

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 24 October 2019 at 4.00 pm

Present: Councillor James Macnamara (Chairman)

Councillor John Broad
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Chris Heath
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson

Substitute Members: Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)
Councillor Douglas Webb (In place of Councillor Hugo Brown)

Apologies for absence: Councillor Maurice Billington
Councillor Andrew Beere
Councillor Hugo Brown
Councillor Simon Holland
Councillor David Hughes
Councillor Mike Kerford-Byrnes

Officers: Sarah Stevens, Interim Senior Manager – Development Management
Nat Stock, Minors Team Leader
Caroline Ford, Principal Planning Officer
Linda Griffiths, Principal Planning Officer
Lewis Knox, Planning Officer
Jennifer Crouch, Solicitor
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

8. Proposed Himley Village, North West Bicester, Middleton Stoney Road, Bicester, Oxfordshire.

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

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

9. Land North of Park and Ride, Adj To Vendee Drive, Bicester.

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the Chamber for the duration of the item.

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

Councillor George Reynolds, Declaration, as a member of the Executive and would leave the Chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the Chamber for the duration of the item.

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

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

11. Lower Lodge, Williamscot, OX17 1AE.

Councillor Douglas Webb, Declaration, was known to the applicant, would speak as local Ward Member but not take part in the vote.

13. Trysports, 26 Deans Court, Bicester, OX26 6RD.

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

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

80 **Requests to Address the Meeting**

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

81 **Minutes**

The Minutes of the meeting held on 19 September 2019 were agreed as a correct record and signed by the Chairman.

82 **Chairman's Announcements**

The Chairman made the following announcement:

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

83 **Urgent Business**

There were no items of urgent business.

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

No pre-Committee site visits were proposed.

85 **Proposed Himley Village, North West Bicester, Middleton Stoney Road, Bicester, Oxfordshire**

The Committee considered application 14/02121/OUT an outline application for a 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 would 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) at the proposed Himley Village, North West Bicester, Middleton Stoney Road, Bicester, Oxfordshire for Portfolio Property Partners Limited.

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

Resolved

- (1) That permission be granted for application 14/02121/OUT subject to the following conditions (and any amendments to those conditions as deemed necessary – and their reordering as to the timescale for compliance):

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); 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

Hotel (Class C1)

Maximum GIA (sqm)

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 (other than on the area annotated as 'Other Uses' on the Land Use Parameter Plan 4 drawing number 592-PL-103 Rev J where the Masterplan has been approved for that area pursuant to condition X, 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 routing 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.

53. Prior to the submission of the first reserved matters application and in the event that the Design Code has not been approved, 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, shall be submitted to and approved in writing by the Local Planning Authority. The masterplan shall show the location of each of the land uses, access and parking locations, key frontage and public space conditions and landscape principles. All reserved matter applications for the area covered by the Masterplan approved by this condition X shall be made and the development shall thereafter be carried out in accordance with the principles of the approved Masterplan.

Reason: To ensure the creation of a high quality design for the mixed use area in accordance with Government guidance in the NPPF and Policy 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.

- (2) That 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 following:

1 **Affordable Housing**

Provide 30% affordable housing in accordance with an agreed phasing and mix.

Affordable housing to be provided by a Registered Provider.

Affordable Housing scheme to be submitted and approved prior to submission of first residential reserved matter submission identifying the distribution of the affordable housing.

Affordable housing to be delivered in clusters of no more than 15 affordable housing units unless agreed.

Nomination agreement

2 **GP Surgery**

Provide financial contribution to the provision of a new GP Surgery or such other interim measure as may be required.

3 **Thames Valley Police**

Provide financial contribution to neighbourhood policing

4 **Community Hall & Sports Pavilion**

Financial Contributions towards build cost of hall and sports pavilion south of the railway line along with other applicants south of the railway line.

Arrangements for temporary community facilities on the site to support the early residents until a permanent space is provided.

The safeguarding of land for a sports pavilion should a sports pavilion on an adjoining site not be forthcoming.

5 **Community Development Worker**

Financial contribution for the provision of a community development worker(s) to deliver the creation of the new community during the build out of the site.

6 **Community Development Fund**

Financial contribution to deliver community development

7 **Employment and Training**

Provide employment and training action plan to include measures to ensure opportunities for local labour and businesses through the development, measures to support home working and to work with the local job club to advertise jobs created through construction on the site.

Delivery of specified number of construction (and related trades) apprenticeships in accordance with the number of opportunities identified through an agreed provider.

8 **Primary School**

2.22ha of land at nil cost and provide school or financial contribution sufficient to provide a 1FE Primary School and funding to provide extra accommodation corresponding to the pupil generation (up to a 2 FE School). Timing to be agreed.

9 **Secondary School**

Financial contribution towards the provision of secondary schools or such other interim measure as may be required.

Contribution towards school transport

10 **SEN**

Provide contribution for the provision of SEN places

11 **Library**

Contributions to the new Bicester library plus contribution towards core book stock.

12 **Permanent Sport Pitches**

Provide land to accommodate the required sports pitches south of the railway line and make a proportionate contribution towards the capital and revenue costs of the pitches.

13 **Public Open Space**

Layout the public open space and transfer it to a Management Company or to CDC with the appropriate commuted sums for maintenance in accordance with an agreed plan and phasing. If a Management Company is chosen, appropriate security around this to be secured.

14 **Other Amenity space**

Maintenance sums towards woodland, hedges, swales (within areas of public open space), orchards and paths

15 **Allotments**

Layout the allotments and transfer them to CDC in accordance with an agreed plan and phasing.

16 **Play Areas**

Layout the NEAPs, LEAPS and LAPS and transfer to a Management Company or to CDC with the appropriate commuted sums for maintenance in accordance with an agreed plan and phasing. If a

Management Company is chosen, appropriate security around this to be secured.

17 **Indoor Sport**

Provide funding for the expansion of the Bicester Sports Centre

18 **Green Space that could be used for a Burial Ground**

Provide contribution to the provision of a burial ground

19 **Bio Diversity Off Sett**

Provide funding for off site bio diversity mitigation

20 **Cultural & Wellbeing Strategy**

Provide a cultural and wellbeing strategy and action plan for delivery across the site

21 **Community Management Organisation**

Provide funding for the establishment of the CMO and its activities including contributions towards the maintenance of community facilities across the site such as allotments, community farm and community buildings.

22 **Waste Collection & Recycling**

Provide funding for the provision of domestic bins for waste and recycling

Provide funding for the provision of bring bank sites

23 **Strategic Infrastructure**

Contributions towards the major infrastructure to serve NW Bicester including the realigned Howes Lane and tunnels and the costs related to such delivery including to Network Rail for the rights to construct the tunnels.

24 **Bus Provision**

Provide funding for the provision of the bus service to serve the site in accordance with agreed phasing

25 **Bus Access Scheme**

Provide or provide funding for the improvement of Bucknell Road and Field Street to facilitate bus access

26 **Off Site Cycle Way Improvements**

Provide a contribution towards the following improvements;

- Off-site cycleway along Middleton Stoney Road between Howes Lane and Oxford Road.
- Off site cycleway and traffic calming scheme on Shakespeare Drive

27 **Field Path Improvements**

Fund improvements to Bridleway Bicester 9 and Bucknell 4

28 **Highway Works**

Contribution to Banbury Road B4100 roundabout improvement

Entry into a S38/ S278 agreement as necessary towards Highway Works.

Highway works to create up to two vehicular accesses off Middleton Stoney Road

Provision of bus stop laybys and pedestrian infrastructure including a link from the edge of the site to connect with the junction of Middleton Stoney Road and Howes Lane (or such part of it that is necessary)
Provision of footway/ cycle links to allow sustainable transport options in advance of surrounding development.

Facilitation of the delivery of wider site infrastructure including a bus only lane, pedestrian/ cycle links, ability to connect to other roads.

29 **Village Traffic Calming**

- 30 Contribution to funding village traffic calming in Middleton Stoney
Travel Plan
Provide funding for travel plan monitoring
- 31 **Arrangements for non-residential facilities**
Including timescales for the provision of a principle retail store, ancillary retail store, other uses and arrangements for their marketing. There are also arrangements around the safeguarding of a site for a local health facility should an alternative not be provided and around provision of a nursery.
- 32 **Monitoring**
Provide scheme of monitoring eco town standards
- 33 **Bond/Guarantee**
Provide bond or guarantee for the delivery of the infrastructure
- 34 **Monitoring fees**
Provide a fee for monitoring of legal agreements
- 35 **On site internal roads/ streets**
Commuted sums for road adoption will be applicable
Agreement to secure internal roads and vehicular, bus only and pedestrian/cycle linkages to adjacent Northwest Bicester sites.
- 36 On-site sustainable transport initiatives
Travel Plan co-ordinator
Electric Vehicle charging points
Car club
- 37 **Zero Carbon**
- 38 **Requirements around building standards** (i.e. BREEAM and CEEQUAL)

86 **Land North of Park and Ride, Adj To Vendee Drive, Bicester**

The Committee considered application 19/01351/CDC for the change of use from agricultural (arable) to informal recreation with public access at Land North of Park and Ride Adj to Vendee Drive, Bicester for Cherwell District Council.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to Grant Permission for application 19/01351/CDC subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

CONDITIONS

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Planning Statement; Ecological Appraisal Report; Geophysical Survey Report; Indicative Phase 1 Site layout Plan, drawing number ES/LS/001 and red line site location plan.

