

**Proposed Himley Village North West Bicester Middleton
Stoney Road Bicester Oxfordshire 14/02121/OUT**

Case Officer: Caroline Ford

Applicant: Portfolio Property Partners Ltd

Proposal: OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road)

Ward: Bicester North And Caversfield

Councillors: Councillor Nick Mawer, Councillor Lynne Pratt, Councillor Jason Slaymaker

Reason for Referral: Major development

Expiry Date: 31 October 2019

Committee Date: 24 October 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

The application seeks planning permission for a large scale major development to the North West of Bicester forming part of the NW Bicester site allocated by Policy Bicester 1. The proposal seeks permission for up to 1700 dwellings, including affordable housing along with supporting infrastructure including a primary school, non residential uses and open space. The development is proposed to meet true zero carbon standards as required by Policy Bicester 1.

Planning Committee previously resolved at its meeting on 16th March 2017 to grant planning permission subject to conditions and completion of a S106 agreement, and subject to confirmation that the road and tunnels under the railway at NW Bicester could be provided 2019/20. The application is now being brought back to planning committee to ask Members to re-endorse their previous decision to approve the application taking into account changes that have been made since the application was last considered and how various matters, including the S106 negotiations have progressed.

Consultations

The application has not been re-advertised or re-consulted upon since the application was last considered by Planning Committee as the scheme has not substantively changed to warrant such a process. Consultations and third party comments were reported in the previous committee reports presented to committee in March 2017 and February 2016. These are appended to this report at Appendix B and C respectively.

Planning Policy and Constraints

The application site is part of the site allocated by Policy Bicester 1 in the Cherwell Local Plan, which seeks a true zero carbon development built to Eco Town Standards to the NW of Bicester. The site has a number of constraints including listed buildings on part of the site, protected species nearby and on site and the site having archaeological interest and being potentially contaminated. The site also has naturally occurring constraints such as its topography and the natural field boundaries.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The previous reports appended at Appendix B and C cover the key issues and impacts of the development and these are unchanged other than as summarised and assessed within this report. The development is considered to continue to comply with the Development Plan and to represent sustainable development.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is situated to the north west of Bicester, north of Middleton Stoney Road and west of Howes Lane and it forms part of the wider NW Bicester Eco Town area within the extent of the site allocated by Policy Bicester 1. The land sits detached from the Western extent of the town and is separated from it by Howes Lane and a parcel of land also part of the allocated site, which benefits from planning permission and on which construction has recently started on site. A property called Lovelynych House sits outside the site boundary but is within the overall allocated site and it is a private residence. The land extends to approximately 90.3ha and is currently agricultural land divided by field hedgerows.

2. CONSTRAINTS

2.1. The application site has a number of recorded site constraints – there are listed buildings at Himley Farm present on the site itself, a public bridleway runs to the north of the site close to the railway line, a SSSI site is within proximity and protected/ notable species have been recorded within proximity and on site. The site also has archaeological interest and it has the potential to be contaminated.

2.2. The site also has naturally occurring constraints including the field hedgerows, a block of woodland at the east of the site as well as two ponds on site. The land also slopes with approximately an 11m fall from North West to South East across the site. The majority of hedgerows and woodland located within the site area are to be retained as are the listed buildings at Himley Farm.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposals seek outline planning permission with all matters reserved for the provision of up to 1700 dwellings (including affordable), up to 100 retirement units (within use class C2), land for commercial and community uses including a new local centre, land for a two form entry primary school, the retention of the majority of

existing trees and hedgerows and the provision of strategic landscaping, open space (including a central village green, informal pitches and play areas), a network of Green Infrastructure and new footpaths and cycle routes. The proposed homes are to be constructed to high environmental standards including to meet the true zero carbon standards, and to Lifetime Homes Standards, and commercial buildings are to be constructed to achieve BREEAM Very Good. The plan allows for the provision of an energy centre and the applicant also aspires to water neutrality, including the provision of land for a waste water treatment plant. The existing buildings at Himley Farm are proposed to be retained and incorporated into the wider development. The provision of land for commercial and community uses is proposed to be a maximum area of up to 8000sqm (falling within the land use classes proposed and within the areas of the site indicated on the parameter plans centrally and close to Himley Farm and along the Middleton Stoney Road).

- 3.2. The application is accompanied by a set of parameters and sets some development principles in relation to how the site could develop whilst allowing flexibility. Access is proposed to be taken from the Middleton Stoney Road.
- 3.3. The application has previously been reported to Planning Committee and it was resolved to be approved in March 2017 subject to a number of matters including the completion of a legal agreement and planning conditions, and subject to confirmation that the road and tunnels under the railway at NW Bicester could be provided 2019/20. Whilst negotiations have been ongoing relating to the S106, matters have progressed in respect of the delivery of the road and tunnels such that the previous resolution cannot be fully followed. The changes will be explained within this report. There have also been a number of changes to the heads of terms and conditions which were resolved to be approved and to the plans considered. As such, it is considered appropriate to revert the application back to Committee to update Members on these matters and to ask that Members re-endorse their resolution (as amended by this update) to enable the permission to be issued once the S106 agreement is finalised.
- 3.4. Whilst no specific timescales for delivery has been provided and there are a number of matters that would need to progress before development could proceed (i.e. design work and then reserved matters submissions as well as the current applicant not being a Developer), the applicant is very keen to secure a planning permission to enable matters to progress on the site.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the current application site area other than the fact that the current application has been with the Council for a number of years and it has previously been reported to Planning Committee.
- 4.2. There is planning history relating to the wider land at NW Bicester following the identification of the land as one of four locations nationally for an Eco Town in the Eco Town Supplement to PPS1 and then its allocation by Policy Bicester 1 in the Cherwell Local Plan Part 1 (2011-2031). The application sites are at various stages:
 - 10/01780/HYBRID – The Exemplar Site, now known as Elmsbrook, approval for 393 dwellings in full and non-residential uses in outline. The scheme is currently being built out and work is currently ongoing on Phase 3.
 - 14/01384/OUT – Land to the North of the Railway Line for 2600 dwellings and associated development – the application benefits from a resolution for approval subject to conditions and the completion of a S106 made at Committee in March 2015.

