is contrary to policies SLE1, SLE4 and INF1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.



7. It has not been demonstrated that a signalised crossing of the A361 Daventry Road for pedestrians and cyclists may be incorporated at a safe and suitable location, and the associated access into the site has not been indicated. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
8. The site is located immediately west of an existing Air Quality Management Zone and the proposal fails to adequately assess or mitigate against air quality matters as a result of increased vehicle movements associated with the development. The proposal is therefore contrary to policies SLE1, SLE4 and ESD1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
9. The proposal fails to assess the potential economic impact upon Banbury, specifically the attractiveness of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic and congestion on the strategic and local highway network rendering Banbury a less sustainable location. The proposal is therefore contrary to policies SLE1 and SLE2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
10. The proposal lacks detail and information relating to the drainage of the site and is therefore contrary to Oxfordshire County Council's published guidance "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire" and policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.
11. The application has failed to demonstrate through the lack of submission of a Landscape and Visual Impact Assessment that the proposals on this prominent site would not cause substantial landscape harm to the undeveloped rural character and appearance of the site when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.
12. The proposal has failed to adequately assess the site's archaeology and consequently the development may cause harm to significant archaeological remains and in the absence of any evaluation it is not possible for the Council to reach an informed decision on this issue. The proposal is therefore contrary to policy ESD 15 of the Cherwell Local



Plan 2011-2031 and paragraph 128 of the National Planning Policy Framework.

13. The proposal has failed to adequately demonstrate that development would not harm existing flora and fauna and ecological mitigation would successfully deliver a 10% net gain in biodiversity or protection, enhancement and connectivity with the local green infrastructure network. As such the proposal fails to accord with policies ESD10 and ESD17 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
14. In the absence of an appropriate protected species survey, the welfare of protected species has not been adequately addressed in accordance with article 12(1) of the EC Habitats Directive. The Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with policy ESD10 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
15. In the absence of a satisfactory Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

129

### **Recreation Ground, Keble Road, Bicester, OX26 4UX**

The Committee considered application 22/02491/CDC for the demolition of the existing Bicester East Community Centre and construction of a new community hall, 6no. dwelling and car parking. Removal of Public Telephone Kiosk and repositioning of footpath at Recreation Ground, Keble Road, Bicester, OX26 4UX for Cherwell District Council.

Linda Burn, Local Resident, addressed the committee in objection to the application.

In reaching its decision the Committee considered the officers report, presentation and address by the public speaker.

### **Resolved**

- (1) That permission be granted for application 22/02491/CDC subject to the following conditions.



## **Conditions**

### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on the dwellings hereby approved until the new community centre is constructed and operational.

Reason: The proposed dwellings are only considered acceptable in principle to facilitate the provision of the new community centre.

### **Compliance with Plans**

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- Application form · Covering letter · Design and Access Statement (Version 2) dated December 2022
- Drawing number 5046/G/20/001 Rev P2 – [Location Plan]
- Drawing number 5046/G/20/003 Rev P3 – [Proposed Site Plan]
- Drawing number 5046/G/20/004 Rev P1 – [Proposed Plans Plots 1 & 2]
- Drawing number 5046/G/20/005 Rev P1 – [Proposed Plans Plots 3 & 4]
- Drawing number 5046/G/20/006 Rev P1 – [Proposed Plans Plots 5 & 6]
- Drawing number 5046/G/20/007 Rev P1 – [Proposed Plots 1-6 Street Scene]
- Drawing number 5046/G/20/008 Rev P1 – [Community Hall – Proposed Plans]
- Drawing number 5046/G/20/009 Rev P0 – [Community Hall – Proposed Elevations]

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

### **General Conditions**

4. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species, and size at time of planting shall be submitted to and approved in writing by



the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid-November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed, or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

5. Prior to commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the protection of retained trees (T1, T2, T6, T13 and T16 as identified within the Arboricultural Impact Assessment), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

6. All hard-standing areas (including parking areas) within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/ SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.

Reason: In the interests of highway safety and flood prevention and to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Details of any external lighting/security lighting/floodlighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

### **Conditions relating to the Community Centre**

8. A schedule of materials and finishes to be used in the external walls and roof of the community centre building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of



those works on the community centre building. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use of the community centre hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the community, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first use of the community centre building hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

11. Full details of the enclosures along all boundaries of the community centre shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be constructed and retained in accordance with the approved details prior to the first use of the building.