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

Temporary Obstructions

3. No materials, plant, temporary structures or excavations of any kind should be deposited/undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

Reason – To ensure the public right of way remains available and convenient for public use, to comply with Policy ESD15, ESD17 and Bicester 3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF.

Route Alterations

4. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team at Oxfordshire County Council or necessary legal process.

Reason – To ensure the public right of way remains available and convenient for use, to comply with Policy ESD15, ESD17 and Bicester 3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF.

Vehicle Access (Occupation)

5. No vehicle access (including for construction and demolition purposes) may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team at Oxfordshire County Council. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors to put right/make good to a standard required by the Countryside Access Team.

Reason – To ensure the public right of way remains available and convenient for public use, to comply with Policy ESD15, ESD17 and Bicester 3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF.

Gates/Right of way

6. Any gates provided shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

Reason – To ensure that gates are opened or closed in the interests of public right of way user safety, to comply with Policy ESD15, ESD17 and Bicester 3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF.

Details of Gates

7. Details of the proposed new maintenance gates and pedestrian kissing gates, together with a timeframe for their provision shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of their installation. Thereafter the development shall be completed in accordance with the approved details prior to the first use of the site for recreation purposes.

Reason – In the interests of the visual amenities of the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Protection of Archaeology

8. There shall be no regrading of the land or removal of topsoil without the written express consent of the Local Planning Authority.

Reason – In order to protect the archaeological interests of the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Dog/litter Bins and Interpretation Boards

9. Prior to their installation, details of the dog and litter bins and interpretation boards, together with their locations shall be submitted to and agreed in writing by the Local Planning Authority. These shall be installed in accordance with the approved details prior to the site being first brought into use and retained as such thereafter.

Reason – To ensure the satisfactory appearance of the development and the proper arrangements for the disposal of litter and waste, to comply with Policy ESD15 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

Footbridges/Culverts

10. Prior to the site being first brought into use, full details of the proposed pedestrian bridges over the ditches shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

Nesting Birds

11. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or 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 the 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 within the National Planning Policy Framework.

Carry Out in accordance with Survey

12. The development hereby approved shall be carried out in accordance with the recommendations set out in section 7 of the Preliminary Ecological appraisal report carried out by Middlemarch Environmental dated September 2019 Reference RT-MME-150493-01 submitted with this application.

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.

87

Lower Lodge, Williamscot, OX17 1AE

The Committee considered application 19/01399/F for the demolition of 20th Century extensions and erection of replacement two storey part subterranean extension and associated engineering works at Lower Lodge, Williamscot, OX17 1AE for Mr Julian Bernard.

Mr Julian Bernard, the applicant and Mr James Mackintosh, Architect addressed the committee in support of the application.

It was proposed by Councillor Chapman and seconded by Councillor Reynolds that application 19/01399/F be approved contrary to officer recommendations subject to suitable conditions (the exact wording to be delegated to officers). It was believed that application 19/01399/F would be an improvement to the visual amenity, it would be of no significant harm and had the support of the local community.

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

Resolved

- (1) That authority be delegated to the Assistant Director of Planning and Economy to grant permission for application 19/01399/F, subject to conditions (the exact conditions and the wording of those conditions to

be delegated to the Assistant Director for Planning and Economy in consultation with the Chairman).

88 **Lower Lodge, Williamscot, OX17 1AE**

The Committee considered application 19/01400/LB for the demolition of 20th Century extensions and erection of replacement two storey part subterranean extension and associated engineering works at Lower Lodge, Williamscot, OX17 1AE for Mr Julian Bernard.

Mr Julian Bernard, the applicant and Mr James Mackintosh, Architect addressed the committee in support of the application.

It was proposed by Councillor Chapman and seconded by Councillor Reynolds that application 19/01399/F be approved contrary to officer recommendations subject to suitable conditions (the exact wording to be delegated to officers). It was believed that application 19/01399/F would be an improvement to the visual amenity, it would be of no significant harm and had the support of the local community.

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

Resolved

- (1) That authority be delegated the Assistant Director of Planning and Economy to grant permission for application 19/01400/LB, subject to conditions (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning and Economy in consultation with the Chairman).

89 **Photovoltaic Installation and Premises, Woodstock Road, Yarnton, Oxfordshire OX5 1PQ**

The Committee considered application 19/01046/F for the development of a ground mounted solar park incorporating the installation of solar PV panels, associated infrastructure and new access at Photovoltaic Installation and Premises, Woodstock Road, Yarnton, Oxfordshire OX5 1PQ for Generale Du Solaire.

