

**Phase 2 SW Bicester Kingsmere Parcel R East of
Ludlow Road Bicester**

23/03073/HYBRID

Case Officer: Linda Griffiths

Applicant: PHL Ltd & Countryside Properties (Bicester) Ltd

Proposal: In FULL, the construction of an 82-apartment affordable extra care home (C3 use class) with associated open space / green infrastructure, landscaping, car / cycle parking, service infrastructure (drainage, highways, lighting), engineering operations, creation of new vehicular access and re-instatement of existing access to footpath, and in OUTLINE, the construction of up to 14 residential (C3 use class) dwellings with associated landscaping, service infrastructure (highways, drainage, lighting)

Ward: Bicester South and Ambrosden

Councillors: Councillor Cotter, Councillor Ideh, Councillor Pruden

Reason for Referral: Major development

Expiry Date: 31 August 2025

Committee Date: 31 July 2025

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO
CONDITIONS/AND SUBJECT TO COMPLETION OF A S106 LEGAL AGREEMENT**

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on Phase 2 of the Kingsmere development. The site is located at the northern end of the central square and abuts the greenway which provides a shared footway and cycle path connecting through the development from Vendee Drive and through to Kingsmere Phase 1 development. The central square comprises a multi-functional park with LEAP serving the phase 2 residents, with a primary school on its eastern side. Residential development of 2-3 storeys in height lies to the north of the greenway and immediately to the west of the application site.
- 1.2. The site which was formerly agricultural land, is currently used as a construction compound and site storage for the phase 2 development and includes a soil bund.
- 1.3. Existing access to the site is via an access road from Ludlow Road which extends between Middleton Stoney Road at the north of the Kingsmere development and Whitelands Way east of the development.

2. CONSTRAINTS

- 2.1. The application site is within the Kingsmere development site, an urban extension to Bicester. There are no statutory nature conservation designations covering any part of the site although two national statutory designations, Ardley Cutting and Quarry SSSI and Ardley Trackways SSSI are within 3km of the site. Bure Park Local Nature Reserve is also a local statutory designation, approximately 1.6km north-east of the site.

- 2.2. The site is within an archaeological alert area and is a minor aquifer.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is submitted as a hybrid, comprising full detailed submission and an outline submission. The application proposes the erection of a part 3 storey, part 4 storey flat roofed building to provide 82 extra care affordable apartments as a full application and in outline, consent is also sought for the erection of up to an additional 14 dwellings on this parcel identified as not being required for the extra care facility.
- 3.2. A new side street is proposed to the side of the extra care building which will serve both the extra care facility and the proposed new dwellings. A car park to serve the extra care facility will be accessed from the new side street and will have separate in and out movements. Amenity space to serve the extra care is proposed between the building and the greenway.
- 3.3. The application was previously considered by Planning Committee in March 2024 where it was resolved to grant planning permission subject to conditions and the completion of a legal agreement which included policy compliant affordable housing provision with 30% of the extra care facility secured through the S106. No affordable housing was sought from the 14 dwellings proposed because the delivery of the extra care scheme would meet this requirement by providing the policy required 30% (plus additional to 100%) The previous committee report is attached to this report for reference.
- 3.4. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing as soon as possible following the approval of grant funding support from Homes England.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 13/00847/OUT – outline consent granted subject to conditions and S106 for up to 709 dwellings, primary school and associated infrastructure.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 21/03645/PREAPP – Erection of 80 bed extra care home with associated open space, landscaping, cycle/car parking and provision of 16 new residential units.
- 5.3. 22/00371/PREAPP – erection of 80 be extra care home with associated open space, landscaping and car/cycle parking and provision of 16 new residential dwellings.
- 5.4. The first pre-app submission in 2021 provided only an illustrative site layout plan, planning statement and indicative scheme document. Concerns were raised at that time regarding the scale and massing of the extra care building in relation to the surrounding development and the adjacent greenway. The scale of the building in comparison to surrounding development was also compounded by the fact that it was a flat roof building compared to the more traditional style dwellings with pitched roofs on the Kingsmere development. Whilst the principle of the development was considered acceptable, the applicant was requested to consider moving the building

away from the boundary with the greenway and reducing the overall scale and massing of the building. Concern was also expressed regarding the nature of the subsequent application, considering that a single detailed application would allow a full assessment of the proposed extra care and proposed additional dwellings to be considered holistically rather than through a hybrid application being part of a detailed application and part outline submission as it was considered that as proposed the design and layout of the residential dwellings was somewhat contrived and a little unfortunate in terms of its relationship with the extra care development.

- 5.5. The second pre-application submission which also proposed an 80-bed extra care home and up to 16 new residential dwellings was accompanied by a site layout plan, tracking plans, landscape strategy plan and massing development document. The applicant sought to address previous concerns regarding the massing of the building alongside the greenway by lowering the rear wing and introducing a large mansard roof. The applicant was advised that mansard roofs were not a traditional element of the locality and was not considered acceptable. The 4-storey building to the frontage remained. Following the detailed written advice, discussions continued in respect of the proposed development, however, the main concern regarding the scale and massing of the extra care building and hybrid nature of a future application remained unresolved.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **11 December 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties at the time of writing the report.
- 6.3. Any comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. A summary of all the consultation responses received up to the point that the committee report was written for the March 2024 committee can be read in the attached report.
- 7.2. Below is a summary of the additional/updated consultation responses received following the committee last year and at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.3. CDC WASTE AND RECYCLING: Each 1100 bin is £125.87 so for 10 bins required contribution will be £1,258.70 for Extra Care Scheme. This is a current cost so will need to be indexed from date of the agreement. Contribution also for 3 x bins for each of 14 dwellings as previously agreed.
- 7.4. CDC RECREATION: (response dated 19th June 2024 and further discussions and correspondence 24th June 2024) Following discussions revised S106 contributions for Extra Care facility of Indoor Sport £23,606.52 and Outdoor Sport £59,166.25.

- 7.5. OCC Drainage: (response dated 16th May 2024) **no objections** subject to conditions relating to implementation in accordance with the approved detailed design and providing a record of installed SUDS and drainage.
- 7.6. THAMES WATER: (Response dated 5th June 2024) **No Objection** subject to inclusion of condition 12 below.
- 7.7. BOBICB: (response dated 30th May and 21st June 2024) Do not accept a reduction in contributions as the care available is not a substitute for GP services. In the absence of the full contribution requested, BOBICB would object.

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 2015)

- PSD1 – Presumption in favour of sustainable development
- BSC1 – District Wide Housing Distribution
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open space, Outdoor 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
- ESD7 – SUDS
- ESD10 – Protection and Enhancement of biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Bicester 3 – Kingsmere Phase 2 Strategic Allocation
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design Control over New Development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- Cherwell Design Guide (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Kingsmere Phase 2 Design Code 2018
- OCC Residential Streets Design Guide

9. APPRAISAL

9.1. The key issues for consideration in this case are the changes made since the application was considered by Planning Committee in March 2024:

