



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

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

Countryside Properties (Bicester) Ltd  
Mr Steve Price  
Countryside House  
The Drive  
Brentwood  
Essex  
CM13 3AT

**Date Registered :** 6th November 2009

**Proposal :** Reserved Matters Planning Application for strategic highway infrastructure: New perimeter road, linked to development at South West Bicester: 'Kingsmere' (as amended by plans received 23.02.10 and 22.03.10)

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

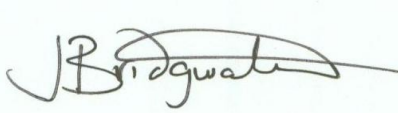
**Parish (es):** Chesterton

**UPRN :** 010011904604

**APPROVAL OF RESERVED MATTERS SUBJECT TO CONDITIONS**

The Cherwell District Council, as Local Planning Authority, hereby **APPROVES** details of the matters reserved in the outline permission reference No. 06/00967/OUT , as 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.

<p>Cherwell District Council Bodicote House Bodicote Banbury Oxon OX15 4AA</p>	<p><b>Cherwell District Council</b> Certified a true copy</p>  <p>Head of Development Control &amp; Major Developments</p>	
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**Date of Decision : 5th May 2010**

**Head of Development Control  
& Major Developments**

## SCHEDULE OF CONDITIONS

- 1 That except, otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents as specified in the attached drawing schedules.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.

- 2 That notwithstanding the details submitted, details of the bollards, traffic signs and their mountings and road markings to be used along the perimeter road shall be submitted to and approved in writing by the Local Planning Authority prior to the new road being first brought into use. The development shall be carried out in accordance with these details.

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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 3 That the landscaping shall be carried out in accordance with the approved drawings nos. DFD/BIC/L11 revE and DFD/BIC/L12 revE.

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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 4 That all planting, seeding or turfing comprised in the approved details of structured landscaping along the western side of the perimeter road shall be carried out in the first planting and seeding season following the commencement of any development on the site relating to 06/00967/OUT and the subsequent approval of reserved matters, and any trees or shrubs which within a period of 5 years from the completion of the whole 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 Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 5 An arboricultural survey in accordance with BS5837 : 2005, shall be undertaken prior to work commencing. The survey shall also identify the existing trees and hedges unaffected by the highway works hereby approved, and therefore capable of retention together with the detailed measures proposed to ensure they are retained in situ in accordance with that survey. The survey results together with these measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The development shall be thereafter retained in accordance with the approved details

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 6 That the existing public footpaths which cross the perimeter road shall be protected at all times and shall not be obstructed at anytime during the development.

Reason - In order to ensure the retention and protection of the existing public rights of way and in the interest of the amenities of the area and in accordance with policy C6 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan

- 7 Details of the final surfacing material for the footpaths and road surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any final finishing material.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and to reduce noise from the road surface in order to protect the amenities of nearby residents.

## **PLANNING NOTES**

1. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.
2. Attention is drawn to the conditions imposed on the "outline" permission (App. No. 06/00967/OUT) which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed design of the road is appropriate and will not unduly impact on the neighbouring properties or adversely affect the character of the area and results in a satisfactory highway design. As such the proposal is in accordance with Policy CC1, CC4 and CC6 of the South East Plan 2009, Policies C28 and C30 of the adopted Cherwell Local Plan and advice and guidance contained within PPG13. 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 appropriate conditions, as set out above.



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

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#### NOTES TO THE APPLICANT

##### TIME LIMITS FOR APPLICATIONS

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

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

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

##### OTHER NECESSARY CONSENTS

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

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- 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 a separate “Listed Building Consent” for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- 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, Telephone No. 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.