David Pickford, Agent for the applicant addressed the committee.

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

Resolved

- (1) That authority be delegated to The Assistant Director for Planning and Economy to grant permission for application 19/01046/F subject to the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

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

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

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

- Site location plan, Drawing Nos 772522- DWG-ENV-001, 002, 003 and 004, PV Power Plant Layout rev F, SK01 rev B, Transformer rev A, Cross Section Design, rev A and Access Road rev A.

- Design and Access Statement prepared by Pegasus Group, Planning Statement prepared by Pegasus Group, Landscape and Visual Impact Assessment prepared by Pegasus Landscape Design, Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan, Preliminary Ecological Appraisal, Great Crested Newt Survey, Bat Survey, Historic Environment Desk Based Assessment, Flood Risk Assessment and Drainage Strategy and Construction Management Plan submitted with the application.

- Landscape and Visual Impact Assessment Addendum dated September 2019,

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

3. The permission shall expire no later than 35 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after the event.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies ESD 13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning

period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason - To ensure the environment is protected during decommission in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the clearance of the site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

The development shall not be carried out other than in strict accordance with the approved scheme and the hard landscape elements of the scheme shall be fully implemented prior to the first operation of the development and shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the clearance of the site a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the

implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The existing hedgerows along all boundaries of the site boundary shall be retained and properly maintained at mature heights, not less than 3.5 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Except to allow for the means of access and vision splays the existing hedgerow along the south west boundary of the site shall be retained and properly maintained at mature height, not less than 3.5 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the clearance of the site full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the construction of the solar array, the means of access 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.

11. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

12. Notwithstanding the Construction Traffic Management Plan (CTMP) dated July 2015 prepared by Transport Planning Associates submitted with the application prior to the commencement of the development hereby approved a revised Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;
- The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - A regime to inspect and maintain all signing, barriers etc.
 - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

- Left in left out arrangement to ensure that vehicles egressing the site do not need to cross oncoming traffic.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the levelling of the site or construction of the access and internal tracks whichever is the earliest the drainage for the development shall be carried out in accordance with drawing no. G234/03 and the drainage shall be maintained in accordance with the procedures set out in Table D of the Flood Risk Assessment dated May 2018 prepared by PFA Consulting thereafter.

Reason - To protect the development and its occupants from the increased risk of flooding and in order to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the first excavation or levelling of the site whichever is the earliest, a geophysical survey shall be undertaken by a professional archaeological organisation acceptable to the Local Planning Authority to inform the need for further archaeological investigation and a Written Scheme of Investigation relating to the application site area, shall be submitted to and approved in writing by the Local Planning Authority.

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.

15. Prior to the first excavation or levelling of the site whichever is the earliest and following the approval of the geophysical survey referred to in condition 15, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

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

16. The development hereby approved shall be carried out in accordance with the recommendations set out in Sections 5 and 6 of the

Preliminary Ecological Appraisal carried out by Mott Macdonald on 16 October 2017.

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

17. The initial clearance of the site shall be supervised by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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

18. Prior to the first commencement of the development hereby approved a Landscape and Ecology Management Plan (LEMP) to include biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

19. No external lighting shall be installed within the site area.

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

20. The solar panels hereby approved shall be constructed with a non-reflective material and shall be retained as such thereafter.

Reason - In the interests of aircraft safety due to the close proximity to the protected safeguarded approach and take off surfaces and visual circuit and to comply with Government guidance contained within the National Planning Policy Framework.

21. No materials, plant, temporary structures or excavations of any kind shall be deposited or undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

90

Trysports, 26 Deans Court, Bicester, OX26 6RD

The Committee considered application 19/01210/F for alterations to an existing toilet block, including replacement windows and doors and infill of door with matching brick at Trysports, 26, Deans Court, Bicester, OX26 6RD for Cherwell District Council.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/01210/F subject to the following conditions:

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: NTBS3216/01 Rev. A, NTBS3216/04, NTBS3216/06 Rev B and NTBS3216/10

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

External Materials to Match Existing

3. The materials to be used for the external walls of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 [C18] of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

The Meeting was adjourned at 17.50 to evacuate the building due to a Fire Alarm.

The Meeting was re-convened at 18.05

91 **Appeals Progress Report**

The Assistant Director for Planning Policy and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled, or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

92 **Enforcement Report**

The Assistant Director Planning and Development submitted a report to inform Members of planning enforcement cases at Cherwell District Council and update the Planning Committee on the current position following the update in July regarding case numbers, formal notices served, and enforcement action taken.

Resolved

- (1) That the contents of the report be noted.

The meeting ended at 6.20 pm

Chairman:

Date: