



**NOTICE OF DECISION**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**(AS AMENDED)**

**Name and Address of Agent/Applicant ·**

Countryside Properties (Bicester) Ltd  
c/o Jane Piper  
Terence O'Rourke Ltd  
Everedene House  
Deansleigh Road  
Bournemouth  
BH2 6BU

**Date Registered** 15th May 2006

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**Proposal :** Outline - Up to 1585 no dwellings, health village to include health and employment uses and elderly persons nursing home, B1 and B2 employment uses, local centre comprising of shops, a pub/restaurant, children's day nursery, offices and a community centre, 2 no primary schools and 1 no secondary school, a hotel, a sports pavilion, formal and informal open space, a link road

**Location :** Land At Whitelands Farm South West Of Bicester Adjoining Oxford Road And Middleton Stoney Road Bicester Oxfordshire

**Parish(es) :** Chesterton And Bicester

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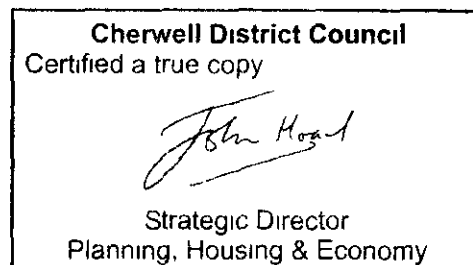
**OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS**

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

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

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 4AA

**Date of Decision · 27th June 2008**



**Strategic Director – Planning Housing & Economy**

**SCHEDULE OF CONDITIONS**

- 1 That no development shall be started on any phase until full details of the siting, scale, height, design, layout and external appearance of all buildings, landscaping and all means of access within the phase (hereafter referred to as reserved matters) has been submitted to and approved in writing by the Local Planning Authority

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (As amended)

- 2 That in the case of the reserved matters, application for the first reserved matters approval shall be made not later than the expiration of three years beginning with the date of this permission and the last no later than eight years beginning with the date of this permission

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (As amended)

- 3 That the development to which this permission relates shall be begun not later than whichever is the later of the following dates

- (i) the expiration of eight years from the date of the grant of outline permission,
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended)

- 4 No reserved matters applications shall be made or development commenced until a Proposals Plan containing the details required in accordance with Condition 5 and with the Environmental Statement and the principles of the masterplan accompanying the planning application, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with this approved Proposals Plan. Any revisions to the approved Plan shall also be made by a formal submission and shall not be implemented unless or until approved in writing by the Local Planning Authority

Reason - A Proposals Plan is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall plan for the site consistent with the principles set out in Policy H10 of the Non Statutory Cherwell Local Plan 2011 and to comply with Policies G2 and G3 of the Oxfordshire Structure Plan 2016

- 5 In relation to Condition 4, the Proposals Plan shall include,

- a) An overall layout plan showing the distribution of all principal land uses throughout the site, including residential, employment, retail, primary school, secondary school, community facilities, areas of mixed use and open space, sports pitches, the means of access thereto, including the general alignment of the access roads and principal pedestrian and cycle routes
- b) The character areas to be covered by Design Codes
- c) Details of the landscape structure, new copses and hedgerows, mitigation planting and hedge and tree protection corridors within the development areas
- d) Details of green routes for footpath and cyclepaths linking areas of the development, open space and woodlands including the existing public footpath
- e) The phases of the development and the affordable housing in each phase and the provision of infrastructure
- f) The principles for foul, surface and land drainage from the site and the development including surface water source control measures and balancing, sewers and connections
- g) Areas of habitat creation and archaeological preservation in accordance with the ecological and archaeological mitigation and management plans

Reason - A Proposals Plan is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall plan for the site consistent with the principles set out in Policy H10 of the Non Statutory Cherwell Local Plan 2011 and to comply with Policies G2 and G3 of the Oxfordshire Structure Plan 2016

- 6 No reserved matters applications shall be made or development commenced until Design Codes for the site have been produced in accordance with Condition 8 and following consultation with the Local Planning Authority and other stakeholders, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Codes

Reason - Design Codes, together with the Proposals Plan are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement and Policy H10 of the Non Statutory Cherwell Local Plan and to comply with Policies G2, G3 and H3 of the Oxfordshire Structure Plan 2016

- 7 The Design Codes shall include,

- a) the character, mix of uses and density of each phase identified on the Proposals Plan to include the layout of blocks and the structure of public spaces
- b) the character and treatment of the structure planting to the development areas
- c) guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
- d) the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
- e) the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture

- f) the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking to be provided to serve the proposed uses
- g) the materials to be used within each character area
- h) the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
- i) measures to ensure energy efficiency and compliance with BREEAM Eco Homes good/very good ratings
- j) the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site
- k) measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
- l) lighting proposals

Reason - Design Codes, together with the Proposals Plan, are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as out in the Environmental Statement and Policy H10 of the Non Statutory Cherwell Local Plan 2011 and to comply with Policies G2, G3 and H3 of the Oxfordshire Structure Plan 2016

- 8 The Proposals Plan and Design Codes shall be submitted to the Local Planning Authority within 12 months of the date of this permission

Reason - The Proposals Plan and Design Codes are required to guide the development and the consideration of Reserved Matter applications for the development of the site. It is therefore essential that they are submitted early to enable the delivery of housing to meet the requirements of Policy H1 of the Oxfordshire Structure Plan 2016

- 9 A strategy for public consultation in respect of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The public consultation strategy shall include details of the consultation process to be undertaken during all construction and other works on the site including provision of infrastructure and mitigation as well as in respect of design codes, reserved matters applications and construction management plan

Reason - To ensure that the public are consulted in an appropriate and structured form. The Government places importance on the carrying out of early consultation and the provision of a consultation strategy will enable a clear position on community consultation to be set out at the beginning of the process in accordance with the advice contained in PPS1

- 10 Prior to the commencement of development a Land Management Plan, identifying proposals for creation of suitable habitat and its maintenance in a favourable conservation status for the targeted habitats and species shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented in accordance with the approved details

Reason - To ensure the mitigation identified in the Environmental Statement is carried out and to comply with Policy EN2 of the Oxfordshire Structure Plan 2016

- 11 A Sustainable Urban Drainage Opportunities Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved plan

Reason - To prevent the increased risk of flooding and to improve water quality, and in order to comply with Policy EN9 of the Oxfordshire Structure Plan 2016 and Policies ENV8 and ENV9 of the adopted Cherwell Local Plan

- 12 No development on any phase or parcel shall commence until a scheme for disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on-site balancing arrangements, reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme.

Reason - To ensure that the development/site is served by proper arrangements for the disposal of surface water, to comply with the Environmental Statement and Policy EN9 of the Oxfordshire Structure Plan 2016 and Policy ENV9 of the adopted Cherwell Local Plan

- 13 No development shall commence until impact studies of the existing foul sewerage infrastructure have been carried out and a scheme for dealing with foul drainage from the site, including phased works, has been submitted to and approved in writing by the Local Planning Authority. The foul drainage works shall thereafter be carried out in accordance with the approved scheme prior to the occupation of any buildings on the site.

Reason - To ensure that the development/site is served by proper arrangements for the disposal of foul sewage, to comply with the Environmental Statement and Policy EN9 of the Oxfordshire Structure Plan 2016 and Policy ENV9 of the adopted Cherwell Local Plan

- 14 No development shall commence until impact studies of the existing water supply infrastructure have been carried out and a scheme for providing an adequate water supply to serve the development/site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the occupation of any buildings on the site.

Reason - To ensure that the development is served by adequate water supply and to comply with Policies G2 and G3 of the Oxfordshire Structure Plan 2016 and Policy EN11 of the Non Statutory Cherwell Local Plan 2011

- 15 Within the vicinity of Pingle Brook a minimum finished floor level of 300mm above the 1 in 100 year + 20% Pingle Brook top water level shall be provided. Elsewhere on the site slab levels shall be a minimum of 150mm above existing ground levels.

Reason - To ensure compliance with the Flood Risk Assessment and to ensure that properties are not at risk of flooding now or in the foreseeable future and to comply with Policies G2 and G3 of Oxfordshire Structure Plan 2016 and Policy S28 of the adopted Cherwell Local Plan

- 16 That not more than 1585 dwellings shall be accommodated on the site.

Reason - The Environmental Statement has assessed the impact of a development of up to 1585 dwellings and demonstrates that a development of that scale will not have significant adverse effect. The development is therefore limited to the assessed development to ensure no impact occurs that has not been subject to assessment and to comply with Policy G2 of Oxfordshire Structure Plan 2016

- 17 That the built areas of the site shall be developed an average site density of not less than 30 dwellings per hectare.

Reason - In order to achieve a satisfactory form, variety and mix of housing development commensurate with the character of the area and to comply with Policies G2 and H3 of the Oxfordshire Structure Plan 2016 and Policies C28 and C30 of the adopted Cherwell Local Plan

- 18 No buildings on the site shall exceed the heights specified on the Building Heights Plan (figure 3 3) contained within the Planning Statement

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 19 That no development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological and palaeoenvironmental mitigation measures, including physical preservation in situ, in accordance with a written scheme/s of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include a formal commitment to implement a programme of archaeological post-excavation work. This will include all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication in accordance with a Post-Excavation Assessment review that has been submitted to, and approved by the Local Planning Authority. The work shall be carried out by a professional archaeological organisation acceptable to the Local Planning Authority.

Reason - To ensure the preservation, either by record or physically in situ, of remains of archaeological or palaeoenvironmental importance, and the appropriate analysis and publication of the evidence and comply with Policy EN6 of the Oxfordshire Structure Plan 2016 and Policy C26 of the adopted Cherwell Local Plan

- 20 No development shall commence until a remediation scheme has been submitted to deal with the identified areas of contamination and the submitted scheme has been approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and a validation report shall thereafter be submitted confirming the works have been completed within 2 months of the works being carried out.

Reason - To ensure that the proposed remediation is carried out and will not cause any long term pollution issues in accordance with the Environmental Statement and to comply with Policy EN8 of Oxfordshire Structure Plan 2016 and Policy ENV12 of the adopted Cherwell Local Plan

- 21 Prior to the commencement of development on the site full details of the proposals for access for Whitelands Farm and the retained agricultural land shall be submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be provided in accordance with the approved details prior to the commencement of development and thereafter retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policy T8 of the Oxfordshire Structure Plan 2016 and Policies TR2 and TR5 of the adopted Cherwell Local Plan

- 22 Prior to the commencement of development details of measures to protect the public footpaths and the amenity of users of the public footpaths crossing the site during and after construction works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures shall be put in place to protect the public rights of way and retained in accordance with the approved details.

Reason - To comply with Policy R2 of the Oxfordshire Structure Plan 2016

- 23 That, before any of the dwellings are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to the Oxfordshire County Council's "Conditions and Specifications for the Construction of Roads "

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy T8 of the Oxfordshire Structure Plan 2016 and Policies TR2, TR5 and TR9 of the adopted Cherwell Local Plan

- 24 That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy T8 of the Oxfordshire Structure Plan 2016 and Policies TR2, TR5 and TR9 of the adopted Cherwell Local Plan

- 25 That no surface water from the development shall be discharged onto the adjoining highway, unless first agreed and licensed by the Highway Authority, and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations

Reason - In the interests of highway safety and to comply with Government advice in PPG13 Transport and PPS25 Development and Flood Risk and Policy T8 of the Oxfordshire Structure Plan 2016

- 26 No service trenches, pipe runs or drains or any other excavation, earth movement or mounding shall be constructed within 2 metres of the canopy spread of trees on the site, without the prior approval in writing of the Local Planning Authority

Reason - To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 27 No development shall take place within 8m of any watercourse without the prior written consent of the Local Planning Authority

Reason - To ensure that the water environment is protected in accordance with Policy EN8 of the Oxfordshire Structure Plan 2016

- 28 Before any works commence, the existing trees and hedges on the land to be retained shall be preserved, fenced around and properly maintained in accordance with the advice contained in the attached tree protection schedule and none of the trees shall be felled, topped, lopped or uprooted without the prior consent of the Local Planning Authority unless such tree has become dangerous. In the event of any tree or hedge dying or being seriously damaged or destroyed within five years from the completion of the development, a new tree or hedge of a species first approved in writing by the Local Planning Authority shall be planted and properly maintained in a position or positions first approved by the said Authority

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 29 Prior to the commencement of any phase of the development hereby permitted details of the provision, landscaping and treatment of open space/play space within the phase shall be submitted to and approved in writing by the Local Planning Authority. The open space/play space for the phase, once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space/play space

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policy R12 of the adopted Cherwell Local Plan

- 30 That all planting, seeding or turfing comprised in the approved details of landscaping for any phase shall be carried out 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, and that any trees and shrubs within the phase 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 - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 31 Fire hydrants shall be provided on each phase of the development in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The details of the provision of the fire hydrants shall be approved prior to the commencement of construction of each phase and thereafter shall be implemented in accordance with the approved details

Reason - To ensure necessary infrastructure is provided and to comply with Policy G3 of the Oxfordshire Structure Plan 2016

- 32 Notwithstanding the requirement of Condition 15 of this permission, details of the existing and proposed levels, including finished floor levels, shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development on each phase. The development shall be carried out in accordance with the approved details

