



DISTRICT COUNCIL
NORTH OXFORDSHIRE

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

Name and Address of Agent/Applicant:

Bellway Homes Ltd (Northern Home Counties)
Miss Elaine Connolly
St Andrews House
Caldecotte Lake Drive
Caldecotte
Milton Keynes
Buckinghamshire
MK7 8LE

Date Registered: 10th February 2016

Proposal: Reserved matters application to 06/00967/OUT - Access, layout, scale, landscaping and appearance of proposed dwelling on parcel KM5 comprising of 90 No. dwellings

Location: Land South West Of Bicester Adjoining Oxford Road And, Middleton Stoney Road, Bicester, Oxfordshire

Parish(es): Bicester

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.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision: 8 June 2016

**Head of Public Protection
& Development Management**

SCHEDULE OF CONDITIONS

- 1 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, and drawings numbered:

57699 - 099 Site Location Plan - KM5
 57699 - 101 Rev B Site Layout Plan - KM5
 57699 - 103 Rev B Building Materials and Boundary Treatments Plan -KM5
 57699 - 105 Rev A Surface Materials Plan- KM5
 57699 - 107 Rev A Refuse Collection Strategy Plan- KM5
 57699 - 109 Rev A Affordable Tenure Plan- KM5
 57699 - 111 Rev A Storey Heights Plan- KM5
 57699 - 113 Rev C Illustrative Streetscenes AA
 57699 - 114 Rev C Illustrative Streetscenes BB
 57699 - 115 Rev D Illustrative Streetscenes CC
 57699 - 116 Rev D Illustrative Streetscenes DD
 57699 - 117 Rev D Illustrative Streetscenes DD
 57699 - 118 Rev C Illustrative Streetscenes EE
 57699 - 188 Illustrative Streetscene FF
 57699 - 119 Rev C Combined Site Layout Plan - KM5 & KM22
 57699 - 370 P3 Vehicle Tracking - Fire Tender
 57699 - 371 P3 Vehicle Tracking - Refuse Tender
 57699 - 377 P3 Vehicle Tracking - Parking Court 3
 57699 - 378 P3 Vehicle Tracking - Parking Court 4
 57699 - 379 P3 Vehicle Tracking - Parking Court 5
 57699 - 121 Rev B Oxford 2
 57699 - 124 Rev A Trent
 57699 - 128 Rev A Carlisle
 57699 - 131 Rev A KM7
 57699 - 132 Rev A Cam
 57699 - 136 Rev A Nene
 57699 - 137 Rev A KM8
 57699 - 138 Rev A KM8
 57699 - 140 Rev A Welland
 57699 - 143 Rev A Alnwick
 57699 - 146 Rev C KM11
 57699 - 147 Rev C KM11
 57699 - 150 Rev B Carlisle & KM12
 57699 - 151 Rev B Carlisle & KM12
 57699 - 156 Rev B Trent & Tove
 57699 - 157 Rev B Trent & Tove
 57699 - 158 Rev A KM10 Barn
 57699 - 159 Rev A KM10 Barn
 57699 - 166 Rev A AF3D
 57699 - 167 Rev A AF2
 57699 - 170 Rev A Marker Building
 57699 - 171 Rev A Marker Building
 57699 - 172 Rev A Marker Building
 57699 - 173 Rev A Marker Building
 57699 - 174 Rev A Marker Building
 57699 - 187 Rev A AF2 Bungalow
 57699 - 197 Trent Triple
 57699 - 198 Trent Triple
 57699 - 200 AF1 FOG

57699 - 201 4Xaf3 Townhouse + AF4 Townhouse
57699 - 202 4Xaf3 Townhouse + AF4 Townhouse
57699 - 203 4Xaf3 Townhouse + AF4 Townhouse
57699 - 204 KM6, Carlisle & KM12
57699 - 205 KM6, Carlisle & KM12
57699 - 206 KM12, Carlisle & KM17
57699 - 207 KM12, Carlisle & KM17
57699 - 208 KM12, Carlisle & KM17
57699 - 209 KM12, Carlisle & KM17
57699 - 210 KM12, Carlisle & KM17
57699 - 211 AF2 House x 4
57699 - 212 AF2 House x 4
57699 - 190 Rev B Garages
57699 - 191 Rev B Garages
57699 - 193 Rev B Garages & Bikes/Bin Stores
57699 - 194 Rev A Car Barns
57699 - 196 Garage & Car barn
5797/LM/2.0 Rev E Landscape Masterplan
5797/LSP/ASP3.0 Rev E Landscape Strategy Plan
5797/ASP4.0 Rev A Playspace Detail Design - LAP

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

- 2 Prior to the commencement of development and notwithstanding the details indicated on the building materials plan, drawing number 57699-103 Rev B, the roof materials shall be agreed in writing by the Local Planning Authority, samples of which shall also be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved materials.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 3 Prior to the commencement of the development hereby approved and notwithstanding the plans submitted, full details of the doors, windows, dormers, roof lights and porches, including their materials of construction, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors, windows, roof lights and porches shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 All windows must be side hung casements of equal proportions or full sliding sash type, in accordance with their approved house type and window style.

Reason - To ensure the satisfactory appearance of the completed development and to comply with the approved design code and Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5 The dwellings hereby approved shall be constructed with clipped eaves, and guttering shall be mounted directly on to the walls, sprockets or rafter feet.

Reason - To ensure the satisfactory appearance of the completed development and to comply with the approved design code and Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development and notwithstanding the details indicated on the boundary treatments plan, drawing number 57699-103 Rev B, full details of the enclosures of all boundaries and within the site shall be submitted and approved by the Local Planning Authority. These shall include brick, render and stone walls to match the dwelling to which they serve and shall be brick, render and stone walls where they will be visible from the public domain. Thereafter the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected in accordance with the approved details, prior to the first occupation of those dwellings and shall thereafter maintained in accordance with those details.

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 Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 Prior to the commencement of the development hereby approved, a detailed landscaping scheme in accordance with the landscape strategy submitted as part of this application, 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 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.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 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 and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be 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 landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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 and specifications.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 11 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, 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 and specifications.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways, turning areas and parking to serve the dwellings, which shall include constructions, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of any of the dwellings, the access, driveways, turning areas and parking shall be constructed in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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.

- 13 Prior to the commencement of the development hereby approved, full specification details of the vehicular access across the public footpath, which shall include construction, layout, surfacing drainage and detailed signage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, this vehicular access shall be constructed in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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.

- 14 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 details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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.

- 15 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) 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 - 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 the morning and afternoon peak traffic times.

- 16 Prior to the commencement of the development and notwithstanding the details submitted, full details of the provision, landscaping and treatment of the play space within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the play space shall be landscaped, laid out and completed in accordance with the approved details.

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 R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 17 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the trees and hedgerows adjacent to and on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18 The garages, carports or drive-throughs shown on the approved plans shall be retained as such and shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

- 19 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure, other than those hereby approved as part of this application, shall be erected within the curtilage of the dwelling, or residential unit hereby approved without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the visual amenities of the development and to ensure compliance with the approved design code and in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 Prospective purchasers of the dwellings to which this permission relates are advised that the service strips on either side of the access road are part of the area adopted as public highway and therefore these areas should remain free of all development (including shrub and tree planting). Furthermore, it is conceivable that street furniture (e.g. street lighting columns) may have to be erected within these areas of land.
- 2 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.
- 3 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollutions Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
- 4 Attention is drawn to the conditions imposed on the "outline" permission App. No 06/00697/OUT granted on 27th June 2008 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.
- 5 It is advised that all homes should achieve Secured by Design Accreditation.
- 6 **STATEMENT OF ENGAGEMENT**
In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application in an efficient manner having worked with the applicant/agent where necessary to resolve any concerns that have arisen during consideration of the application in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

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

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

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

OTHER NECESSARY CONSENTS

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

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before 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 0300 0030 200, fax 0300 003 0201 or E-mail at building.control@cherwellandsouthnorthants.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. 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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

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

PURCHASE NOTICES

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

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

COMPENSATION

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

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