



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Mr David Hutchison
Pegasus Group
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
Gloucestershire
GL7 1RT

Non-Material Amendment(s) Determination

Date Registered: 21st November 2022

Proposal: To change the wording of Conditions 2, 4, 7, 8, 9, 10, 11, 13, 14, 18 and 36 :- - Remove the requirement for the first phase RM application to be a "Residential" RM (Condition 2) - To tie commencement of development to the first phase of the development rather than the first "Residential" phase (condition 4) - Change the timing of the submission of details required to discharge conditions 7, 8, 9, 10, 11, 13, 14, 18 and 36 - To allow subsequent variations to any approved Phasing Plan to be submitted to and approved by the LPA (Condition 7) (proposed as non-material amendment to 14/02121/OUT)

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

Parish(es): Bucknell Bicester Chesterton

APPROVAL OF NON-MATERIAL AMENDMENT(S)

Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendments described above and in accordance with the conditions overleaf.

The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of the original planning permission. These conditions must be adhered to so as to ensure that the development is lawful.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford
Assistant Director – Planning and
Development

Date of Decision: 19th December 2022

Checked by: Caroline Ford

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS (TL)

2. In the case of the reserved matters, application for approval shall be made for the first phase of development not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first phase reserved matter and for all subsequent phases two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for that phase.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

CONDITIONS REQUIRING INFORMATION TO BE SUBMITTED PRIOR TO OR ALONGSIDE SUBMISSION OF THE FIRST APPLICATION FOR APPROVAL OF RESERVED MATTERS

7. Prior to or alongside the submission of any application for approval of reserved matters for the first phase of development, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of the reserved matters application for the first phase. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing. Any variations to the approved phasing plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policy Bicester 1, SLE4 and INF1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

8. Prior to or alongside the submission of any application for approval of reserved matters for the first phase of the development apart from where the first phase relates to an agreed infrastructure only phase (and other than on the area annotated as 'Other Uses' on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev K where a Masterplan has been approved for that area pursuant to condition 9), a site wide Masterplan and Design Code shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of any reserved matters application for the first phase of the development apart from where the first phase relates to an agreed infrastructure only phase. The Masterplan and Design Code shall set out the urban design approach for the site to include a regulating plan and supporting information to include:

- Details to provide continuity with adjacent development
- A detailed masterplan for the area fronting the Middleton Stoney Road annotated as 'Other Uses' on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev K showing the location of each of the land uses
- Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
- The identification of Character areas and for each, the built form and green spaces to include their key features, density, block layout and principles, structure and permeability
- Movement network and principles of streetscape including access locations, hierarchy, street

- type, form and design, cross sections, surface materials and landscaping, cycleways, footways, crossing points, street furniture, bus routes and stop locations
- Parking strategy including car and cycle parking standards and approach for residential and non-residential uses
 - Public realm
 - Building heights, scale, form, design features materials, architectural details and frontages
 - Boundary treatments
 - Key views, vistas, landmarks
 - Landscape character, landscape types, green infrastructure, amenity spaces, public open space, play areas including their distribution, existing trees and retained hedges and biodiversity measures
 - Provision and details of buffers to retained hedgerows and dark corridors for biodiversity
 - Legibility and diversity of built form and landscape
 - Landscape and boundary treatment principles for the buffer surrounding Himley Farm
 - Drainage including sustainable urban drainage features
 - Adaptability

All reserved matters applications and the development shall thereafter be carried out in accordance with the principles of the approved Masterplan and Design Code.

Reason: To secure the delivery of high-quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework and Policies Bicester 1 and ESD15 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

9. Prior to or alongside the submission of any application for approval of reserved for the first phase of the development apart from where the first phase relates to an agreed infrastructure only phase and in the event that the Design Code has not been approved, a detailed masterplan for the area fronting the Middleton Stoney Road annotated as 'Other Uses' on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev K, shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of any reserved matters application for the first phase of the development apart from where the first phase relates to an agreed infrastructure only phase. The masterplan shall show the location of each of the land uses, access and parking locations, key frontage and public space conditions and landscape principles. All reserved matter applications for the area covered by the Masterplan approved by this condition 9 shall be made and the development shall thereafter be carried out in accordance with the principles of the approved Masterplan.

Reason: To ensure the creation of a high quality design for the mixed use area in accordance with Government guidance in the NPPF and Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

10. Prior to or alongside the submission of any application for approval of reserved matters for phase 1, a Bio Diversity Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of the reserved matters application for phase 1. Each reserved matter application shall be accompanied by a statement setting out how the proposed development will contribute to achieving the Bio Diversity Strategy and net biodiversity gain. The development shall be carried out in accordance with the approved Bio Diversity Strategy.

Reason: To secure net biodiversity gain in accordance with Policies Bicester 1 and ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

11. Prior to or alongside the submission of any application for approval of reserved matters for phase 1, a full surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall have

been submitted to and approved in writing by the local planning authority prior to the determination of any reserved matters application for phase 1. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - Swales, Ponds, Permeable Paving, Filter Strips, Rain Gardens
- Network drainage calculations
- Phasing

Reason - To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

CONDITIONS REQUIRING INFORMATION TO BE SUBMITTED WITH RESERVED MATTERS

13. Each reserved matters application that includes the construction of any new buildings shall be accompanied by a statement setting out how the design of buildings and the layout has taken account of future climate impacts, as identified in TSB research 'Future Climate Change Risks for NW Bicester', or any more recent assessment that has been published, and how the proposed development will be resilient to overheating, changing rainfall patterns and higher intensity storm events.

Reason: To address the impacts of climate change in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031, Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

14. Each reserved matters application for a phase that includes the construction of any new buildings shall consider whether any area of that phase is subject to elevated levels of noise, principally from road traffic sources as set out in the Environmental Statement. Any dwellings that are to be constructed in any affected area within that phase shall be identified and confirmation provided that they will be designed and constructed in such a manner that they will contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 can be achieved.

Reason: To ensure that properties are not subject to high levels of noise in accordance with Policies Bicester 1 and ESD15 of the Cherwell Local Plan 2011-2031, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. Each reserved matter application for a phase that includes the construction of any new buildings shall be accompanied by a Travel Plan setting out how the development will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a). The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any occupations within the relevant phase and the actions of the Travel Plan shall thereafter be delivered in accordance with the Travel Plan.

Reason: To ensure sustainable travel in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

PRE-COMMENCEMENT CONDITIONS (PC)

36. Prior to the commencement of any development in a phase that includes the construction of any

new buildings, details of the strategy to work towards water neutrality, in accordance with the Eco Towns PPS shall be submitted to and approved in writing by the Local Planning Authority. Each reserved matters application that includes the construction of any new buildings shall demonstrate how it contributes to and is in accordance with the approved strategy.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.



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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 - Telephone: 01295 227006. Email: 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.
- 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 227006 or E-mail at 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.