- 14/01641/OUT – Land to the South of the Railway Line for 900 dwellings and associated development – the application benefits from a resolution for approval subject to conditions and the completion of a S106 made at Committee in October 2015.
- 14/01968/F – New road infrastructure to realign Howes Lane and to provide a new railway underbridge – granted in August 2019.
- 14/01675/OUT (as varied by 19/00347/OUT and reserved matters granted by 19/00349/REM) – commercial development of up to 53,000sqm of B2 and B8 floorspace, 150 homes and associated infrastructure. Planning permission granted in outline and reserved matters and development commenced in September 2019.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Pre-application discussions were carried out prior to the submission of the application but ongoing discussions and negotiations have been carried out whilst the application has been with the Council.

6. RESPONSE TO PUBLICITY

- 6.1. The application has been previously publicised and all relevant responses were reported in previous planning committee reports (appended) or as late updates for those meetings. No further publicity has been undertaken since the application was last considered by the Planning Committee.
- 6.2. All comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Other than where input has been required from Consultees into the requirements and wording of the S106 (which is related to detailed discussions), no further consultation has been undertaken since the application was last considered by the Planning Committee other than targeted consultation where matters have changed or related to the S106 negotiations. All consultee responses were reported in previous planning committee reports or as late updates for those meetings.
- 7.2. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.3. One matter not considered in the previous reports relates to local finance considerations. As the application proposes large scale residential development, it is likely that the Council would benefit from New Homes Bonus payments.
- 7.4. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.5. In this particular instance, financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms.

It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

PSD1: Presumption in Favour of Sustainable Development
SLE1: Employment Development
SLE4: Improved Transport and Connections
BSC1: District wide housing distribution
BSC2: Effective and efficient use of land
BSC3: Affordable housing
BSC4: Housing mix
BSC7: Meeting education needs
BSC8: Securing health and well being
BSC9: Public services and utilities
BSC10: Open space, sport and recreation provision
BSC11: Local standards of provision – outdoor recreation
BSC12: Indoor sport, recreation and community facilities
ESD1: Mitigating and adapting to climate change
ESD2: Energy Hierarchy and Allowable solutions
ESD3: Sustainable construction
ESD4: Decentralised Energy Systems
ESD5: Renewable Energy
ESD6: Sustainable flood risk management
ESD7: Sustainable drainage systems
ESD8: Water resources
ESD10: Biodiversity and the natural environment
ESD13: Local landscape protection and enhancement
ESD15: Character of the built environment
ESD17: Green Infrastructure
Policy Bicester 1 North West Bicester Eco Town
Policy Bicester 7 Open Space
Policy Bicester 9 Burial Ground
INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

H18: New dwellings in the countryside
S28: Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington
TR1: Transportation funding
TR10: Heavy goods vehicles
C8: Sporadic development in the open countryside

C28: Layout, design and external appearance of new development
C30: Design control

8.3. Other Material Planning Considerations

- Eco Towns Supplement to PPS1
- NW Bicester Supplementary Planning Document (February 2016)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

8.4. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

9.1. As the purpose of this report is to update Planning Committee on the matters which have changed or progressed since it resolved to grant planning permission in March 2017, it is not proposed to repeat issues covered in the original committee reports. These are attached as appendices to this report (the March 2017 report at Appendix B and the February 2016 report at Appendix C).

9.2. The previous application was resolved to be approved subject to the following:

- i. Finalisation of a programme that has been received by the local authority, agreed and supported by Network Rail and the Local Highway Authority, that provides confirmation that the proposed road and tunnels under the railway at NW Bicester

can be provided 2019/2020 prior to the issue of the planning permission. The reference to 2019/2020 was to the Christmas period.

- ii. The completion of a legal agreement in accordance with the attached Heads of Terms (annex to the Minutes as set out in the Minute Book), including delegation provided to Officers to negotiate the agreement, including the following requirement with regard to phasing;
- iii. The following set of conditions with delegation provided to the Head of Public Protection and Development Management to negotiate final amendments to the wording of conditions following a detailed review by Officers;

9.3. The following paragraphs will provide an update on the above matters, taking each point in turn.

Point i.

9.4. The reason for the need for the provision of a programme that provides confirmation that the proposed road and tunnels under the railway at NW Bicester can be provided 2019/2020 prior to the issue of the planning permission was due to the recommended condition allowing no more than 500 dwellings to be occupied prior to the provision of the road and tunnel. The March 2017 Planning Committee report (which was an update to the February 2016 committee report) considered in detail the rationale for the allowance of dwellings on the Himley Village site prior to the delivery of the roads and tunnels where this could have resulted in a risk that the level of development considered acceptable (in terms of traffic impact) across NW Bicester as a whole could have been exceeded, (i.e. which would exceed the number of trips concluded to be acceptable without causing a severe highway impact). If the Council had certainty that the road and tunnel were deliverable within a reasonable timescale (at that point 2019/2020), then it was concluded that the risk of the level of development across NW Bicester being exceeded plus that to be allowed at Himley Village was low.

9.5. At that time, the intention was still that the new road and tunnel infrastructure would be developer led and discussions with Network Rail at that time indicated that a Christmas 2019 track possession could have been worked towards. Since then, the intention has changed and Oxfordshire County Council have now taken on the role of leading the process to deliver the infrastructure, initially the tunnels (the main A4095 and the pedestrian underpass), through the Network Rail process. This involves following a programme leading up to a track possession date in April 2021 during the Easter period. As such, the requirements of point i. cannot be met and therefore it requires further consideration.

