

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held as a virtual meeting on 21 May 2020 at 2.00 pm

- Present: Councillor James Macnamara (Chairman)  
Councillor Maurice Billington (Vice-Chairman)
- Councillor Hugo Brown  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Conrad Copeland  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor David Hughes  
Councillor Mike Kerford-Byrnes  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor George Reynolds  
Councillor Barry Richards  
Councillor Les Sibley
- Substitute Members: Councillor Barry Wood (In place of Councillor Ian Corkin)  
Councillor Ian Middleton (In place of Councillor Katherine Tyson)  
Councillor Sean Woodcock (In place of Councillor Andrew Beere)
- Also Present: Councillor Nick Cotter, local ward member for Bicester South and Ambrosden for agenda item 11  
Councillor Dan Sames, local ward member for Bicester South and Ambrosden for agenda item 11
- Apologies for absence: Councillor Andrew Beere  
Councillor Ian Corkin  
Councillor Katherine Tyson
- Officers: Sarah Stevens, Interim Senior Manager – Development Management  
James Kirkham, Principal Planning Officer  
Nat Stock, Minors Team Leader  
Lewis Knox, Planning Officer  
Caroline Ford, Principal Planning Officer  
Alex Keen, Major Projects Manager and Deputy Senior Manager  
Jennifer Crouch, Solicitor

1 **Welcome**

The Chairman welcomed Councillors, officers, members of the public and the press to Cherwell District Council's first virtual Planning Committee meeting and reminded Members of some key virtual meeting protocols to ensure the efficient and effective running of the meeting.

2 **Declarations of Interest**

**7. Rope Walk, 106 Church Street, Kidlington, OX5 2BB.**

Councillor Maurice Billington, Declaration, as the applicant was a fellow ward councillor.

**9. Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1740).**

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

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

**10. Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1746).**

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

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

**11. Symmetry Park Phase 2, Morrell Way, Ambrosden.**

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

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council which had been consulted on the application

**13. Land Adj to Bullmarsh Close off Middleton Park, Middleton Stoney (0624).**

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

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

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

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

**14. Land Adj to Bullmarsh Close Off Middleton Park, Middleton Stoney (0979).**

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

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

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

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

**3 Requests to Address the Meeting**

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

The Chairman explained that the speakers would join the virtual meeting prior to the application they are speaking on and requested that Members did not admit the public speakers from the lobby. The Democratic and Elections Officer would admit speakers at the appropriate time.

The Chairman further explained that the 5 minute speaking time limit for objectors and supporters still applied. As there wasn't a suitable countdown clock to display, he would time 5 minutes and give a 30 second warning to speakers. Once speakers had addressed the meeting, they would leave the meeting and be able to continue watching the broadcast online.

**4 Minutes**

The Minutes of the meeting held on 12 March 2020 were agreed as a correct record and the Chairman confirmed he would sign them in due course.

**5 Chairman's Announcements**

The Chairman made the following announcements:

**Site Visits**

The Chairman explained that the usual standing agenda item "Proposed Pre-Committee Site Visits (if any)" had not been included on the agenda. In light of the current Government restrictions and measures to minimise the spread of Covid-19, the Committee would need to give serious consideration to the necessity of site visits and Planning Officers were considering on a case by case basis if a site visit is essential or if there is an alternative to a site visit.

At the request of the Chairman, the Interim Senior Manager – Development Management, updated the Committee on application 19/02708/F, Bicester Heritage, Buckingham Road, Bicester, which Members had agreed at their February 2020 meeting to have hold a pre-committee site visit.

The Interim Senior Manager – Development Management explained that officers had been liaising with the applicant about suitable alternatives to a site visit. The applicant had offered to use drones to record across the site thereby enabling a virtual site visit.

The Committee endorsed the approach and agreed to advise Planning Officers if there was anything in particular, they would like to see on the site visit drone footage.

### **Adjournment**

The Chairman advised that due to the length of the agenda, he would call a short adjournment after around two hours at a suitable time in proceedings.

## **6 Urgent Business**

There were no items of urgent business.

## **7 Rope Walk, 106 Church Street, Kidlington, OX5 2BB**

The Committee considered application 20/00377/F, for the conversion of a garage to habitable accommodation at Rope Walk, 106 Church Street, Kidlington, OX5 2BB for Mrs Carmen Griffiths.

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

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/00377/F, subject to the conditions set out below (and any amendments to those conditions as deemed necessary)

### **CONDITIONS**

#### **Time Limit**

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

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

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing Number 983:01, 983:02 and the application form submitted with the application.

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.

#### **Natural Stone to Match Existing**

3. The natural stone to be used to fill in the garage entrance shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building.

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

### **8 OS Parcel 6086 Adjacent and North West of Railway Line, Ploughley Road, Arccott**

The Committee considered application 20/00285/F for the construction and operation of a solar photovoltaic ('PV') farm, with battery storage and other associated infrastructure including inverters, security cameras, fencing, access tracks and landscaping at OS Parcel 6086 Adjacent and North West of Railway Line, Ploughley Road, Arccott for Birkett Solar Farm Limited

Richard Taylor, local resident, addressed the Committee in objection to the applicant.

James Hartley-Bond, agent for the applicant, addressed the meeting in support of the application.