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 33 All services serving the proposed development shall be provided underground unless details have first been submitted to and approved in writing by the Local Planning Authority. Details of any necessary above ground service infrastructure, whether or not permitted by the Town & Country Planning (General Permitted Development Order) 1995 (as amended) shall be submitted concurrently with the details of the development they serve



Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 34 Prior to the commencement of any works on site on any phase, sub phase or the carrying out of any operation relating to the provision of services, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To ensure that the existing tree(s) and/or hedgerows is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan

- 35 That full details of the enclosures along all boundaries of the phase and the dwellings or other building therein shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling, building or phase.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policies C28 and C30 of the adopted Cherwell Local Plan

- 36 Local Areas of Play (LAPs) shall be provided in each phase or sub phase in accordance with the Council's adopted policy. Details of the siting and design of the LAPs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in any phase or sub phase and thereafter shall be provided in accordance with the approved details prior to the occupation of any dwelling situated within 30 metres of the perimeter of the local area of play.

Reason - To ensure the provision of appropriate play facilities to serve the development and comply with Policy G3 of the Oxfordshire Structure Plan 2016 and Policy R12 of the Cherwell Local Plan

- 37 The local centre shall include one retail unit of a suitable size to accommodate a convenience store of between 200m<sup>2</sup> and 400m<sup>2</sup> gross floorspace and a minimum of 2 and maximum of 6 other retail units of no more than 150m<sup>2</sup> each, gross floorspace. The units shall not be amalgamated without the prior consent of the Local Planning Authority.

Reason - To comply with the Environmental Statement and to ensure that retail premises are of a suitable size and type to meet the day to day needs of the residents of the proposed development and comply with Policies G2 and G3 of the Oxfordshire Structure Plan 2016 and Policy S28 of the adopted Cherwell Local Plan

- 38 The employment floor space shall be provided in accordance with the Approved Proposals Plan and Design Codes in units suitable to accommodate small businesses with an individual floor area of no more than 500 m<sup>2</sup>. No units shall be amalgamated or mezzanine floors inserted to create a unit with floor space exceeding 500m<sup>2</sup> unless first agreed in writing by the Local Planning Authority.

Reason - In order to create an acceptable mix of uses on the site and to comply with Policies G1, G2 and E3 of Oxfordshire Structure Plan 2016

- 39 The 2ha of employment land adjacent to the A41 shall be used for uses falling within Classes B1 and B2 contained within the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and no more than 30% of the employment site shall be used for B2 purposes. Employment space within the local centre shall be used for B1 a of the above Order

Reason - In order to create an acceptable mix of uses on the site and to comply with Policies G1, G2 and E3 of the Oxfordshire Structure Plan 2016

- 40 A Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP 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 and shall include details of the consultation and communication to be carried out with local residents. Construction work shall thereafter be carried out in accordance with the approved CEMP

Reason - To comply with paragraph 3.111 of the Environmental Statement and Policy ENV1 of the adopted Cherwell Local Plan

- 41 No imported waste materials whatsoever shall be imported and deposited on the site

Reason - To comply with Policy WM3 of the Oxfordshire Structure Plan 2016

- 42 No minerals shall be dug from or exported from the site

Reason - To comply with Policy M1 of the Oxfordshire Structure Plan 2016

- 43 No development shall commence until full details and a programme of works of excavation and raising of ground levels on the site (other than works immediately associated with the construction of individual buildings such as the digging of foundations), have been submitted to and approved in writing by the Local Planning Authority. The programme and works shall thereafter be carried out in accordance with the approved details

Reason - To provide a satisfactory form of development and to comply with Policy EN1 of the Oxfordshire Structure Plan 2016

- 44 Prior to work commencing on any phase or sub phase measures shall be put in place to ensure that vehicle wheel washing is carried out to prevent any material being carried on to the public highway

Reason - In the interests of highway safety and to comply with Policy T8 of the Oxfordshire Structure Plan 2016 and Policy TR5 of the adopted Cherwell Local Plan

- 45 Details of the location of all site compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land, shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment. The compounds and accesses shall be located and subsequently removed in accordance with the approved details

Reason - To ensure that site compounds are sited in locations that will not adversely affect the amenities of nearby residents or the environment and to comply with the Environmental Statement and Policy ENV1 of the adopted Cherwell Local Plan

- 46 All chemicals, oils, fuels and other potential contaminants shall be stored in bunded tanks or structures with a minimum of 110% of the maximum volume stored. The location of any tanks or structures shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment.

Reason- In order to ensure that there is no risk of pollution to the environment and comply with Policy ENV1 Cherwell Local Plan

- 47 Construction dust mitigation measures shall be carried out in accordance with figure 12.14 of the Environmental Statement during all construction works on the site.

Reason - To ensure no nuisance occurs as a result of dust from construction activities in accordance with the Environmental Statement and Policy G2 of Oxfordshire Structure Plan 2016 and Policy ENV1 of the adopted Cherwell Local Plan

- 48 The development shall be designed and constructed in accordance with recommendations in the Flood Risk Assessment Rev 4 produced by WSP dated January 2007 ref 11011546

Reason - To protect the development from the risk of flooding, and to prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity

- 49 Development shall not begin until a drainage strategy for the site, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - To prevent the increased risk of flooding and to improve water quality

- 50 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason - To ensure that the development complies with approved details in the interests of protection of Controlled Waters

- 51 No development shall commence on any phase until the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason - The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer

## PLANNING NOTES

- 1 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

- 2 Your attention is drawn to the provisions of the Protection of Badgers Act 1992 which makes it an offence to kill, injure or take, or attempt to kill, injure or take a badger and to interfere with a badger sett. You are therefore advised of the need and of the importance for the badger survey.
- 3 Thames Water advise they will aim to provide customers with a minimum pressure of 10m head (approx 1bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes.
- 4 There are 3 large water mains adjacent to the proposed development. Thames Water will not allow any building within 3 meters of them and requires 24 hour access for maintenance purposes.
- 5 The hydrogeological risk assessment required as part of the drainage strategy condition should identify groundwater abstractions and boreholes on the site or within close proximity that may potentially be impacted by the development. The assessment should also include any potential changes to the groundwater regime including possible reductions or increases in the water table. Our records show that boreholes or wells exist on the application site. If it is planned to abandon these boreholes/wells, this should be done to the Environment Agency's specifications. The applicant should contact Stephanie Bricker (01491 828672) to discuss such specifications for infilling/abandonment at the earliest convenient time. The failure to abandon a well/borehole correctly may, as well as posing safety problems, result in contamination of groundwater, for which the owner may be liable under the terms and conditions of the Water Resources Act 1991.
- 6 Soakaways may not be appropriate for this site. High groundwater levels can occur during the winter as noted by the resident farmer who has observed water levels within approximately 0.5m below ground level. Additionally, permeability testing demonstrated that the Cornbrash was not considered ideal for a soakaway drainage design.
- 7 Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is currently required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions. Contact Jon Mansbridge on 01491 828366 for further details.

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined the application having had careful regard to the development plan and other material considerations. Although the site is not allocated for development in the adopted Cherwell Local Plan the Council considers the following material considerations sufficient to justify the granting of planning permission as a departure from the adopted plan policy. The site is identified for a sustainable urban extension in the Non Statutory Cherwell Local Plan 2011, the need for the site to be developed to accord with the Council's strategy for meeting the Oxfordshire Structure Plan 2016 housing requirement, the timescale for production of a Local Development Framework to replace the adopted Local Plan, the provision of a sustainable mixed use development that mitigates significant impacts has led the Council to consider the proposal acceptable. The proposal is in accordance with Oxfordshire Structure Plan 2016 Policies G1, G2 and G3. For the reasons given above and having regard to all other matters raised the Council considers that the application should be approved and planning permission granted subject to approval conditions, as set out above.



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**(AS AMENDED)**

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**NOTES TO THE APPLICANT**

**TIME LIMITS (FOR APPLICATIONS REGISTERED BEFORE 24 AUGUST 2005)**

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

**Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun either within 5 years from the date of the grant of the outline permission or within 2 years from the final approval of all the matters reserved, whichever is the later.

**Where the planning permission is complete and is not in outline**, the development must be begun not later than the expiration of 5 years from the date on which permission was granted.

**TIME LIMITS (FOR APPLICATIONS REGISTERED ON OR AFTER 24 AUGUST 2005)**

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

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

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

**OTHER NECESSARY CONSENTS**

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

In particular you are reminded of the following matters

- The need in appropriate cases to obtain approval under the Building Regulations **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before considering work on site.**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 221597, fax 01295 253153 or E-mail at [building\\_control@cherwell-dc.gov.uk](mailto:building_control@cherwell-dc.gov.uk)
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building

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

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

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0117) 372 8000.** The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal

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

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

#### **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put

the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted

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

### **COMPENSATION**

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

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