9.6. Given the slower than anticipated progress across the wider NW Bicester site to date (whereby the other large residential outline applications are still outstanding) and development beyond the Exemplar has not commenced (other than very recently the commercial development on the Albion Land site on the corner of Howes Lane and the Middleton Stoney Road), the new programme currently being followed aiming to achieve a track possession date in 2021 does not change the conclusion that the Himley Village site can accommodate a proportion of their development in advance of the delivery and opening of the road and tunnel infrastructure.

9.7. Given the current progress, now led by Oxfordshire County Council relating to the delivery of the tunnels, it is now not considered necessary for such a programme to be provided prior to a decision being issued because in effect, the programme is secured and within the control of Oxfordshire County Council to deliver in 2021. The associated condition is however necessary to be retained and this continues to

restrict the level of development on the Himley Village site to no more than 500 dwellings prior to the delivery and opening of the road and tunnel infrastructure to realign the A4095 Howes Lane. The justification for allowing this level of development remains the same as set out in the March 2017 committee report – i.e. the risk of the level of development accepted as being acceptable coming forward prior to the delivery of the realigned road and new tunnel remains low such that it is unlikely there would be a severe highway impact. On this basis, it is considered that point i. is no longer required.

Point ii.

- 9.8. This requires the completion of a legal agreement in accordance with an attached list of Heads of Terms. This allowed for delegation to Officers to negotiate the agreement.
- 9.9. This matter has progressed since the application was reported to Planning Committee and the S106 has reached an advanced stage. The agreement has taken some time to negotiate and there have been some changes to what the agreement secures and in what form since the heads of terms were reported to Planning Committee. As such, this section aims to update Planning Committee on this matter and to secure its agreement to finalised heads of terms.
- 9.10. The original heads of terms document is provided at Appendix A to this report. This set out that it was proposed to require a Framework S106 to secure site wide matters such as the Eco Town Standards and design (i.e. through assessment via an expert panel), contributions and delivery of site wide infrastructure (i.e. to the strategic highway works, secondary school etc) and to ensure comprehensive development, and then to secondly require an application phase S106 to secure the onsite matters such as affordable housing and contributions towards on and offsite infrastructure.
- 9.11. Instead, the S106 nearing finalisation is a site specific agreement, but it generally covers all matters in the heads of terms previously reported other than on a couple of matters.
- 9.12. For the District side, matters have progressed and other than some final amendments required, the applicant has agreed the terms. There are some outstanding matters with regard to Oxfordshire County Council matters but these are progressing and it is expected that matters will have progressed further by the Planning Committee date.
- 9.13. The matters no longer covered by the S106 and the reason for this are:
 - The requirement to utilise the services of an expert panel to meet the required design and building standards. This has not been included as after further consideration it is concluded that there are sufficient safeguards in place in terms of the condition requirements to meet the required standards and ongoing monitoring not to require further detailed consideration as part of the S106. With regard to design, the requirement to not use a design panel does not mean that it can't be – it can still be recommended in the usual way, however the provision of additional design work in response to planning conditions and the assessment of reserved matters enables the Local Planning Authority to retain adequate control.
 - The Framework agreement is not required because the site wide infrastructure contributions and requirements are built into the site specific S106. So, the matters are still secured, just in a slightly different way.

- The achievement of comprehensive development can be achieved by way of the terms of the S106 by timing the payment of contributions appropriately as well as the delivery of on site infrastructure.
- OCC have not pursued a strategic waste management contribution so this is no longer included.
- The option for a Management Company to manage and maintain open space and play areas on the site with secure arrangements for ongoing maintenance.
- For any drainage features within areas of public open space, commuted sums for their maintenance to be provided if transferred to the Local Authority or responsibility to sit with the Management Company if that route is chosen. Highway drainage to be part of the S278 agreement for the site.

9.14. Given the above, which ensures that all those matters expected to be covered by the previous Heads of Terms are covered by the S106 as drafted and as is progressing alongside planning conditions or other controls, Members are asked to re-endorse their decision to support this application subject to the completion of the S106. This will ensure the securing of the necessary infrastructure to make the development acceptable in planning terms, that is directly related to the development and which is fairly and reasonably related in scale and kind to the development.

Point iii.

9.15. The list of draft planning conditions were provided in full in the March 2017 committee report and delegation was provided to Officers to negotiate final amendments to the wording of the conditions following a detailed review by Officers.

9.16. Planning condition wording has progressed following detailed review. The final condition wording is included within the recommendation.

Other matters

9.17. There have been a number of other matters that have changed since the application was previously reported to Planning Committee and it is also necessary to consider legislation and policy updates and to re-consider the Environmental Impact Assessment.

Changes to the application

9.18. Through the S106 negotiation and a further review of the school site by Oxfordshire County Council, advice was provided that the school site did not meet the required standards of OCC to achieve acceptable safeguarding standards. The matter of the school site was considered in the February 2016 planning committee report where Officers advised that whilst OCC concerns were noted, on balance, it was appropriate to accept the site due to it being most appropriate in respect of wider design considerations. However, it has subsequently become apparent that OCC would not accept the site unless some amendments were made. In response, the school site was reviewed and amended to be a site that more closely met OCC requirements. This has resulted in some minor changes to the parameter plans to reflect the agreed position and in one area has resulted in the buffer to the listed building being slightly reduced (albeit an enhanced buffer provided elsewhere around the school).

9.19. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it*

possesses. Therefore significant weight must be given to these matters in the assessment of this planning application.