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

#### **Resolved**

- (1) That authority be delegate to the Assistant Director for Planning and Economy to grant permission for application 20/00285/F, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

#### **CONDITIONS**

### **Time Limit**

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

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

### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - Drawing Nos PAP 001 rev 6, PAP 003 rev 07, PAP 004 rev 11, PAP 005 rev 01, PAP 006 rev 01, PAP 007 rev 01, PAP 008 rev 01, PAP 009 rev 01, PAP 010 rev 01, PAP 011 rev 01, PAP 013 rev 01, PAP 014 rev 01, PAP 015 rev 01, PAP 016 rev 01, PAP 017 rev 01, PSS 027 003 001.1, PSS 027 003 001.2, PSS 027 003 001.3, and PSS 027 003 001.4.
  - Planning Design and Access Statement, Landscape and Visual Impact Assessment prepared by Landscape Science Consultancy Ltd dated December 2019, Ecological Assessment prepared by Landscape Science Consultancy Ltd dated January 2020, Historic Environment Desk Based Assessment prepared by AECOM Infrastructure & Environment UK Limited dated January 2020, Flood Risk Assessment prepared by Kaya Consulting Ltd dated January 2020, Geophysical Survey Report prepared by Sumo Survey dated February 2020, Transport Report prepared by Mott MacDonald dated January 2020.

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

### **Temporary Permission**

3. The permission shall expire no later than 40 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

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

4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

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

### **Landscaping, mitigation and maintenance**

5. The development shall be carried out in accordance with the landscape mitigation and maintenance details set out at figure 6 (a-d) of the Landscape and Visual Impact Assessment Landscape and Visual Impact Assessment prepared by Landscape Science Consultancy Ltd dated December 2019 and the landscape mitigation works shall be completed prior to the first use of the development for exporting electricity to the grid except where alternative timescales are set out in the aforesaid landscape mitigation and maintenance details.

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

6. Prior to the clearance of the site a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

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

### **Construction Management Plan**

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;

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

Contact details of the Project Manager and Site Supervisor shall be submitted to the LPA prior to the commencement of any works on site.

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

### **Drainage**

8. Prior to the levelling of the site or construction of the access and internal tracks whichever is the earliest a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out and completed prior to the commencement of any construction works on the site and shall be retained as such thereafter.

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

### **Archaeology**

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

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

10. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

### **Ecology**

11. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 and 7 of the Ecological Assessment carried out by Landscape Science Consultancy Ltd dated January 2020.

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

12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs

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

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

### **Lighting**

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

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

### **Environmental Protection**

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

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

## **9 Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1740)**

The Committee considered application 19/01740/HYBRID, a 'Hybrid' planning application comprising outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works and full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping at land adjacent to Promised Land Farm, Wendlebury Road, Chesterton (1740) for Mr Kelvin Pearce.

Paul Troop, Bicester Bike Users Group, and Richard Cutler, local resident, addressed the Committee in objection to the application.

Mike Pollard, Banbury Ornithological Society, Emma Lancaster, agent for the applicant and Simon Parfitt, David Tucker Associates, addressed the Committee in support of the application.

Councillor Wood proposed that consideration of application 19/01740/HYBRID be deferred as the application should be considered alongside the recently submitted new application for Phase 1 of the Bicester 10 allocation and the highway works and obligations were not sufficient to mitigate the impact of the development. Councillor Sibley seconded the proposal.

At the request of the Chairman the Principal Planning Officer, Caroline Ford, and Joy White, Transport Development Control Lead at Oxfordshire County Council, addressed the Committee to explain the proposed development must be considered on its own merits and consideration of the two schemes together was not necessary or justified by Policy Bicester 10, which does not require a comprehensive approach to development of this allocation. The highway works and obligations requested were what has been considered necessary by Oxfordshire County Council as Local Highways Authority, to mitigate the impact of the development proposed.

Councillor Wood subsequently advised he was withdrawing his proposal to defer consideration of the application.

Councillor Sibley proposed that consideration of application 19/01740/HYBRID be deferred as the application should be considered alongside the recently submitted new application for Phase 1 of the Bicester 10 allocation and the highway works and obligations were not sufficient to mitigate the impact of the development. Councillor Middleton seconded the proposal.

The motion to defer the application was debated and on being put to the vote was lost and subsequently fell.

It was proposed by Councillor Clarke and seconded by Councillor Reynolds that application 19/01740/HYBRID be approved in line with the officer recommendation.

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

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/01740/HYB, subject to:
  - (i) 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) Highway Works (1) - £598,404.24 (index linked)
    - b) Highway Works (2) - £50,000 (index linked)
    - c) Public Transport services - £375,000 (index linked)
    - d) Public Transport infrastructure - £10,000 (index linked)
    - e) Travel Plan Monitoring - £3,280 (index linked)
    - f) Payment of the District Council and County Council monitoring costs – (TBC)
    - g) That the developer commits to enter into a s278 highway agreement
  - (ii) the conditions set out below (and any amendments to those conditions as deemed necessary) and

## **CONDITIONS AND REASONS RELATING TO THE FULL PLANNING PERMISSION**

### **TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

#### **1 Statutory Time Limit**

The development to which this planning 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 Compliance with plans**

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

A-PL-04-010xP01\_Proposed Ground GA Plan  
A-PL-04-011xP01\_Proposed First GA Plan  
A-PL-04-012xP01\_Proposed Roof GA Plan

A-PL-05-010xP01\_Proposed GA Elevations  
A-PL-05-020xP01\_Proposed Air Dome Elevations  
A-PL-05-030\_Proposed Sauna Elevations

A-PL-06-001\_Proposed GA Sections  
A-PL-06-010\_Proposed Site Sections

A-PL-09-000\_Existing Site Plan  
A-PL-09-010xP05\_Proposed Site Plan  
A-PL-09-020xP04\_Proposed Site Tracking Layout  
A-PL-09-100\_Proposed Tree Pit Detail  
A-PL-09-101\_Proposed Entrance Barrier Detail  
A-PL-09-102xP02\_Proposed Bike Shelter Detail

A-PL-95-010xP04\_Proposed Surfacing Plan  
A-PL-97-010xP04\_Proposed Boundary Treatment

Bicester Design and Access Statement Rev02  
Bicester Material Samples\_P02

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

#### **3 Site Clearance (nesting season)**

The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

#### **4 BREEAM/Energy Strategy**

The development hereby permitted shall be implemented in accordance with the DLL Bicester Energy Strategy (ref. 41602/JT dated December 2019) and shall be constructed to at least a BREEAM 'Very Good' standard.

Reason - To ensure exemplary energy and resource efficiency practices are incorporated into the development in accordance with Policy Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

#### **5 Travel Plan**

The development hereby permitted shall be implemented and operated in accordance with the David Lloyd Leisure Ltd Health and Racquets Club Travel Plan (ref SKP/RJM/19539-08a dated 22<sup>nd</sup> July 2019).

Reason: In the interests of highway safety and to promote sustainable transport, to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the NPPF.

#### **6 Flood Risk**

The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:

- Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and
- 7878m<sup>3</sup> of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

## **7 Maintenance of planting**

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

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

## **8 Land Contamination not Previously Identified**

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

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

## **PRE-COMMENCEMENT CONDITIONS**

### **9 Construction Management Plan (CMP)**

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;

- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that 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 the development as it is fundamental to the acceptability of the scheme.

#### 10 Construction Environmental Management Plan (CEMP) for Biodiversity

No development shall take place (including demolition, ground works, or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;

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

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

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

#### 11 Landscaping Scheme

No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:

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

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

## 12 **Arboricultural Method Statement (AMS)**

No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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

## 13 **Sustainable Drainage**

No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.

- S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout
- FRA (Issue 3) - Main Body Text (PART 1 OF 11)
- Appendix A (PART 2 OF 11)
- Appendix B (PART 3 OF 11)
- Appendix C (PART 4 OF 11)
- Appendix D (PART 5 OF 11)
- Appendix E (PART 6 OF 11)
- Appendix F (PART 7 OF 11)
- Appendix G (PART 8 OF 11)
- Appendix H (PART 9 OF 11)
- Appendix J (PART 10 OF 11)
- Appendix K (PART 11 OF 11)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**THAMES WATER CONDITIONS** – awaiting response from TW to confirm recommended conditions

## 14 **Land Contamination: Desk Study/Site Walk Over**

No development shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been 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 has been 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 saved 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 the development as it is fundamental to the acceptability of the scheme.

#### **15 Land contamination: Intrusive Investigation**

If a potential risk from contamination is identified as a result of the work carried out under condition 14 no development shall take place until 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 has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

#### **16 Land Contamination: Remediation Scheme**

If contamination is found by undertaking the work carried out under condition 15 no development shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land*

*Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

#### **17 Archaeological WSI**

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

#### **18 Archaeological Evaluation and Mitigation**

Following the approval of the Written Scheme of Investigation referred to in condition 17 and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

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

#### **19 Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme

for the works) has been submitted to and approved in writing by the Local Planning. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure and so this condition is necessary to protect that infrastructure, in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and the NPPF.

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION**

### **20 Landscape and Ecological Management Plan (LEMP)**

Prior to the first occupation of the development hereby permitted, a Landscape and Ecology Management Plan (LEMP) 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 Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

### **21 Details of Lighting**

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

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

### **22 Electric Vehicle Charging**

The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

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

## **23 Land Contamination: Carry out Remediation**

If remedial works have been identified in condition 16 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 16. 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **CONDITIONS AND REASONS RELATING TO THE OUTLINE PLANNING PERMISSION**

### **TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

## **24 Quantum of Development**

The development hereby permitted shall comprise a maximum floorspace of 16,800sqm and shall be used only for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 35% (5,880sqm) shall be developed for purposes falling within Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the transport impacts of the development are mitigated, as set out in the Environmental Statement and in accordance with Policy SLE4, Bicester 10 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

## **25 Reserved Matters**

No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority.

Reason - To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

## **26 Phasing Plan**

No development shall take place until a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

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

## **27 Development Framework Plan**

Prior to the submission of any reserved matters application, a Development Framework Plan to include landscaped spaces, the distribution of land uses, form of buildings including height parameters, street frontage, key movement corridors and the creation of attractive and well-defined streetscapes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Development Framework Plan.