- Section 106
- C2/C3 Use
- Conditions
- Other material changes

Section 106

- 9.2. Following the previous consideration of the application by Planning Committee a number of the Section 106 requests were questioned by the applicants and agent. These initially related to the contributions in respect of health and indoor and outdoor sport for the extra care units and the provision of a LAP/area of open space within the area to be developed for the additional 14 residential units.
- 9.3. In respect of the 14 dwellings, the applicant did not agree the provision of a LAP/area of open space was necessary for this small development having regard to the proximity of the site to the main area of open space and available play space within the wider Kingsmere development. Whilst this is considered regrettable as a small area of open space adjacent to the green infrastructure route both for amenity and to help integrate and connect this new development with that corridor and therefore enhance the scheme could be achievable, it was considered that in order to be pragmatic and to progress the S106 to ensure the timely delivery of the extra care scheme and the additional dwellings that on balance this was not critical to delivering a successful scheme on this last remaining parcel on the Kingsmere Phase 2 development. It was therefore subsequently agreed to remove this element from the S106. All other s106 matters included within the previous committee report relating to the market dwellings and outline part of the site were agreed.
- 9.4. In terms of the extra care units, the applicant questioned the need for indoor and outdoor sports contributions and healthcare contributions due to the nature of the facility and age of residents. This argument was not accepted by Officers. In terms of indoor and outdoor sport, the applicant was advised that this was not a nursing home and that residents would be living independently albeit with an element of care when needed and were therefore likely to be active and use such facilities. After much discussion this was accepted by the applicant, but reduced contributions were agreed based on single occupancy units and the likelihood that a small proportion of residents due to their advanced age were unlikely to be so active and therefore less likely to use these facilities. The contribution requests finally agreed are included in the recommendation at Section 11 of this report.
- 9.5. In terms of the healthcare contribution sought by BOBICB for the extra care units, the applicant was advised that this contribution remained relevant to the scheme and its removal was not accepted by officers. Whilst there will be some healthcare services available on site for residents should they be needed, this would not be a

substitute for GP, hospital or other medical services and as elderly residents there will likely be an increased need for GP and other services. This contribution as initially requested was therefore agreed and will be included in the final S106.

- 9.6. Following protracted S106 negotiations and discussion, from March 2024 to date, it became apparent in February 2025 that the Homes England Grant had not been secured by the applicant as had understood to be the case during the consideration of the application and the drafting of the S106. The resolution to grant the hybrid application was subject to the applicants entering into a S106 agreement relating to infrastructure contributions and policy compliant affordable housing at 30% which was also a requirement of the original S106 for the original outline consent relating to this development (13/00847/OUT) refers.
- 9.7. In February 2025, the applicant, PHL advised that the scheme to deliver 82 affordable extra care apartments would not be viable without 100% grant funding from Homes England. Homes England have advised that they would be unable to give a grant for the affordable housing required under policy (30% of the total units) and secured either through S106 or a condition of the planning consent, and therefore that only 70% of the units could be available as currently set out in the drafted S106 for grant funding. The applicant was therefore advised that the removal of the 30% policy compliant affordable housing provision from the S106 would need to be considered through a viability assessment.
- 9.8. A viability assessment was submitted by the applicant's agent in June which stated that without a 100% grant being available from Homes England for the extra care scheme that the development would not be viable and therefore they would be unlikely to be in a position to proceed to deliver the development. CDC therefore engaged a viability consultant to assess the viability submission and to ensure a robust, accurate assessment of the financial appraisal submitted on behalf of the applicant PHL to ensure that the inputs into the appraisal are appropriate and to ensure that the development is able to mitigate its impact as far as possible, to appraise the submission in line with the NPPG, the NPPF and other relevant viability guidance and to support officers in negotiating an appropriate solution once a conclusion is reached on the viability position of the extra care development.
- 9.9. The viability consultant appointed by CDC concluded that the extra care scheme cannot be viably delivered in a policy compliant way, that is, the delivery of 30% affordable housing secured via the S106 relating only to the extra care development. It also notes that the scheme can only be delivered as affordable if grant funding from Homes England is utilised. It should be noted that grant funding will be sought by the applicant from Homes England and that a fully affordable extra care scheme will be delivered as a result of obtaining grant funding which is welcomed. On that basis, officers are recommending that the S106 be amended in respect of the extra care development that reference to affordable housing provision is removed. Additional wording will be included in the S106 to safeguard the provision of 30% affordable housing on the extra care scheme should the site be ultimately sold to another developer who is not an affordable provider.
- 9.10. As the extra care scheme was to be delivered originally as a wholly affordable extra care product with 30% secured through a legal agreement, the original S106 did not require affordable housing to be provided for the outline 14 residential units, but this will now be required to ensure policy compliance and consistency with the original outline and therefore the S106 will need to be amended to require the provision of 30% affordable dwellings (4 units) be provided as part of that development. The applicant is aware of this and has requested that a contribution towards affordable housing provision is made rather than provision on site. This has not been accepted.

- 9.11. In respect of the above request off-site contributions in lieu of affordable housing on site are always a last resort for CDC and we will always seek for an applicant or developer to demonstrate thoroughly that other options have been fully explored. Whilst S106 funds are used for the delivery of affordable housing, the Council's strong preference is for on-site delivery through a Registered Provider (RP), even where small numbers are involved as CDC have RP partners who are interested in delivering small-scale schemes. There is also a significant amount of identified need for affordable housing in the district, with over 2,000 applicants on the housing register and therefore CDC is committed to achieving on-site delivery where possible. When asked to consider an off-site contribution in lieu of affordable housing (usually when the developer has already approached RPs) is for Strategic Housing to approach RP partners and determine whether they would be interested.
- 9.12. It should further be noted that the proposal would generate a requirement to provide 4no affordable units in Kingsmere, a large strategic residential area where there is already a significant amount of affordable housing, recently delivered by a number of different registered Providers and we consider that it is likely that one of them will be interested in purchasing these as they already have a management presence on Kingsmere. Alternatively, it is also likely that another RP operating in the district will be interested in delivering the 4no dwellings.
- 9.13. Having regard to the above, we are currently considering whether a cascade mechanism within the S106 to address the above and if an RP cannot be found, to secure an alternative affordable housing scheme on the site or within Cherwell District through a deed of variation. This remains under consideration and will be discussed further in S106 discussions following Committee.

C2 to C3 Use

- 9.14. The original application submission and that considered by members in March 2024 identified the extra care facility as a 'C2' use. This was queried during the consideration of the application with both the applicant and agent as the units proposed are all self-contained and therefore considered to be a C3 use rather than C2. The applicant and agent declined to amend the description at that time and this was not considered to be a reason not to determine the application or to consider refusal of the scheme, the application considered by planning committee therefore referred to the extra care facility as a C2 use. Following negotiation of the S106, OCC again raised the C2 use as an issue and advised that they were not willing to be party to the agreement in respect of the C2 use and the affordable housing provision. We were advised that this left the applicant in a vulnerable position in terms of securing the necessary affordable housing funding from Homes England.
- 9.15. Therefore, as a consequence, the applicant's agent submitted on Friday 20th September a statement to request a change of the description of development for the affordable extra care from use class C2 to use class C3. The description of development has therefore been amended to refer to C3 affordable extra care rather than C2.
- 9.16. The change of the description does not have any material impact on the application that was considered in March 2024. There is no change to the policy consideration in this respect and the scheme remains identical in terms of the proposals, scale, appearance, design, access, parking provision, landscaping and drainage etc. S106 contributions had also been sought and agreed as considered necessary for the development.
- 9.17. Protracted negotiation has also taken place between the applicant and OCC since the application was considered by Planning Committee regarding the Extra Care

Specification (this was not requested by OCC during the consideration of the application itself). A specification produced by OCC is now included as an appendix to the S106. Whilst some of the specifications requested will require internal changes, these will not materially impact the design and appearance of the building which Members resolved to approve and are therefore inconsequential in terms of the planning application as considered previously by Planning Committee. The applicant's agent has confirmed that no changes will be required to the external appearance of the building.

Conditions

- 9.18. Following the report to Planning Committee in March 2024, no specific concerns regarding the conditions in principle were raised, but a number of comments were made in respect of the wording of a number of the conditions and the need for the materials condition 5 to be so specific in terms of materials and the submission of samples for approval. Questions were also raised in respect of conditions applying to both the outline and full applications and whether these should be split so that they refer to each development specifically, for example, the submission of travel plans.
- 9.19. Following discussions with the applicants agent last summer, the conditions were agreed with only minor amendments from those considered by planning committee with the exception of the detailed drainage condition 13 as recommended by OCC as Lead Local Flood Authority which has subsequently been removed as the information already submitted and the drainage works already carried out as part of the main Kingsmere development were accepted as sufficient.
- 9.20. It was also agreed to split the travel plan condition so that it specifically related to both the extra care full application and the residential outline development rather than a combined condition. This is also considered acceptable by OCC.

Other Material Changes

- 9.21. In terms of other material changes in circumstances since the committee resolution, a new Government is now in control and a new NPPF was issued in December 2024. The changes in National Policy and the NPPF do not materially impact the consideration of this application made by the Planning Committee in March 2024 and there is therefore no reason to reconsider the principle of the development. The approval of this scheme to provide the extra care affordable housing and additional residential units will make an important contribution to the district housing supply.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. On the basis of the above comments and appraisal it is recommended that the application as amended since the previous committee in March 2024 be accepted and Members resolve to approve the application as set out.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

(a) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND

(b) 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 (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 30% (4 units) affordable housing on the outline site
- b) Payment of a financial contribution towards off site sports and recreation provision in the locality of £28,238.42 residential and £59,166.25 extra care, plus £11,266.75 residential and £23,606.52 extra care indoor sports (index linked)
- c) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £1,554.00 for residential and £1,258.70 for extra care (index linked) OCC waste and recycling centre £1,315.00.
- d) OCC Middleton Stoney Cycle Network contribution for residential of £14,000
- f) Payment of a financial contribution towards primary health care provision serving the residential development of £12,096.00 and £44,352.00 extra care (index linked)
- g) OCC Travel plan monitoring for extra care £3,110.00
- h) Payment of the District Council's monitoring costs of £5,000.
- i) OCC Monitoring fee - tbc

FURTHER RECOMMENDATION: THE PPA DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31st AUGUST 2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure and affordable housing provision required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

CONDITIONS

FULL APPLICATION – Extra Care

Time Limit

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

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

2. That prior to first occupation of the extra care facility hereby approved, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of highway and pedestrian safety and to accord with Government guidance within the National Planning Policy Framework.

3. Prior to the first occupation of the extra care facility hereby approved, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of highway and pedestrian safety and to comply with Government guidance within the national Planning Policy Framework.

4. That prior to the first occupation of the extra care facility, a detailed plan showing the cycle parking provision and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained as such.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

5. Prior to the commencement of any development above slab level and notwithstanding the details submitted, a schedule of revised materials and finishes, which shall include the submission of sample and sample panels of bricks and natural limestone to be constructed on site (minimum 1 squared metre in size) to be used in the construction of the external walls of the extra care building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the details and samples hereby approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, approved Kingsmere Phase 2 Design Code 2018 and Government guidance within the National Planning Policy Framework.

6. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building, including the windows and doors (and their surrounds and reveals), guttering etc, shall be submitted to and approved in writing by the Local Planning Authority prior to any construction above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the details are appropriate to the locality and are locally distinctive and ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season prior to the first occupation of the extra care building and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

8. A scheme for the suitable treatment of the sub-station and air source heat pumps against the transmission of sound and/or vibration on the proposed and existing residential units shall be submitted to and approved in writing by the Local Planning Authority and the measures implemented and maintained in accordance with the approved scheme at all times.

Reason: To protect existing and proposed new residents from noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

9. Prior to the commencement of development in respect of the extra care units, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed sensitively for bats in accordance with the BCT lighting guidance (ILP Bat Conservation Trust Guidance Note 08/23) with a colour temperature of 2700 degrees kelvin or under. The lighting plan should also take into account any trees, landscaping and bat box location. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protection of ecology and biodiversity to accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

10. Prior to first occupation a Full Travel Plan for the extra care facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Travel Plan.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

HYBRID – Extra Care and Residential Dwellings

Compliance with Plans

11. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans and documents: Site Location 21413-CWA-BC-XX-DR-A-0202 Rev P02; Hybrid Plan 21413-CWA-BC-XX-DR-A-0211 Rev P13; Site Layout 21413-CWA-BC-XX-DR-A-2011 Rev P25; Site Context 21413-CWA-BC-XX-DR-A-0100 Rev P01; Ground Floor 21413-CW-BC-ODA-2000 Rev P09; First Floor 21413-CW-BC-01-DR-A-2001 Rev P09; Second Floor 21413-CW-BC-02-DR-A-2002 Rev P09; Third Floor 21413-CW-BC-03-DR-A-2003 Rev P08; Roof Plan 21413-CW-BC-XX-DR-A-2004 Rev P03; Elevations 21413-CW-BC-XX-DR-A-2006 Rev P07 and 2007 Rev P07; Acoustic Box Detail SPqbove 01a and 21413-CWA-B1-00-DR-A2011; Substation 21413-CW-B1-00-DR-A-2021 Rev P02; Cyclestore 21413-CWA-BC-XX-DR-A-2020 Rev P01; Boundary Treatment 21413-CWA-BC-XX-DR-A-2010 Rev P05; Bellmouth 03/801 Rev A; Tree Pit Detail UG-2166-LSN-DRW-04 Rev P01; Landscape Plans UG-2166-LAN-GA-DRW-01 Rev P08, 03 Rev P06 and 02 Rev P07; S38 Plan 23047-ARC-XX-XX-DR-C-6200-P5; Vehicle Swept Path PC5143-RHD-GE-SW-DR-R-0050 Rev

P05, 0051 Rev P05, 0052 Rev P04, 0055 Rev P04 and 0057 Rev P04; Visibility Splays PC5143-RHD-GE-SW-DR-R-0056 Rev P04 and 0059 Rev P01; Drainage Plans 23047-ARC-XX-XX-DR-C-5000-P5, 5201-P4 and 02/801 Rev E and Site Sections 21413-CWA-B1-XX-DR-A-2030 Rev P02, 2031 Rev P01 and 2032 Rev P01.

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.

12. No development shall be occupied until confirmation has been provided that either: (1) all network upgrades required to accommodate the additional demand to serve the development have been completed; or (ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan has been agreed with Thames Water, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

13. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification scheme shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

14. The approved drainage system shall be implemented in accordance with the approved Detailed Design as shown on the following drawings: Land Parcel R drainage layout reference 02/801 Rev E; 23047-ARC-XX-XX-DR-C-5000-P5-DRAINAGE GA; Impermeable Area Plan 5500-P4; Section 104 adopted Drainage GA 5200-P4 and Appendix E – Surface Water Drainage Calculation, prior to the use of any of the development commencing.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property and to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

15. Prior to first occupation of any part of the development, a record of the installed SUDS and site wide drainage scheme shall be submitted to and approved in

writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include: (i) As built plans in both pdf and shp format; (ii) photographs to document each key stage of the drainage system when installed on site; (iii) photographs to document the completed installation of the drainage structures on site; (iv) the name and contact details of any appointed management company information.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

16. Prior to the first occupation of any part of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) for the whole site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out 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 adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

17. Full details of a scheme for the location of bat, bird, owl and invertebrate boxes (which may be integral to the building construction) (on that part/phase of development) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building on that phase or part of the development, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ED10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

18. No development shall take place on the site until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for a minimum:

- the parking of vehicles of site operatives and visitors
- the routeing of HGVs to and from the site
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- erection and maintenance of security hoarding
- wheel washing facilities including type of operation and road sweeping
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from the construction works
- delivery times, demolition and construction working hours

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

Reason: To ensure the environment and amenities of local residents are protected during the construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National

Planning Policy Framework.

OUTLINE – Residential Dwellings

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2025 (as amended).

21. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic Scheme (Strategic Surface Water Management Scheme) and include all supporting information listed in the condition.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property and to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

22. Prior to the first occupation of the residential properties, a Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Travel Information Pack.

Reason: In the interest of sustainability and to comply with Government guidance within the National Planning Policy Framework.