- 9.20. Given the proposed change and the fact that the buffer was seen as positive in the original scheme, advice was sought from the Council's Conservation Officer and Historic England as to the impact of this change. The Conservation Officer advised that whilst it would be preferable for the buffer zone to be retained as previously proposed, it does not appear to have been based on either historic or current landscape/ boundary features (although historically Himley Farm had a wider area of land associated with the farm compared to now). In addition, the buffer zone was sought to not be less than as agreed so it was increased slightly in another area to make up for that lost. It was acknowledged that there is a heritage benefit to having a school site as opposed to housing in close proximity to the listed buildings as the form of development is less dense. The design and layout, including the boundary treatments would need to be established and would play a role in mitigating the impact on the historic setting. Historic England also raised some concern but gave advice as to how to achieve an appropriate setting to the school within the buffer zone.
- 9.21. In light of the responses, a note is recommended to be added to the permission to advise that buildings should be kept away from the Himley Farm site to ensure that open, green spaces are close to it to help in mitigating the impact upon the listed building and also to advise that buildings closest to the barns should be kept to the lowest height possible to avoid dominating their diminutive size. It is also likely that the school buildings would be located to the north, with the playing field extending to the south, which means that the buildings would be away from the social/ community uses shown in this area and the village green. This would be unfortunate but at this stage the location of development on the site is not set. On the basis that this change was required to ensure that OCC could conclude that the site was allowing for an acceptable school site to be secured, it is considered there is a public benefit to agreeing this change and that its impact can be mitigated through detailed design. It is considered reasonable to accept this amendment to the parameter plans.
- 9.22. The application provides for a parameter plan which sets a range of building heights for specific areas. In the northern part of the site, the parameters allowed for the highest heights on the site and this was originally shown as being for up to 19m. This was considered to be too high and it was agreed that a condition would be imposed to restrict this area of the site to no more than 17m in height taking into account the height of development around it as shown on the other development sites parameter plans. Given the progression of the application and the need to amend the parameter plans anyway, the building height parameter plan has been updated to reflect the 17m height in this area. This avoids the need for a separate condition because the building height parameter would be an approved plan and therefore secured in any event.
- 9.23. Through comparison of the plans when checking amendments, it also became apparent that a change to the location of the newt corridor had been made, probably due to the review of the housing parcels to ensure these were practical and could suitably accommodate development. The newt corridor is no narrower than as originally considered and when viewing the aerial view of the site, it is clear that the corridor does not follow an existing natural feature (such as a hedgerow) as the land is one open agricultural field. Given that the mitigation remains as identified in the environmental statement (i.e. the need for a Great Crested Newt Mitigation Strategy which is a requirement of a recommended planning condition and the newt corridor providing links between the two ponds) and its position is marginally different but the width of the corridor remains as agreed, it is not considered that the proposed

development will have any different impact upon the mitigation and enhancement measures for protected species than the original scheme would have provided..

Legislation and Policy Updates

- 9.24. Of relevance to this application and since it was considered in March 2017, the NPPF has been updated in February 2019. This continues to set out that the presumption in favour of sustainable development is at the heart of the Framework and it continues to require that development proposals that accord with an up to date development plan are approved without delay. With regard to housing, the Government's objective of significantly boosting the supply of homes remains and for all Local Planning Authorities to maintain a supply of deliverable sites. The new NPPF continues to emphasise the need for good design to achieve well designed places, to conserve and enhance the natural and historic environment, to plan for climate change and to promote sustainable transport.
- 9.25. As the development site forms part of an allocated site in an adopted and up to date Local Plan and as the development continues to meet the overarching topics covered by the February 2019 NPPF, it remains the case that the development meets high standards and represents sustainable development. The February 2019 NPPF does not therefore change the conclusions previously reached.

EIA

- 9.26. The application is accompanied by an Environmental Impact Assessment. Since the application was last considered, the Environmental Impact Assessment Legislation has been updated, however as the EIA was drafted under the 2011 legislation, this continues to be the basis for the consideration of this application. The main EIA was compiled in December 2014 and addendums provided in September 2015 and October 2016. Given the time that has elapsed without a decision being issued, it is necessary to consider whether the EIA is up to date and therefore sufficient to consider the environmental impacts of the development at the point of the decision.
- 9.27. The EIA covered the following main topics – landscape and visual amenity, ecology, transport, air quality, noise and vibration, water management, ground conditions and contamination, agriculture and soils, built heritage, archaeology, socio economics, human health, waste and cumulative effects. The EIA identifies significant impacts of the development and mitigation to make the development acceptable.
- 9.28. There have been no changes to the physical context of the site to change the baseline landscape and visual position, the listed buildings and their surrounding setting is unchanged and no new heritage features over and above those previously recorded have been identified, there have been no changes to water courses or the provision of new water features to change the water management baseline position and no changes in the baseline for the following topics – ground conditions and contamination, agriculture and soils, archaeology, socio economics, human health or waste.
- 9.29. In respect to transport and related matters such as air quality, noise and vibration, there may have been some changes, however the strategic highway infrastructure proposed (and approved) for NW Bicester is the identified mitigation for the site as a whole and as reported previously matters are moving forward on this to secure its delivery. In addition, until this infrastructure is delivered, the site is restricted from allowing the occupation of any more than 500 dwellings to avoid a severe transport impact. As such, the EIA can be considered to remain up to date in this respect.
- 9.30. In respect to cumulative matters, whilst the position may have moved on from that considered previously (i.e. with development proposals having progressed), the proposed development is a known development proposal, on an allocated site, and

the original consideration of cumulative impacts would have also included a future projection of surrounding development. There has been no significant additional development approved or planned for in the locality since the original consideration.

- 9.31. The EIA is therefore considered to remain sufficient in order to assess the impacts of the development and the identified mitigation must be the subject of planning conditions. The one exception to this and the matter to be considered further is that of ecology.

Ecology

Legislative context

- 9.32. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.33. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.34. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.35. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.36. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with

respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.37. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.38. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.39. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.40. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.41. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.42. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.43. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

9.44. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.45. The previous application identified the ecological work undertaken which was part of the Environmental Statement and the potential species that could be affected. The surveys have not been updated so they are dated as it stands. However, the existing baseline conditions are unlikely to have significantly changed as the land remains predominantly arable fields with hedgerows forming the boundary of the fields. The Environmental Statement identified that with mitigation measures, the impact of the development on ecology would be negligible and localised and that in the longer term, there would be some minor beneficial effects.

9.46. In the circumstances, it is considered acceptable to require that up-to-date ecological checks are carried out prior to development commencing as a condition of the planning permission and for conditions to be used to ensure protection of the environment and biodiversity to be established through construction management plans and for the mitigation measures identified in the ES to be secured via condition.

9.47. The site includes two ponds which have been recorded to accommodate Great Crested Newts, which are a European Protected Species. The Council have a legal duty under the Conservation of Habitats and Species Regulations 2017, when considering a planning application where protected species are present, whether an offence under the Regulations is likely to be committed. The Local Planning Authority must consider whether Natural England would be likely to grant a licence for the development and therefore whether the three derogation tests (at para 9.35) would met.

9.48. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.49. In this case, it is known that the site has a high potential to accommodate Great Crested Newts within the two ponds on the site. The ES identifies the need for further surveys to be undertaken in advance of works commencing on site to establish likely populations and for a Great Crested Newt Mitigation Strategy that would be provided to support a Natural England Licence application. The design mitigation identified is for a protection area to be provided around each of the ponds and a newt corridor to be provided linking the two ponds. The ES also identifies the need for suitable aquatic and terrestrial habitat (including hedges) within 250m of the breeding ponds and within any other areas with potential to support GCN within the site to be retained. This presumably excludes agricultural land as residential

land surrounds the buffer zone. The ES then identifies the need for a licence should there be any disturbance/ removal of habitat. In addition, the ES identifies that existing ponds will be enhanced prior to the completion of the development. Whilst existing ponds are being renovated, it is identified that alternative aquatic habitat to minimise disturbance or injury to GCN should be created to provide new breeding habitat with the GCN moved back once the ponds are enhanced. This work would need to be undertaken outside of the breeding season.

- 9.50. Planning conditions are proposed to secure updated protected species surveys and, prior to the commencement of the development, a Great Crested Newt mitigation strategy to ensure that the required mitigation is considered at the earliest stage possible. On the basis of the suggested mitigation at this stage and the requirement for additional information to be sought via planning condition, it is considered that it is likely a compelling case would be made to justify the grant of a licence to enable the works to proceed.
- 9.51. There is also the potential for other protected species on the site and, should this result in development that would require a licence, then this process would need to be followed. Again, it is considered likely that should this be the case, it is likely a case could be made to justify the grant of a licence.
- 9.52. In the circumstances, the proposal is therefore considered to comply with Policy ESD10 of the CLP 2031 Part 1, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.

Other matters

- 9.53. The previous report considered all matters related to the eco town standards and the compliance of the application with the Development Plan.

Human Rights and Equalities

- 9.54. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.55. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

- 9.56. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

- 9.57. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

Duty under The Equalities Act 2010

- 9.58. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.59. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

Conclusion and Planning Balance

- 9.60. The application is reported back to Members and it is recommended that Members re-endorse their decision to approve this application with the amendments made since the application was considered in March 2017 as considered through this report. The proposal is considered to continue to comply with the Development Plan policies and guidance listed at Section 8 of this report and that the application continues to be sustainable development and to represent a form of development that will meet the high standards sought at NW Bicester. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY – AND THEIR REORDERING AS TO THE TIMESCALE FOR COMPLIANCE) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE MATTERS SET OUT AT APPENDIX A.

CONDITIONS

Time Limits

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. In the case of the reserved matters, application for approval shall be made for the

first residential phase of development not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

3. In the case of all other reserved matters, in respect of subsequent phases, application for approval shall be made not later than the expiration of ten years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first residential phase reserved matter and for all subsequent phases two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for that phase.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

Regulation

5. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:
 - Site Boundary Parameter Plan 1 (drawing number 592-PL-101 Rev B);
 - Demolitions Parameter Plan 2 (drawing number 592-PL-102 Rev B);
 - Land Use Parameter Plan 4 (drawing number 592-PL-103 Rev J);
 - Building Heights Parameter Plan 5 (drawing number 592-PL-104 Rev H);
 - Density Parameter Plan 6 (drawing number 592-PL-105 Rev G);
 - Landscape Parameter Plan 3 (drawing number 592-PL-106 Rev H);
 - Movement and Access Parameter Plan (drawing number 1665/75/04);
 - SUDs Parameter Plan (drawing number 1665/75/05 Rev B);
 - Document titled 'Storage Attenuation Volumes of Primary Swales (1665/76) dated July 2015;
 - Tree Survey Report – document reference EED14995-100-R-7-1-3-TA dated January 2015 and accompanying appendices;
 - Sustainability and Energy Statement – document reference PENL2003 dated 17 December 2014
 - Surface Water Drainage Strategy and Flood Risk Assessment dated December 2014 and all additional correspondence relating to Drainage and Flood Risk.

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.

6. Prior to the submission of the first reserved matters application, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policy Bicester 1, SLE4 and INF1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

7. No more than 1700 dwellings falling within Use Class C3 shall be constructed on the site.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

8. No more than 100 dwellings falling within Use Class C2 shall be constructed on the site.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

9. No more than a total of 8,000sqm floor space shall be provided for the mixed uses set out in Table 1 and each use shall not exceed the maximum Gross Internal Area for each specified use. These uses shall only be provided within the areas of the site annotated for 'Other Uses' and 'Social/ Community' on 'Land Use Parameter Plan 4' drawing number 592-PL-103 Rev J.

Table 1

| Land Use | Maximum GIA (sqm) |
|-------------------------------------|--------------------------|
| Hotel (Class C1) | 2,600sqm |
| Veterinary surgery (Class D1) | 2,000sqm |
| Pub/ Community (Classes A4/ D1) | 400sqm |
| Retail (Classes A1, A2, A3, A4, A5) | 700sqm |
| Office (Class B1) | 1,000sqm |
| Health facility (Class D1) | 1,500sqm |
| Nursery (Class D1) | 100sqm |
| Energy Centre (Sui Generis) | 375sqm |
| Water treatment plant (Sui Generis) | 450sqm |

The approved uses shall remain within the Use Classes set out above as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or

their equivalent in subsequent enactments or re-enactments) and for no other purpose(s) whatsoever.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

10. No individual Retail unit allowed for in Table 1 of condition 9 shall exceed 150m² in gross floor internal area with the exception of a single unit up to a maximum of 300m² which shall be for uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments). If provided, the single retail unit over 150m² for uses falling within Use Class A1 shall remain within that Use Class and it shall be used for no other Use whatsoever. Thereafter retail units shall not be amalgamated.

Reason: To ensure the scheme meets local retail needs in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the Eco Towns PPS and the National Planning Policy Framework.

Design

11. Prior to the submission of the first reserved matters application, a site wide Masterplan and Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall set out the urban design approach for the site to include a regulating plan and supporting information to include;
- Details to provide continuity with adjacent development
 - A detailed masterplan for the area fronting the Middleton Stoney Road annotated as 'Other Uses' on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev J showing the location of each of the land uses
 - Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
 - The identification of Character areas and for each, the built form and green spaces to include their key features, density, block layout and principles, structure and permeability
 - Movement network and principles of streetscape including access locations, hierarchy, street type, form and design, cross sections, surface materials and landscaping, cycleways, footways, crossing points, street furniture, bus routes and stop locations
 - Parking strategy including car and cycle parking standards and approach for residential and non-residential uses
 - Public realm
 - Building heights, scale, form, design features materials, architectural details and frontages
 - Boundary treatments
 - Key views, vistas, landmarks
 - Landscape character, landscape types, green infrastructure, amenity spaces, public open space, play areas including their distribution, existing trees and retained hedges and biodiversity measures
 - Provision and details of buffers to retained hedgerows and dark corridors for biodiversity
 - Legibility and diversity of built form and landscape
 - Landscape and boundary treatment principles for the buffer surrounding Himley Farm

- Drainage including sustainable urban drainage features
- Adaptability

All reserved matters applications shall be made and the development shall thereafter be carried out in accordance with the principles of the approved Masterplan and Design Code.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework and Policies Bicester 1 and ESD15 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

12. Each reserved matter submission for built development shall be accompanied by details showing how Building for Life 12 has been used to inform the design process and that the scheme achieves Built for Life™.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework and Policies Bicester 1 and ESD15 of the Cherwell Local Plan Part 1 2011-2031.

Dwellings

13. Each dwelling hereby approved shall be provided with real time energy and travel information prior to its first occupation. Details of the provision for each phase shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of construction of dwellings above slab level within that phase. 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 Eco Towns PPS and National Planning Policy Framework.

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

Reason: To address the impacts of climate change in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031, Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

15. Each reserved matters application for a phase shall consider whether any area of that phase is subject to elevated levels of noise, principally from road traffic sources as set out in the Environmental Statement. Any dwellings that are to be constructed in any affected area within that phase shall be identified and confirmation provided that they will be designed and constructed in such a manner that they will contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 can be achieved.

Reason: To ensure that properties are not subject to high levels of noise in accordance with Policies Bicester 1 and ESD15 of the Cherwell Local Plan 2011-2031, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance

contained within the National Planning Policy Framework.

16. Noise levels from any mechanical plant and the energy centre shall not exceed the noise emission limits contained within table 10.15 of the Environmental Statement. Any reserved matters submission for the energy centre or for development that will include mechanical plant shall include details of how the noise emission limits for that development will be met.

Reason: To ensure that noise remains within acceptable levels in accordance with Policies Bicester 1 and ESD15 of the Cherwell Local Plan 2011-2031, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Phase conditions

17. No dwelling or employment building hereby permitted shall be occupied until that facility 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 provision to homes for energy monitoring, travel and home working in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

18. No phase of development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority outlining how carbon emissions from the construction process and embodied carbon within that phase will be minimised. The phase of development shall thereafter be carried out in accordance with the approved report.

Reason: To ensure the development achieves a reduced carbon footprint in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

19. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Transport

20. No more than 500 dwellings shall be occupied until either;
- the development work to realign Howes Lane/ Lords Lane and provide a tunnel under the railway approved under 14/01968/F (or any other such planning permission which may be granted for the Strategic Link Road) has been completed and the road is open to vehicular traffic or,

- once all necessary consents and approvals are in place and there is certainty of the delivery of the work to realign Howes Lane/ Lords Land and provide a tunnel under the railway approved under 14/01968/F (or any other such planning permission which may be granted for the Strategic Link Road), a programme may be provided by the developer for the phasing of the remaining 1200 dwellings and associated infrastructure and other uses approved under this permission. This shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to any development beyond the first 500 dwellings.

Reason – Oxfordshire County Council as Highway Authority have advised that there is a need for a restriction on the quantum of development that can occur at North West Bicester prior to the opening of the Howes Lane/ Lords Lane realignment. The development identified has been agreed on the basis of expected delivery rates such that it is likely that this development, with other committed development would fall within the identified capacity in vehicular movements in advance of the Howes Lane/ Lords Lane realignment. Beyond this level of development and without the realignment, the highways impact of development over the identified capacity would be severe. A restriction on development is therefore necessary until such time that the realigned road is in place and open to vehicular traffic. In the event that there is certainty for the delivery of the realigned road, phasing of the development could be agreed to avoid severe traffic impacts and to mitigate the impact of traffic from the development in accordance with Government Guidance within the Eco Towns PPS and the National Planning Policy Framework.

21. Each reserved matters application for a phase shall include full details of the means of vehicular accesses between the land and the highway, including, position, layout, construction, drainage and vision splays for development within that phase. Thereafter, the approved means of access for that phase shall be constructed and retained in accordance with the approved details.

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

22. Each reserved matters application for a phase shall include full details of the means of footway and cycleway links between the land, the local highway network and adjacent parcels, including, position, layout, construction, drainage, street lighting and a timetable for their provision for that phase. Thereafter, the means of footway and cycleway links for that phase shall be constructed in accordance with the approved timetable and retained in accordance with the approved details.

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

23. Each reserved matter application for a phase shall be accompanied by a Travel Plan setting out how the development will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a). The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any occupations within the relevant phase and the actions of the Travel Plan shall thereafter be delivered in accordance with the Travel Plan.

Reason: To ensure sustainable travel in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

Contamination

24. Prior to the commencement of the development on any phase hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

25. If a potential risk from contamination is identified as a result of the work carried out under condition 27, prior to the commencement of the development hereby permitted on the relevant phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development of the phase shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

26. If contamination is found by undertaking the work carried out under condition 28, prior to the commencement of the development of the relevant phase 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 of the phase shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

27. If remedial works have been identified in condition 29, the development of the phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 29. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

28. Piling or any other foundation designs using penetrative methods within any area identified as being subject to risk from contamination shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater quality. The development shall be carried out in accordance with the approved details.

Reason: To ensure that piling or deep foundations do not mobilise any contamination which may be present on site in order to ensure that controlled water quality is protected as required by Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the Eco Towns PPS and the National Planning Policy Framework.

29. If, during development of any phase, contamination not previously identified is found to be present then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall detail how this unsuspected contamination shall be dealt with and written approval from the Local Planning Authority shall be obtained. The remediation strategy shall be implemented as approved.

Reasons: To ensure that any unexpected contamination encountered is dealt with, such that it does not pose an unacceptable risk to controlled water quality as required by Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the Eco Towns PPS and the National Planning Policy Framework.

30. The development hereby permitted shall not be commenced until such time as a pollution prevention scheme to dispose of contaminated surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason - Run off from roads and areas associated with lorry and car parking areas may contain elevated levels of contaminants. Drainage from these areas could contaminate controlled waters. Details of the surface water drainage arrangements which outlines how any contamination risks will be mitigated is required to ensure controlled water quality is protected as required by Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the Eco Towns PPS and the National Planning Policy Framework. This information is required prior to

commencement of any development as it is fundamental to the acceptability of the scheme.

Biodiversity

31. No development shall commence on any phase unless or until an up to date ecological survey has been undertaken to establish changes in the presence, abundance and impact on bio diversity within that phase. The survey results, together with an updated biodiversity mitigation plan and method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development of the phase shall be carried out in accordance with the approved Mitigation Plan and Method Statement.

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 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

32. The retained hedges shall have a buffer a minimum of 20m in width comprising of 10m either side of the retained hedge except where they form part of a dark corridor, as defined in the supporting documents to the NW Bicester Masterplan, where the buffers shall extend to a minimum width of 40m comprising of 20m either side of the retained hedge, and the woodlands shall have a buffer around their perimeter a minimum of 10m in width when measured from the canopy edge, all of which shall be demonstrated on the approved Masterplan/ Design Code unless otherwise agreed in writing by the Local Planning Authority. The hedge and woodland buffers shall be maintained thereafter as public open space and managed to maintain and create bio diversity.

Reason: To protect biodiversity and historic landscape features in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

33. No development shall commence on a phase until details of any existing hedgerow, or part thereof, to be removed, and proposals for creation of new compensatory hedgerow, have been submitted to and approved in writing by the Local Planning Authority. The compensatory hedgerow shall be provided in accordance with the approved details. If any tree or hedgerow shown to be retained is cut down, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the same place within the following planting season and that tree shall be of such a size and species as will be first agreed in writing with the Local Planning Authority.

Reason: To protect biodiversity and historic landscape features in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-201 and Government guidance contained within the Eco Towns PPS and the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

34. No development shall commence on a phase until an Arboricultural Method Statement (AMS) undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions including a scheme for the provision of protective fencing, to prevent damage during construction, for the retained

hedgerows, trees, woodlands, ponds and areas of green space within that phase, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on the phase shall be carried out in accordance with the approved AMS with all tree protection erected prior to development commencing on that phase. If any tree or hedgerow shown to be retained is cut down, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the same place within the following planting season and that tree shall be of such a size and species as will be first agreed in writing with the Local Planning Authority.

Reason: To protect biodiversity and historic landscape features in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

35. No development shall commence until a Great Crested Newt mitigation strategy which includes a protection area for Newts, a minimum of 50m in circumference, around the two ponds on the site and the land between them, which shall be provided in accordance with that shown on 'Landscape Parameter Plan 3' drawing number 592-PL-106 Rev H, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Great Crested Newt mitigation strategy. No removal of suitable aquatic and terrestrial habitat within 250m of the breeding ponds shall be carried out unless first agreed in writing by 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 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

36. Prior to the submission of the first reserved matters application, a Bio Diversity Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. Each reserved matter application shall be accompanied by a statement setting out how the proposed development will contribute to achieving the Bio Diversity Strategy and net biodiversity gain. The development shall be carried out in accordance with the approved biodiversity strategy.

Reason: To secure net biodiversity gain in accordance with Policies Bicester 1 and ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

37. No development shall commence on a phase until a Landscape & Habitat Management Plan (LHMP) for that phase detailing both management and monitoring proposals for green space (excluding building curtilages) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the LHMP shall be implemented in accordance with the approved details.

Reason: To secure net biodiversity gain in accordance with Policies Bicester 1 and ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

38. No development shall take place on any phase, including any works of demolition until a Construction Method Statement for that phase has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide

for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) A restriction on construction and delivery traffic during the peak traffic periods
- d) Loading and unloading of plant and materials;
- e) Storage of plant and materials used in constructing the development;
- f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g) Wheel washing facilities/ road sweeping;
- h) Measures to control the emission of dust and dirt during construction;
- i) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- j) Delivery, demolition and construction working hours;
- k) The mitigation measures summarised at Table 5.5 and recommended at paragraphs 6.78, 7.62 – 7.79, 8.130 – 8.133, 9.91, 10.112, 12.78 – 12.80, 13.66 and 14.55 and tables 8.19 and 10.13 of the submitted Environmental Statement (December 2014)

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

39. No development shall commence on a phase until a Soil Resources Plan that details the soils present, proposed storage locations, handling methods and locations for reuse, within that phase, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plan.

Reason: To ensure the soil resource is managed on site in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031.

40. No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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 and Government guidance contained within the National Planning Policy Framework.

Archaeology

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

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

42. Prior to any demolition on the site (other than in accordance with the agreed Written Scheme of Investigation) and prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 46, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation and shall be submitted to and approved in writing by the Local Planning Authority. The programme shall be followed throughout the construction of the development.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

Drainage

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

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the Eco Towns PPS and the National Planning Policy Framework.

44. Prior to the commencement of the development, a foul drainage strategy for conveyance and treatment, detailing any on and/or off site drainage works, shall be submitted to and approved by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No dwelling shall be occupied until the foul drainage has been provided in accordance with the approved strategy.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to treat and convey foul flows from the new development; and in order to avoid adverse environmental impact upon the community and water environment in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

45. Prior to the submission of the first reserved matters application, a full surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - Swales, Ponds, Permeable Paving, Filter Strips, Rain Gardens
- Network drainage calculations
- Phasing

Reason - To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

46. In addition to the site wide surface water drainage strategy, each reserved matters application for a phase shall be accompanied by a detailed surface water drainage scheme for that phase, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the site. The detailed surface water drainage scheme shall be in compliance with the approved Flood Risk Assessment, Surface Water Drainage Strategy and the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy required under condition 49. The detailed surface water drainage scheme for that phase shall be accompanied by a maintenance plan for all drainage features, which shall include timings of the implementation of the plan, long term objectives, management responsibilities, maintenance schedules and procedures for dealing with the failure of any part of the system. No development of a phase shall commence until the detailed reserved matter surface water drainage scheme has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and shall be maintained in accordance with the approved scheme of maintenance thereafter and in perpetuity.

Reason: To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

47. The residential development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

48. No phase of employment development shall commence until details of the

measures to be installed in that phase to minimise water consumption have been 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: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

49. Prior to the commencement of the development, details of the strategy to work towards water neutrality, in accordance with the Eco Towns PPS shall be submitted to and approved in writing by the Local Planning Authority. Each reserved matters application shall demonstrate how it contributes to and is in accordance with the approved strategy.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

Waste

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

Reason to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

51. Prior to the commencement of a phase, a Site Waste Management Plan, targeting zero construction waste to landfill for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.

Reason - to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

52. No waste shall be brought to the site for the purpose of use within any future energy centre.

Reason - to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

Notes to Applicants

1. Before granting this planning permission the Council has taken into account the environmental information relating to the development (within the meaning of the Town and Country Planning (Environmental Impact Assessment) (Regulations) 2011 (as amended).
2. The applicant is advised that appropriate sight lines from the frontage of Lovelynch House along the Middleton Stoney Road must be protected in order to ensure that

the potential future delivery of development on that site is not prejudiced. This matter will be assessed in detail at the reserved matters stage.

3. In accordance with the parameter plans hereby approved, the following shall be :
 - A 20m Green Infrastructure strip (which shall not include residential gardens) shall be provided to the west of the boundary with Lovelynch House;
 - A 20m 'no build' buffer shall be provided to the north of the boundary with Lovelynch House;
 - A 30m 'no build' buffer (narrowing to a 20m along the northern section of the eastern boundary) shall be provided to the east of the boundary with Lovelynch House. This buffer shall include a 10m hedgerow buffer.
4. The design and layout of the sports facilities should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England and the National Governing Bodies for Sport.
5. The off-site works will require a S278 Agreement with Oxfordshire County Council (OCC). If the proposed development is to be offered for adoption to the Local Highway Authority (LHA) a S38 Agreement will be required, alternatively if the development is to remain private a Private Road Agreement will be required between the developer and OCC. For guidance and information on road adoptions and S278 Agreement works please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk. All the associated off-site highway works within NW Bicester will have to go through OCC's Direct Delivery process – if triggered.
6. In respect of the school site, buildings should be located away from Himley Farm to ensure that open, green spaces are close to it and to help in mitigating the impact upon the listed building. In addition, buildings closest to the barns should be kept to the lowest height possible to avoid dominating their diminutive size.
7. Pursuant to the second bullet point of condition 24, should a programme be provided regarding the delivery of the remaining 1200 dwellings prior to the delivery of the strategic link road and tunnel, evidence in the form of a transport assessment would be required to accompany such a submission to demonstrate that the highway impacts of any change to the restriction on development would not result in a severe impact.

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Appendix A – Heads of Terms

Appendix B – March 2017 Committee Report

Appendix C – February 2016 Committee Report