Reason - To ensure a coherent and high quality development of the Bicester 10 strategic allocation as a whole in accordance with policy Bicester 10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

## **28 Statutory Time Limit**

Application for approval of all the reserved matters for the first Phase of the development shall be made to the Local Planning Authority not later than three years from the date of this permission.

Application for approval of all the reserved matters for the remaining phases of the development shall be made to the Local Planning Authority not later than five years from the date of this permission.

The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be 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 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

## **29 Compliance with plans**

Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s) the development shall not be carried out otherwise than in complete accordance with the approved plans

18022/TP/101 Rev B, Site location plan  
18022/TP/102 Rev B, Parameters plan 01  
18022/TP/103 Rev C, Parameters plan 02  
18022/TP/104 Rev B, Parameters plan 03  
18022/TP/105 Rev B. Parameters plan 04

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.

**30 Site Clearance (nesting season)**

The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

**31 Prohibition of Outside Storage**

No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

**32 BREEAM/Energy Strategy**

The development hereby permitted shall be implemented in accordance with the Outline Energy Strategy (ref. 1463/ESC/00/ZZ/RP/Z/0014 dated February 2020) and shall be constructed to at least a BREEAM 'Very Good' standard.

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

**33 Flood Risk**

The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020 and the following mitigation measures it details:

- Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and
- 7878m<sup>3</sup> of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently to be agreed in writing by the local planning authority.

Reason: In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

#### **34 Maintenance of planting**

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

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

#### **35 Land Contamination not Previously Identified**

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **PRE COMMENCEMENT CONDITIONS**

### **36 Construction Management Plan (CMP)**

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that 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 the development as it is fundamental to the acceptability of the scheme.

### **37 Construction Environmental Management Plan (CEMP) for Biodiversity**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

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

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

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

### **38 Arboricultural Method Statement (AMS)**

No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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

development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **39 Training and Employment Plan**

No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

### **40 Sustainable Drainage**

No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.

- S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout
- FRA (Issue 3) - Main Body Text (PART 1 OF 11)
- Appendix A (PART 2 OF 11)
- Appendix B (PART 3 OF 11)
- Appendix C (PART 4 OF 11)
- Appendix D (PART 5 OF 11)
- Appendix E (PART 6 OF 11)
- Appendix F (PART 7 OF 11)
- Appendix G (PART 8 OF 11)
- Appendix H (PART 9 OF 11)
- Appendix J (PART 10 OF 11)
- Appendix K (PART 11 OF 11)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required

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

**THAMES WATER CONDITIONS** – awaiting response from TW to confirm recommended conditions

**41 Land Contamination: Desk Study/Site Walk Over**

Prior to the commencement of the development 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**42 Land contamination: Intrusive Investigation**

If a potential risk from contamination is identified as a result of the work carried out under condition 41, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

**43 Land Contamination: Remediation Scheme**

If contamination is found by undertaking the work carried out under condition 42, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

#### **44 Archaeological WSI**

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

#### **45 Archaeological Evaluation and Mitigation**

Following the approval of the Written Scheme of Investigation referred to in condition 44, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

#### **46 Estate Roads, parking and turning areas**

Prior to the commencement of each phase of the development hereby permitted, full specification details of the site roads, parking and turning

areas to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting, drainage and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

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

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

### **47 Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION**

### **48 Framework Travel Plan**

Prior to the occupation of any unit within the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. This Framework Travel Plan to be based on the draft document 19539-07a dated 22nd July 2019. The travel plan shall be implemented in accordance with the details approved.

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

### **49 Landscape and Ecological Management Plan (LEMP)**

Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 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 Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

## **50 Electric Vehicle Charging**

The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

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

## **51 Scheduled Ancient Monument Public Information**

Prior to the first occupation of the development hereby permitted, details of a Public Information Scheme relating to the Scheduled Ancient Monument and to be provided on the site, including arrangements for members of the public to access the information and a timings for its provision, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason – To increase public awareness of the Schedule Ancient Monument and assist in revealing its significance as part of the development in accordance with Policy ESD 15 and Policy Bicester 10 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **52 Land Contamination: Carry out Remediation**

If remedial works have been identified in condition 43, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 43. 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance

contained within the National Planning Policy Framework.

10 **Land Adj to Promised Land Farm, Wendlebury Road, Chesterton (1746)**

The Committee considered application 19/01746/OUT, an outline planning application (with all matters reserved excluding access) for B1 development (B1a and/or B1b and/or B1c) and access and associated landscaping and infrastructure works at land adjacent to Promised Land Farm, Wendlebury Road, Chesterton (1746) for Mr Kelvin Pearce.

Richard Cutler, local resident, addressed the Committee in objection to the application.

Emma Lancaster, agent for the applicant addressed the Committee in support of the application.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/01746/OUT, subject to:
  - (i) 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) Highway Works (1) - £598,404.24 (index linked)
    - b) Highway Works (2) - £50,000 (index linked)
    - c) Public Transport services - £375,000 (index linked)
    - d) Public Transport infrastructure - £10,000 (index linked)
    - e) Travel Plan Monitoring - £3,280 (index linked)
    - f) Payment of the District Council and County Council monitoring costs – (TBC)
    - g) That the developer commits to enter into a s278 highway agreement
  - (ii) the conditions set out below (and any amendments to those conditions as deemed necessary):

**TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

**1 Quantum of Development**

The development hereby permitted shall comprise a maximum floorspace of 10,200sqm and shall be used only for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), of which no more than 35% (3,570sqm) shall be utilised for purposes falling within Class B1(a) (including ancillary uses) of the Town and Country

Planning (Use Classes) Order 1987 (as amended).

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework.

## **2 Reserved Matters**

No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority.

Reason - To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

## **3 Phasing Plan**

No development shall take place until a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

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

## **4 Development Framework Plan**

Prior to the submission of any reserved matters application, a Development Framework Plan to include landscaped spaces, the distribution of land uses, form of buildings including height parameters, street frontage, key movement corridors and the creation of attractive and well-defined streetscapes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Development Framework Plan.

Reason - To ensure a coherent and high quality development of the Bicester 10 strategic allocation as a whole in accordance with policy Bicester 10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

## **5 Statutory Time Limit**

Application for approval of all the reserved matters shall be made to the Local

Planning Authority before the expiration of five years from the date of this permission and the outline development hereby permitted shall be begun either before the expiration of seven years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

## **6 Compliance with plans**

Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s) the development shall not be carried out otherwise than in complete accordance with the approved plans

18022/TP/111 Rev B, Site location plan  
18022/TP/112 Rev B, Parameters plan 01  
18022/TP/113 Rev C, Parameters plan 02  
18022/TP/114 Rev B, Parameters plan 03  
18022/TP/115 Rev B. Parameters plan 04

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.

## **7 Site Clearance (nesting season)**

The removal of or works to hedgerows should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the vegetation or hedgerows at the site have first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence in the area around the nest until the last young has fledged.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

## **8 Prohibition of Outside Storage**

No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

## **9 BREEAM/Energy Strategy**

The development hereby permitted shall be implemented in accordance with the Outline Energy Strategy (ref. 1463/ESC/00/ZZ/RP/Z/0014 dated February 2020) and shall be constructed to at least a BREEAM 'Very Good' standard

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

## **10 Flood Risk**

The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Assessment, prepared by Bailey Johnson Hayes Consulting Engineers (ref. S1358 issue/revision 3 dated 13 February 2020) and the following mitigation measures it details:

- Finished floor levels are set no lower than 64.49m above Ordnance Datum (AOD); and
- 7878m<sup>3</sup> of compensatory floodplain storage shall be provided as shown in table 4.2 – Floodplain compensation volumes vs floodplain loss volumes.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason - In accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

## **11 Maintenance of planting**

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

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

## **12 Land Contamination not Previously Identified**

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

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

## **13 Bat Licence**

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

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

## **PRE COMMENCEMENT CONDITIONS**

### **14 Construction Management Plan (CMP)**

No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of and approval of any road closures needed during construction;
- Details of and approval of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;

- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours (which must be outside network peak hours);
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that 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 the development as it is fundamental to the acceptability of the scheme.

## **15 Construction Environmental Management Plan (CEMP) for Biodiversity**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

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

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

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

## **16 Arboricultural Method Statement (AMS)**

No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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

## **17 Training and Employment Plan**

No construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011- 2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

## **18 Sustainable Drainage**

No development shall take place until a detailed design and associated Management and Maintenance Plan for surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in

writing by the Local Planning Authority. The development shall be implemented in accordance with the approved detailed design prior to the first occupation of the site and in accordance with the following, and the development shall be managed and maintained in accordance with the approved Management and Maintenance Plan.

- S1358 - Ext - 34B - Tech Scheme Option 8 Drainage Layout
- FRA (Issue 3) - Main Body Text (PART 1 OF 11)
- Appendix A (PART 2 OF 11)
- Appendix B (PART 3 OF 11)
- Appendix C (PART 4 OF 11)
- Appendix D (PART 5 OF 11)
- Appendix E (PART 6 OF 11)
- Appendix F (PART 7 OF 11)
- Appendix G (PART 8 OF 11)
- Appendix H (PART 9 OF 11)
- Appendix J (PART 10 OF 11)
- Appendix K (PART 11 OF 11)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**THAMES WATER CONDITIONS** – awaiting response from TW to confirm recommended conditions

## **19 Land Contamination: Desk Study/Site Walk Over**

Unless already discharged under the Detailed Permission, prior to the commencement of the development of 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **20 Land contamination: Intrusive Investigation**

If a potential risk from contamination is identified as a result of the work carried out under condition 19, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

## **21 Land Contamination: Remediation Scheme**

If contamination is found by undertaking the work carried out under condition 20, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

## **22 Archaeological WSI**

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

### **23 Archaeological Evaluation and Mitigation**

Following the approval of the Written Scheme of Investigation referred to in condition 22, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

### **24 Estate Roads, parking and turning areas**

Prior to the commencement of each phase of the development hereby permitted, full specification details of the site roads, parking and turning areas to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting, drainage and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

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

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

### **25 Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION**

### **26 Framework Travel Plan**

Prior to the occupation of any unit within the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. This Framework Travel Plan to be based on the draft document 19539-07a dated 22nd July 2019. The travel plan shall be implemented in accordance with the details approved.

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

### **27 Landscape and Ecological Management Plan (LEMP)**

Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 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 Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

### **28 Close Existing Access**

Prior to the first occupation of the development hereby permitted, the existing access onto Wendlebury Road shall be permanently stopped up in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority and shall not thereafter be used by any vehicular traffic whatsoever.

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

### **29 Electric Vehicle Charging**

The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities

for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

### **30 Land Contamination: Carry out Remediation**

If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21, of the Detailed Permission. 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **11 Symmetry Park Phase 2, Morrell Way, Ambrosden**

The Committee considered application 20/00530/F, a full planning application for 4,635sq. m of logistics floor space, within Class B8, including ancillary Class B1 (a) office, (592sq.m), a customer collection facility (112 sq.m), staff mess pod (142 sq.m), and associated infrastructure including external service yard, lorry, van and staff car parking, re-fuelling facility, fencing, landscaping, storm water drainage and private sewage treatment plant, with an access road off Morrell Way at Symmetry Park Phase 2, Morrell Way, Ambrosden for Tritax Symmetry Bicester 2 Ltd.

Councillor Dan Sames and Councillor Nick Cotter addressed the Committee as local ward members .

Mark Wilkes Director of Infrastructure and Sustainability, DPD Group UK Ltd. and Peter Frampton, agent for the applicant addressed the Committee in support of the application.

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

#### **Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/00530/F subject to:
  - (i) 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) Strategic Transport Contribution - £91,932 (index linked)

- b) Public Transport services - £14,637 (index linked)
- c) Travel Plan Monitoring - £2,346 (index linked)
- d) Highway Works - £148,000 (index linked)
- e) Payment of the District Council and County Council monitoring costs – TBC

- (ii) an undertaking that development will not commence until DPD have signed the lease for the site
- (iii) the conditions set out below (and any amendments to those conditions as deemed necessary):

## CONDITIONS

### **Time Limit**

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

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

2. The development hereby permitted shall be used only for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

### **Compliance with Plans**

3. The development shall not be carried out otherwise than in complete accordance with the approved plans;

4036-X01-006 P5 Red Line Plan  
4036-X01-007 P9 Estate Plan  
4036-X01-008 P6 GA - Plans – Areas  
4036-X01-010 P6 GA - Elevations & Section  
4036-X01-011 P3 GA - Plans - Offices & Mess Pod  
4036-X01-012 P4 GA - Roof plan  
4036-X01-013 P7 Proposed Site Layout – Planning  
4036-X01-014 P8 External finishes plan  
4036-X01-015 P7 Parking Details Plan  
4036-X01-016 P8 Fencing Details Plan  
4036-X01-017 P7 Site Sections

### **Vehicle Tracking Drawings**

10942-HYD-XX-XX-DR-TP-0001-P02

10942-HYD-XX-XX-DR-TP-0002-P02  
10942-HYD-XX-XX-DR-TP-0003-P02  
10942-HYD-XX-XX-DR-TP-0004-P01  
10942-HYD-XX-XX-DR-TP-0005-P02  
10942-HYD-XX-XX-DR-TP-0006-P02

### **Lighting**

Dwg no 180971-E-011 P02 External Lighting Layout  
Symmetry Park Bicester Warehouse External Luminaire Schedule (version 1)

### **Landscape and Ecology**

edp4813\_r001-C-LVA  
edp4813\_r002-A-Arbicultural Technical Note  
edp4813\_r008-C-Arbicultural Impact Assessment  
edp4813\_r007-D-Ecology Appraisal

edp4813\_d022-H-Detailed Landscape Design.  
edp4813 - BIA 19032020-1.4-  
edp4813\_d027c Illustrative Landscape Strategy

### **Sustainability**

Sustainability Statement for Planning - Rev C 180971  
PV report P03 CPW-ME-180971-P01

### **Surface Water Drainage**

Flood Risk Assessment 10942-HYD-XXX-XXX-RP-FR-0002.  
C-10942-RP-001\_ 4 Symmetry Park Bicester Drainage Strategy Report-  
[FINAL]

Pump Failure surface Water Storage C-10942-TN-001 P1  
C-10942-HYD-00-ZZ-DR-C-7012 – P3 Surface water flood extents  
C-10942-HYD-00-ZZ-DR-C-7016 – P1 Surface water flood extents during  
pump failure  
C-10942-HYD-00-ZZ-DR-C-7017 – P1 Additional surface water storage in  
case of pump failure

C10942-HYD-00-ZZ-DR-C-7005\_External Levels\_P6

### **Ground Conditions**

10942-HYD-XX-XX-RP-GE-0001-P02-  
S2\_Land\_adj\_Symmetry\_Park\_Unit\_D (1)

### **Air Quality**

BID-HYD-XX-ZZ-RP-Y-2101\_P01 Air Quality Report

### **Noise Assessment**

DPD-HYD-ZZ-XX-RP-Y-1001-P02 DPD Bicester Noise Assessment

### **Transport**

Transport Statement 10942-HYD-XX-XX-RP-TP-4001-P03

### **Archaeology**

edp4813\_r004-A-Archaeological and Heritage Assessment  
Archaeology Evaluation WFBO3\_EV\_MK202\_20\_V3

Design and Access Statement

Planning Statement

unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Reason – To clarify the permission and for the avoidance of doubt.

**Conditions with which the development must comply**

4. No development shall take place until the existing trees and hedgerows to be retained have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;

a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.

b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.

c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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

5. All planting, seeding or turfing comprised in the approved details of

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

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

6. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, 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 health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on 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.

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

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

8. The development hereby permitted shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) Rev 2 (A&H Construction Development. Plc.) May 2020.

Reason – In the interests of highway safety and to ensure that the environment is protected during construction and protect habitats of

importance to biodiversity conservation from any loss or damage in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated 14<sup>th</sup> February 2020 10942-HYD-XXX-XXX-RP-FR-0002 and the Drainage Strategy report C-010942-HYD-XX-XX-RP-001 dated 14<sup>th</sup> February 2020.

Limiting the surface water run-off to 14l/s (QBAR) for all storm events up to 1 in 100 year +40% climate change event. With the use of below ground attenuation, swales, hydrocarbon interceptor and pumped discharge as described in the Drainage Strategy.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason – To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government advice in Section 14 of the National Planning Policy Framework.

10. The development hereby permitted shall be carried out in strict accordance with the detailed C-10942-RP-001\_Symmetry Park Bicester Drainage Strategy Report-[FINAL] dated 14<sup>th</sup> February 2020 and the Technical Note C-10942-TN-001-Pump failure surface water storage dated 4<sup>th</sup> April 2020.

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

11. The building hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies ESD 1 - 5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

### **Conditions which must be complied with prior to the commencement of development**

The applicant is keen to secure a permission without the need to discharge pre-commencement conditions. The application has been supported by detailed plans and by a number of assessments and reports to achieve this. Further reports and additional information are awaited to

resolve the following conditions. However, if this information is not received prior to determination of the application, the following pre-commencement conditions will be required.

- Apprenticeship and Training Strategy
- Archaeological Written Scheme of Investigation

If information is submitted to satisfy the above, compliance conditions may be required to be imposed to ensure the development complies with the submitted and approved information.

### **Conditions which must be complied with prior to occupation**

12. Prior to the first use or occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport including the provision by the occupier of 10no. bicycles for use of staff employed on the site, and means of implementation and methods of monitoring. Thereafter the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – In the interests of sustainability, to ensure a satisfactory form of development and to comply with policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

13. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with the approved plan no. 4036-X01-015 P7. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
14. Prior to the first occupation of the development hereby approved, the footpath/cycleway link to the adjacent Bicester 12 site as indicated on the approved plan no. 4036-X01-013 P7 shall be constructed up to the boundary of the site and thereafter be maintained and remain open for public use without restriction.

Reason – To make provision for future links to the adjacent Bicester 12 development site in the interests of sustainability and cohesive development through the provision of suitable footpath/cycle connections in accordance with Policies ESD 15 and Bicester 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the

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 Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

12

### **Land South and Adj to Cascade Road, Hook Norton**

The Committee considered application 20/00286/F for the erection of 12no Passivhaus homes along with associated works including community building, landscaping, parking, vehicular and pedestrian accesses at land south and adjacent to Cascade Road, Hook Norton for Hook Norton Community Land Trust.

Charlie Luxton and Cathy Ryan, Hook Norton Low Carbon Limited, addressed the meeting in support of the application.

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

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to:
  - (i) the receipt of satisfactory further information/discussion in regard to drainage and financial contribution (school and public transport) and
  - (ii) 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 8 affordable home including local connection criteria
    - b) Provision of open space and details of management and maintenance arrangements
    - c) Provision of community centre
    - d) £106 per dwelling for bins
    - e) contributions towards expansion of Hook Norton Primary (TBC)
    - f) contributions towards bus service (TBC)
  - (iii) the following conditions (and any amendments to those conditions as deemed necessary) and

### **CONDITIONS**

#### **Time Limit**

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

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

### **Plans**

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

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

### **Levels**

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

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Land Investigation**

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. If contamination is found by undertaking the work carried out under

condition 4, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

### **Tree Method Statement**

7. The development shall be undertaken in accordance with the Sylva Consultancy Arboricultural Report (ref: 20002). Prior to the commencement of the development an Arboricultural Method Statement including the location of the tree protection fencing shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To protect the trees which are retained on site in accordance with Policy BSC10 and ESD15 of Cherwell Local Plan 2011-2031 Part 1 and advice in the National Planning Policy Framework.

### **Footpath connections**

8. Prior to the commencement of development above slab level full details of the proposed footpath connections to the sports and social club and Bourne View and Cascade Road shall be submitted and approved in writing by the Local Planning Authority. The approved footpath connections shall be provided in accordance with the approved details prior to the first occupation of any building on the site and shall be retained as such thereafter.

Reason: To ensure the development is adequately connected to the surrounding parcels of land in accordance with Policies SLE4 and ESD15 of

the Cherwell Local Plan (2011 - 2031) Part 1, the Hook Norton Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework.

### **Stone sample panel**

9. Prior to any construction of any building above slab level, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwellings shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

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

### **Timber cladding**

10. Prior to the installation of any external timber cladding, sample of the proposed timber cladding, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings.

