



# NOTICE OF DECISION

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

### Name and Address of Agent/Applicant:

Portfolio Property Partners Ltd  
FAO Graham Johnson  
30 Orange Street  
London  
WC2H 7HF

### Outline Planning Determination

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**Date Registered:** 31st December 2014

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

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

**Parish(es):** Bicester

### OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council  
Bodicote House  
Bodicote  
BANBURY  
OX15 4AA

David Peckford  
Assistant Director – Planning and  
Development

**Date of Decision:** 30<sup>th</sup> January 2020

**Checked by:** Alex Keen

## SCHEDULE OF CONDITIONS

### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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 2015 (as amended).

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 K);
- Building Heights Parameter Plan 5 (drawing number 592-PL-104 Rev H);
- Density Parameter Plan 6 (drawing number 592-PL-105 Rev H);
- Landscape Parameter Plan 3 (drawing number 592-PL-106 Rev H);
- Movement and Access Parameter Plan (drawing number 1665/75/04);
- SUDs Parameter Plan (drawing number 1665/75/05 Rev B);
- Document titled 'Storage Attenuation Volumes of Primary Swales (1665/76) dated July 2015;
- Tree Survey Report – document reference EED14995-100-R-7-1-3-TA dated January 2015 and accompanying appendices;

- Sustainability and Energy Statement – document reference PENL2003 dated 17 December 2014
- Surface Water Drainage Strategy and Flood Risk Assessment dated December 2014 and all additional correspondence relating to Drainage and Flood Risk.

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

6. 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.

#### CONDITIONS REQUIRED TO BE COMPLIED WITH PRIOR TO THE SUBMISSION OF RESERVED MATTERS

7. 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.

8. Prior to the submission of the first reserved matters application (other than on the area annotated as 'Other Uses' on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev K where a Masterplan has been approved for that area pursuant to condition 9), 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 K 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.

9. 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 K, 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 9 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.

10. 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 Bio Diversity 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.

11. 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.

#### CONDITIONS REQUIRING INFORMATION TO BE SUBMITTED WITH RESERVED MATTERS

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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Each reserved matters 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.

19. 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 11. 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.

#### PRE-COMMENCEMENT CONDITIONS

20. 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.

21. 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.

22. If a potential risk from contamination is identified as a result of the work carried out under condition 21, 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.

23. If contamination is found by undertaking the work carried out under condition 22, 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

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

- a. The parking of vehicles of site operatives and visitors;
- b. The routeing of HGVs to and from the site;
- c. A restriction on construction and delivery traffic during the peak traffic periods
- d. Loading and unloading of plant and materials;
- e. Storage of plant and materials used in constructing the development;
- f. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g. Wheel washing facilities/ road sweeping;
- h. Measures to control the emission of dust and dirt during construction;
- i. A scheme for recycling/ disposing of waste resulting from demolition and construction works;

- j. Delivery, demolition and construction working hours;
- k. The mitigation measures summarised at Table 5.5 and recommended at paragraphs 6.78, 7.62 – 7.79, 8.130 – 8.133, 9.91, 10.112, 12.78 – 12.80, 13.66 and 14.55 and tables 8.19 and 10.13 of the submitted Environmental Statement (December 2014)

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

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

31. 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. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

32. 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.

33. 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 32, 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.

34. 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.

35. 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.

36. 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.

37. 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. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

#### CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

38. 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.

#### CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

39. If remedial works have been identified in condition 23, 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 23. 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.

40. 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.

41. 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.

**ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES**

42. 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.

43. No more than 100 units 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.

44. 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 K.

Table 1

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

The approved uses shall remain within the Use Classes set out above as specified in the

Schedule to the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and for no other purpose(s) whatsoever.

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

45. No individual Retail unit allowed for in Table 1 of condition 44 shall exceed 150m<sup>2</sup> in Gross Internal Area with the exception of a single unit up to a maximum of 300m<sup>2</sup> 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 150m<sup>2</sup> 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.

46. No residential 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.

47. 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.

48. 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.

49. 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.

Reason: 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.

50. 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.

51. 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.

52. 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.

53. 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.

## PLANNING NOTES

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

**The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.**

2. **Legal Agreement** – Attention is drawn to a Legal Agreement related to this development dated 30<sup>th</sup> January 2020 which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

4. **EIA** - Before granting this planning permission the Council has taken into account the environmental information relating to the development (within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)).

With regard to the requirements of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), the main reasons and considerations on which the decision is based including information about the participation of the public - along with the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development – is contained within the Officer's reports to Planning Committee dated 18<sup>th</sup> February 2016, 16<sup>th</sup> March 2017, and 24 October 2019.

5. **Sight Lines** - The applicant is advised that appropriate sight lines from the frontage of Lovelynych House along the Middleton Stoney Road must be protected in order to ensure that the potential future delivery of development on that site is not prejudiced. This matter will be assessed in detail at the reserved matters stage.

6. **Green Buffers** - In accordance with the parameter plans hereby approved under condition 5, please note that the following are required to be provided:

- A 20m Green Infrastructure strip (which shall not include residential gardens) shall be provided to the west of the boundary with Lovelynych House;
- A 20m 'no build' buffer shall be provided to the north of the boundary with Lovelynych House;
- A 30m 'no build' buffer (narrowing to a 20m along the northern section of the eastern boundary) shall be provided to the east of the boundary with Lovelynych House. This buffer shall include a 10m hedgerow buffer.

7. **Sports Facilities** - The design and layout of the sports facilities should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England and the National Governing Bodies for Sport.

8. **S278 Agreement** - The off-site works will require a S278 Agreement with Oxfordshire County Council (OCC). If the proposed development is to be offered for adoption to the Local Highway Authority (LHA) a S38 Agreement will be required, alternatively if the development is to remain private a Private Road Agreement will be required between the developer and OCC. For guidance and information on road adoptions and S278 Agreement works please contact the County's Road Agreements Team on 01865815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk). All the associated off-site highway works within NW Bicester will have to go through OCC's Direct Delivery process – if triggered.

9. **School Site** - In respect of the school site, buildings should be located away from Himley Farm to ensure that open, green spaces are close to it and to help in mitigating the impact upon the

listed building. In addition, buildings closest to the barns should be kept to the lowest height possible to avoid dominating their diminutive size.

10. **Condition 6** - Pursuant to the second bullet point of condition 6, should a programme be provided regarding the delivery of the remaining 1200 dwellings prior to the delivery of the strategic link road and tunnel, evidence in the form of a transport assessment would be required to accompany such a submission to demonstrate that the highway impacts of any change to the restriction on development would not result in a severe impact.
11. **Condition 50** - With respect to condition 50, the NW Bicester Masterplan is contained in the North West Bicester SPD (February 2016), a copy of which is published on the Council's website.

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>

### **DEVELOPMENT MONITORING**

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: [monitoring@cherwell-dc.gov.uk](mailto:monitoring@cherwell-dc.gov.uk) and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.





## NOTICE OF DECISION

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

#### NOTES TO THE APPLICANT

##### TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply:

**Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 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.

**Where the planning permission is complete and is not in outline**, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

##### OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before considering work on site.**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 0030 200, fax 0300 0030 201 or E-mail at [building.control@cherwellandsouthnorthants.gov.uk](mailto:building.control@cherwellandsouthnorthants.gov.uk)
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.

- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

## **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.