Reason: To ensure the satisfactory appearance of the completed development, and to comply with Policy ESD15 of the Cherwell Local Plan 2015, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Conditions relating to the Dwellings**

12. A schedule of materials and finishes to be used in the external walls and roof(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works on



the dwellings. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the first use or occupation of the dwellings hereby permitted, secure cycle parking facilities shall be provided for each dwelling in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

14. No dwelling hereby approved shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Full details of the enclosures along all boundaries of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the dwelling.

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 Policy ESD15 of the Cherwell Local Plan 2015, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **277 Warwick Road, Banbury, OX16 1AU**

The Committee considered application 22/02517/F for Formation of means of access and associated dropped kerb at 277 Warwick Road, Banbury, OX16 1AU for Mr Willow Hobbs.

In reaching its decision the Committee considered the officers report and presentation.



## **Resolved**

- (1) That permission be granted for application 22/02517/F subject to the following conditions.

## **Conditions**

### **Time Limit**

1. Development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason – To comply with the provisions of section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchases Act 2004.

### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Site Location Plan; P03; and the Arboricultural Statement produced by LandArb Solutions.

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

### **Parking Area**

3. Prior to the first use of the access hereby approved, the parking area shall be provided in accordance with the plan approved (Drawing No. PO3) and notwithstanding shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking of vehicles at all times.

Reason – In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Root Protection**

4. Prior to the commencement of the works to form the new access track, an Arboricultural Statement (AMS), undertaken in accordance with



BS:5387:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained tree and to ensure that they are not adversely affected by the constructions work. In the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with policies ESD15 of the Cherwell Local Plan 20112031 Part 1, saved Policy C28 of the Cherwell Local Plan 1966 and Government Local Guidance contained within the National Planning Policy Framework.

## 131 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

### **Resolved**

- (1) That the position statement be accepted.

The meeting ended at 7.02 pm

Chairman:

Date:



**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking – Application 22-02922-F – Land South West of Avonbury Business Park, Howes Lane, Bicester**

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Contribution towards Public Art	£8757.50 (£1.83 per sqm) index linked from 2Q17	TBC likely before first occupation	<p><b>Necessary</b> – The NW Bicester SPD includes cultural wellbeing as one of its key development principles. The payment of a public art contribution would ensure that the development contributes to the creation of a culturally vibrant place at NW Bicester.</p> <p><b>Directly related</b> – The proposal is part of the NW Bicester development. The contribution would be specified to be used towards the provision of public art within the NW Bicester development and therefore it would be directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> –</p> <p>The contribution is based upon the same rate per sqm of commercial development as was used in a S106 agreement for commercial uses to the south of the site which is considered to be fairly and reasonably related in scale and kind to the scale of development proposed.</p>



<p>Biodiversity offset contribution to mitigate the impacts upon farmland birds</p>	<p>£1333.04 per hectare index linked 2Q17</p>	<p>Prior to the first occupation of the development</p>	<p><b>Necessary</b> – The Masterplan Strategic Environmental Report identified that it would not be possible to compensate for the loss of habitats used by farmland birds as a consequence of the whole development at NW Bicester. It identified that offsite compensation to enhance the value of land for farmland birds would be necessary to mitigate for the impacts. As the development site is part of NW Bicester it is necessary that a contribution is made to account for its proportionate impact upon farmland birds.</p> <p><b>Directly related</b> – The proposed contribution is directly related to the impacts on farmland birds arising from the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – When it was identified that farmland birds could not be mitigated for on site as a consequence of the development, work was undertaken to identify that 200ha of farmland would need to be enhanced for a period of 25 years. An annual cost was proposed and then an additional 15% sum added for staff resource to implement and manage the scheme. This was multiplied by 25 to give a total sum for a 200ha area of land. The contribution was divided by the masterplan site area minus the Exemplar site to give a per hectare figure. This contribution will then be multiplied by the site area in this case of 1.3ha to give the total amount sought. The contribution</p>
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			sought is therefore fairly and reasonably related in scale and kind to the development.
Requirement to Monitor the development through the construction and post occupancy	NIL	The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development	<p><b>Necessary</b> – In order to ensure that the development is meeting the high standards sought across NW Bicester, to learn from the site and to allow improvements to future phases of the development, long term monitoring of the Eco-Town Standards is required. As such, it is necessary to secure a scheme of monitoring from this site.</p> <p><b>Directly related</b> – The monitoring is directly related to the development itself.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The monitoring to be undertaken would be proportionate to the development itself and therefore is fairly and reasonably related in scale and kind to the development.</p>
Training and Employment Plan to secure 9 apprenticeship starts	NIL	TEP to be submitted for approval prior to the implementation of the development.	<p><b>Necessary</b> – Policy Bicester 1 states that an economic strategy is to be produced to support planning applications demonstrating how access to work will be achieved. The CDC Planning Obligations SPD sets out the type of development and the thresholds on development that will trigger the requirement for the provision of a stated number of apprenticeships as part of an Employment and Skills Training Plan. In order for the development to contribute to this, it is necessary for a Training and</p>



			<p>Employment Plan to be submitted to secure apprenticeship starts.</p> <p><b>Directly related</b> – The request is directly related to the development as the development itself is a vehicle to support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The number is considered proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP would also increase the skills opportunities on site.</p>
<p>Arrangements to protect the alignment of the future strategic road infrastructure. The area to be protected would be the land forming part of planning application ref. 14/01968/F. The agreement would also need to allow others onto the land to construct the road and for its future dedication as highway.</p>	TBC		<p><b>Necessary</b> – The development includes land that is required to deliver a strategic link road based upon its currently planned route as shown on the NW Bicester Masterplan. In the same way that arrangements have been secured in the past related to other sites to the south, this site would also need to enable the route for the strategic link road to be protected. This is necessary to make the development acceptable.</p> <p><b>Directly related</b> – This requirement is directly related to the development because the land adjoins the application site and as it is required for strategic purposes, the requirement to secure this is directly related to the development.</p>



			<p><b>Fairly and reasonably related in scale and kind –</b> the road is close to the site and related to it so the proposal to protect the route is fairly and reasonably related in scale and kind to the development.</p>
<p>A contribution towards highway works towards the:</p> <ol style="list-style-type: none"> <li>1) A4095 realignment and associated infrastructure</li> <li>2) Middleton Stoney traffic calming.</li> <li>3) Pedestrian and cycle infrastructure improvements in the area</li> </ol>	TBC	TBC	<p><b>Necessary –</b> To improve sustainable transport options and to mitigate the cumulative impact of NW Bicester, and to provide safe cycling access to and within the vicinity of the site in accordance with the strategy for the NW Bicester Policy allocation.</p> <p><b>Directly related –</b> The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. The development is situated on the NW Bicester site which cumulatively requires strategic infrastructure to mitigate its impact. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind –</b></p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
A public transport contribution towards bus services serving NW Bicester	TBC	TBC or delegated authority is sought to enable	<p><b>Necessary –</b></p> <p>The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p>



		officers to negotiate this	<p><b>Directly related –</b></p> <p>The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind –</b></p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
A public transport infrastructure contribution towards bus stop infrastructure at NW Bicester	£25 924 index linked from October 2021 (Baxter)		<p><b>Necessary –</b></p> <p>The contribution is necessary to support the provision of sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p> <p><b>Directly related –</b></p> <p>The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. This is infrastructure to support the public transport provision. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind –</b></p>



			The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.
There may be a need for a Traffic Regulation Order (if the matters are not dealt with under S278/S38 agreement). This is not clear yet.			<p><b>Necessary</b> – A TRO maybe necessary to reduce the speed along Howes Lane to provide safe access to and from the site and promote sustainable modes of transport contributing to the aims of Policy Bicester 1.</p> <p><b>Directly related</b> – the requirement to deliver this highway works is directly related to the development as it is the development that requires these works.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The requirement is fairly and reasonably related in scale and kind to the development as it has been negotiated and deemed necessary works to make the development acceptable and to provide sustainable means of access to the site.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans	£1 558 index linked from December 2021 (RPI-x)		<p><b>Necessary</b> – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plan over their life.</p> <p><b>Directly related</b> - The contribution is directly related to the required travel plan that relates to this development. Monitoring of the travel plan is critical to ensure it is implemented and effective in</p>



			<p>promoting sustainable transport options and contributing to the aims of Policy Bicester 1.</p> <p><b>Fairly and reasonably related in scale and kind –</b></p> <p>The amount is based on standard charging scales which are in turn is calculated based on the Officer time required at cost.</p>
Public Right of Way contribution towards improvements to Aldershot Farm Bridleway	TBC	TBC	<p><b>Necessary -</b></p> <p>The contribution is necessary to ensure that the site continues to pay a proportionate contribution to the overall public rights of way improvements required for the NW Bicester policy allocation.</p> <p><b>Directly related -</b></p> <p>The overall NW Bicester site would allow greater public access and use of local public rights of way by residents and employees of the development. The contribution is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind -</b></p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
The requirement to enter into a S278 agreement	N/A	The requirement not to implement the development	<p><b>Necessary –</b></p> <p>The proposed offsite highway works are necessary to provide pedestrian and cycle links from the</p>



		<p>until a S278 has been entered into must be secured by the S106. The trigger by which time S278 works are to be completed (prior to occupation TBC) should also be included in the S106.</p>	<p>development site to the local area. As the works are necessary to create the opportunities for sustainable travel, their provision must be secured. The requirement is therefore for the S106 to include a process to secure the entering into a S278 prior to the implementation of the development and to include timescales for the works to be completed by.</p> <p><b>Directly related –</b></p> <p>The requirement to deliver the offsite highway works is directly related to the development as it is the development that requires these works.</p> <p><b>Fairly and reasonably related in scale and kind –</b></p> <p>The requirement is fairly and reasonably related in scale and kind to the development as it has been negotiated and secured as necessary works to make the development acceptable and to provide for a sustainable means of access to the site.</p>
CDC and OCC Monitoring Fee	<p>CDC: £1500</p> <p>OCC: TBC</p>		<p>The CDC charge is based upon its recently agreed Fees and Charges Schedule which sets out that for developments of between 1,000-10,000sqm floorspace that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £1,000. A registration charge of £500 may also be applicable. As the development has relatively few obligations and triggers for CDC, the minimum charge plus the registration charge is</p>



			required. The need for a monitoring fee is to ensure that it can appropriately monitor that the development is complying with its S106 including the high standards sought at the site and taking into account the complex nature of the site.
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**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking – Application 22/02101/OUT – Land Adjoining Withycombe Farmhouse, Stratford Road, A422, Drayton**

<b>Planning Obligation (based upon 250 dwellings)</b>	<b>Regulation 122 Assessment</b>
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<b>Detail</b>	<b>Amounts (all to be Index linked and subject to unit numbers)</b>	<b>Trigger points as proposed in the Draft Section 106 agreement – these trigger points are subject to change.</b>	
Community Development Fund Contribution	£45 per dwelling  £45 x 250 dwellings = £11,250	Prior to occupation of 50 <sup>th</sup> dwelling	<b>Necessary</b> - TBC  <b>Directly related</b> – TBC  <b>Fairly and reasonably related in scale and kind</b> - TBC
Community Development Worker Contribution	£16,938.68	Prior to occupation of 50 <sup>th</sup> dwelling	<b>Necessary</b> - TBC  <b>Directly related</b> – TBC  <b>Fairly and reasonably related in scale and kind</b> - TBC
Community Hall Facilities Calculation	250 x 2.49 = 622.5  622.5 x 0.185 x £2,482 = £285,833.33	20% prior to occupation of any dwellings  80% prior to occupation of 100 <sup>th</sup> dwelling	<b>Necessary</b> - TBC  <b>Directly related</b> – TBC  <b>Fairly and reasonably related in scale and kind</b> - TBC



Indoor Sports Calculation	$250 \times 2.49 = 622.5$ $622.5 \times \text{£}335.32 = \text{£}208,736.70$	<p>25% prior to occupation of any dwellings</p> <p>Further 25% prior to occupation of 100<sup>th</sup> dwelling</p> <p>Remaining 50% prior to occupation of 200<sup>th</sup> dwelling</p>	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Landscape Monitoring Contribution	£15,000	Prior to implementation of any Open Space	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018).</p> <p><b>Directly related</b> – For the use of future occupiers of the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council.</p>
Outdoor Sports Contribution	$\text{£}2,017.03 \times 250 = \text{£}504,257.50$	25% prior to occupation of any dwellings	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in</p>



		<p>Further 25% prior to occupation of 100<sup>th</sup> dwelling</p> <p>Remaining 50% prior to occupation of 200<sup>th</sup> dwelling</p>	<p>the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Public Art Contribution	$£224 \times 250 = £56,000$	<p>50% prior to occupation of any dwellings</p> <p>50% prior to occupation of 100<sup>th</sup> dwelling</p>	<p><b>Necessary</b> - TBC</p> <p><b>Directly related</b> – TBC</p> <p><b>Fairly and reasonably related in scale and kind</b> - TBC</p>
Thames Valley Police Contribution	$£2,393.92 + £5,575 + £3,060 + £5,550 + £27,953.28 = £44,532.20$	Prior to occupation of 50 <sup>th</sup> dwelling	<p><b>Necessary</b> - TBC</p> <p><b>Directly related</b> – TBC</p> <p><b>Fairly and reasonably related in scale and kind</b> - TBC</p>
LEAP provision	Detailed to be agreed through Reserved Matters application	Prior to occupation of 75% of dwellings	<p><b>Necessary</b> - TBC</p> <p><b>Directly related</b> – TBC</p> <p><b>Fairly and reasonably related in scale and kind</b> - TBC</p>
Affordable Housing	Policy compliant.	Construct all of the Affordable Housing dwellings in a phase prior to	<p><b>Necessary</b> - TBC</p> <p><b>Directly related</b> – TBC</p>



		the use or Occupation of 85% of the Market dwellings in that phase.	<b>Fairly and reasonably related in scale and kind - TBC</b>
Highway Works Contribution	£224,358.97	Prior to occupation of 200 <sup>th</sup> dwelling	<b>Necessary</b> - TBC  <b>Directly related</b> – TBC  <b>Fairly and reasonably related in scale and kind - TBC</b>
Public Rights of Way Contribution	£60,000	Prior to occupation of 100 or more dwellings	<b>Necessary</b> - TBC  <b>Directly related</b> – TBC  <b>Fairly and reasonably related in scale and kind - TBC</b>
Public Transport Services Contribution	£262,750	50% prior to occupation of 100 dwellings  50% prior to occupation of 200 dwellings	<b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency. <b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality. <b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.
Secondary Education Contribution	£1,994,220	10% prior to implementation  30% prior to occupation of any dwellings	<b>Necessary</b> - TBC  <b>Directly related</b> – TBC



		30% prior to occupation of 100 <sup>th</sup> dwelling	<b>Fairly and reasonably related in scale and kind - TBC</b>
		30% prior to occupation of 200 <sup>th</sup> dwelling	
Secondary Land Contribution	£199,980	Prior to occupation of any dwellings	<b>Necessary - TBC</b>  <b>Directly related – TBC</b>  <b>Fairly and reasonably related in scale and kind - TBC</b>
Special Education Contribution	£134,611	10% prior to implementation  30% prior to occupation of any dwellings  30% prior to occupation of 100 <sup>th</sup> dwelling  30% prior to occupation of 200 <sup>th</sup> dwelling	<b>Necessary - TBC</b>  <b>Directly related – TBC</b>  <b>Fairly and reasonably related in scale and kind - TBC</b>
Travel Plan Monitoring Contribution	£1,558	Prior to occupation of any dwellings	<b>Necessary - TBC</b>  <b>Directly related – TBC</b>  <b>Fairly and reasonably related in scale and kind - TBC</b>
Waste Recycling Contribution	£93.96  £93.96 x 250 dwellings = £23,490	50% prior to occupation of any dwellings  50% prior to occupation of 100 <sup>th</sup> dwelling	<b>Necessary</b> – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SP <b>Directly related</b> – The need for these comes from the increase in the number of dwellings <b>Fairly and reasonably related in</b>



			<b>scale and kind</b> – Costs in accordance with the advice in the Developer Contribution SPD
CDC and OCC Monitoring fee	CDC: £TBC OCC: £TBC	On completion of the S106	The CDC charge is based upon its recently agreed Fees and Charges A registration charge of £500 is also applicable. OCC to advise on their monitoring costs



**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking – Application 22/01976/OUT – OS Parcel 3489 Adjoining and South West of B4011, Allectus Avenue, Ambrosden**

<b>Planning obligation</b>	<b>Regulation 122 Assessment</b>
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<b>Detail</b>	<b>Amounts (all to be Index linked)</b>	<b>Trigger points</b>	
Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP	Provision on site. Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering). Details of ongoing management company if no commuted sum	To be delegated to officers	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related</b> – For the use of future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or other management provisions	Provision on site. Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering). Details of ongoing management company if no commuted sum	To be delegated to officers	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related</b> – For the use of future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council</p>
Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision at Launton playing fields	£2,017.03 per dwelling	To be delegated to officers	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy</p>



			<p>BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Off-site indoor sports facilities – Towards either enhancement of indoor sports provision at Launton Parish Hall or improvements at Bicester Leisure Centre-	Up to £62,621.01 (based on 75 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD	To be delegated to officers	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community hall facilities – To be spent on improvements/enhancements/redevelopment of Launton Parish Hall or other community building.	Up to £85,753.10 (based on 75 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD	To be delegated to officers	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based</p>



			on the final mix of housing and number of occupants.
Contributions to bins	£106 per dwelling	To be delegated to officers	<p><b>Necessary</b> – The dwellings will required adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The need for these comes from the increase in the number of dwellings</p> <p><b>Fairly and reasonably related in scale and kind</b> – Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 35% of total number.</p> <p>25% First Homes</p> <p>70% Social/affordable rent</p> <p>-5% Intermediate housing such as shared ownership.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>	To be delegated to officers	<p><b>Necessary</b> – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p><b>Directly related</b> – The affordable housing would be provided on-site in conjunction with open market housing</p> <p><b>Fairly and reasonably related in scale and kind</b> – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
Provision of Landscape and Ecological Management Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.	To be provided and managed long term in accordance with the LEMP	To be delegated to officers	<p><b>Necessary</b> – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p><b>Directly related</b> – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p>



			<b>Fairly and reasonably related in scale and kind</b> – To off-set the impacts of the development and provide a net gain.
Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity	£360 per person generated (from SHMA occupancy) based on final housing mix	To be delegated to officers	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.</p>
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking	To be confirmed	To be delegated to officers	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
Public transport contribution of £1,133 per dwelling to maintain the operation of the bus service serving Launton	£1,133 per dwelling	To be delegated to officers	<p><b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the</p>
Public transport infrastructure contribution of £96,305	£96,305		



			development and would be directly benefiting residents of the future development.
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	£25,000		<p><b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Delivery of a public footpath from the new pedestrian overbridge to Station Road and connection to existing PROW network.	New public footpath		<p><b>Necessary</b> to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
<p>Obligation to enter into a S278 agreement to secure:</p> <ol style="list-style-type: none"> <li>1. New site access Blackthorn Road and as shown on drawing 001 Rev P9 with a visibility splay of 2.4m x 120m</li> <li>2. New 3m wide footway as shown on drawing 001 Rev P9</li> <li>3. Realignment of existing kerbline over a distance of approximately 83m to accommodate shared footway / cycleway as shown on drawing 001 Rev P9.</li> </ol>	To be delivered on and off site	To be delegated to officers	<p><b>Necessary</b> to provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety.</p> <p><b>Directly related.</b> This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p>



<p>4. Relocation of speed limit terminal signs and village entry feature</p> <p>5. Provision of the bridleway/cyclepath to link with Bridleway (105/6/20) and details of how this will be facilitated and constructed to adoptable standards.</p> <p>6. Street lighting to be agreed in line with the agreed highway boundary.</p>			<p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
<p>Secondary education capacity contribution and contribution towards secondary school land in Bicester</p>	<p>£598,266 towards secondary education capacity and £63,144 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
<p>Special School contribution to be spent on expansion of SEN school capacity</p>	<p>£44,871 (final amount to be based on final housing mix)</p>	<p>To be delegated to officers</p>	<p><b>Necessary</b> to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p>



			<p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Contribution towards expansion and efficiency of Household Waste Recycling Centres.	£7,047	To be delegated to officers	<p><b>Necessary</b> to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision based on build costs.</p>