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

### **Slate samples**

11. Samples of the slates to be used in the covering of the roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above eaves level. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

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

### **Detailing**

12. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, together with the eaves and verge treatment, and details of the balconies and shades shall

be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. This shall also include details of privacy screens on the most easterly first floor balconies on northern and southern terrace. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and achieve a high quality design and protect the amenity of neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding the details on the submitted plans, details of the construction, including cross sections, cill, headers, reveal and colour / finish of the proposed windows and doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and provide a high quality design in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Hard and soft landscaping**

14. Notwithstanding the details on the approved plans prior to any works above slab level, a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - b) details of the boundary treatments including their materials, appearance and height
- a) Detail of the hard surface areas including finish and appearance

The development shall be carried out in accordance with the approved landscaping scheme and the hard landscape elements and boundary treatments shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and

shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to protect the amenity of properties and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Management plan**

15. Prior to the occupation of any part of the site a management plan for the use and operation of the community laundry and guest rooms demonstrating how they will remain ancillary to the proposed housing on the application site only and not separately let or sold shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved management plan.

Reason: To ensure the uses remain ancillary to the housing development and to retain control over the use of these areas in the future in the interests of amenity and parking.

### **Parking and access**

16. The proposed access and parking, turning areas shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Government guidance in Section 12 of the National Planning Policy Framework.

17. Prior to the first occupation of any building a car parking management plan shall be submitted and approved in writing by the Local Planning Authority demonstrating that the parking serving the development will be retained on an unallocated basis for residents and not conveyed to separate individual properties. Thereafter the parking areas shall be managed in accordance with the approved details.

Reason: To ensure the parking provision on the site is adequate to serve the needs of the development.

### **Cycle and bin stores**

18. Prior to the first occupation of any building on the site the bin store enclosures and cycle stores shall be provided on site in accordance with the approved details and permanently retained as ancillary to development and used for no other purpose whatsoever.

Reason: In the interest of well planned development and visual amenity of the area and in order to encourage sustainable forms of travel in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Ecological protection and enhancement**

19. The proposed development shall be carried out in accordance with the recommendations outlined at Section 4.2 of the Cotswold Wildlife Surveys Preliminary Ecological Appraisal (Ref 3000-CWS-01) and in accordance with the biodiversity enhancements outlined in the Cotswold Wildlife Surveys letter dated 7th February 2020 submitted with the application. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

### **Sustainable construction**

20. The development shall be carried out in accordance with the principles and incorporate the technologies outlined in the approved 'Sustainability and Energy Statement – Hook Norton Housing' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD2, 3 and 5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Water efficiency**

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

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

### **Electric vehicle charging points**

22. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve each dwelling or a scheme showing the provision of electrical vehicle charging points for each parking space 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 details prior to the first occupation of any building.

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

13 **Land Adj to Bullmarsh Close off Middleton Park, Middleton Stoney (0624)**

The Committee considered application 20/00624/DISC for the discharge of Conditions 3 (Archaeological Written Scheme of Investigation) and 5 (Arboricultural Impact Assessment and Method Statement) of the previously approved application 19/01709/CDC at land adjacent to Bullmarsh Close off Middleton Park, Middleton Stoney (0624) for David Scrimgeour on behalf of Cherwell District Council.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to approve the details submitted in order to satisfy the condition.

**Condition 3 – Written Scheme of Investigation**

The submitted Oxford Archaeology report titled 'Bullmarsh Close, Middleton Stoney, Oxfordshire – Written Scheme of Investigation Archaeological Evaluation Feb 2020 (Issue 2, OA Reference: CRGAFA19, NGR: SP 55778 35141)

**Condition 5 – Hedgerow Protection**

The details outlined in the Sylva Consultancy – Arboricultural Method Statement (Ref: 20025/AMS, Issued: 27.2.2020) submitted with this application, subject to the proviso that prior to commencement of development the hedgerow protection shall be put in place and retained for the length of the construction period.

14 **Land Adj to Bullmarsh Close Off Middleton Park, Middleton Stoney (0979)**

The Committee considered application 20/00979/DISC for the discharge of Condition 8 (duct routes for electric vehicle charging) and 9 (boundary & site enclosures) of the previously approved application 19/01709/CDC at land adjacent to Bullmarsh Close off Middleton Park, Middleton Stoney (0979) for Anna Wareham for Cherwell District Council.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to approve the details submitted in order to satisfy the condition.

**Condition 8 - Electric vehicle ducting**

Prior to the first occupation of any of the dwellings hereby permitted the ducting for electric vehicle charging points shall be provided in accordance with the details on drawing number 9497-CBG-XX-EX-DR-E-15001 Rev 0

15 **Appeals Progress Report**

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

**Resolved**

- (1) That the position statement be accepted.

16 **Exclusion of Public and Press**

**Resolved**

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph(s) 6a, 6b and 7 of Schedule 12A of that Act.

17 **Revocation of Lawful Development Certificate**

The Assistant Director Planning and Development submitted an exempt report for the revocation of Lawful Development Certificate.

**Resolved**

- (1) As set out in the exempt minutes.

The meeting ended at 7.00 pm

Chairman:

Planning Committee - 21 May 2020

Date: