



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

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

BDW Trading Limited  
Remus 2  
2 Cranbrook Way  
Solihull Business Park  
Solihull  
B90 4GT

**Reserved Matters Determination**

---

**Date Registered:** 1st December 2020

**Proposal:** Removal of condition 6 (bus stops) of 19/00895/REM

**Location:** OS Parcels 6741 and 5426 West Cricket Field North, Wykham Lane,  
Bodicote

**Parish(es):** Banbury Bodicote

**APPROVAL OF RESERVED MATTERS SUBJECT TO CONDITIONS**

The Cherwell District Council, as Local Planning Authority, hereby **APPROVES** details of the matters reserved in the original outline planning permission, 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  
OX15 4AA

A handwritten signature in black ink, appearing to read "D.P.", written over a faint horizontal line.

David Peckford  
Assistant Director – Planning and  
Development

**Date of Decision: 24<sup>th</sup> February 2021**

**Checked by: Andy Bateson**

## SCHEDULE OF CONDITIONS

1. Except where otherwise stipulated by condition on the reserved matters approval 19/00895/REM and the outline planning permission 15/01326/OUT, and with the exception of the details of the materials and means of enclosure which are not approved, the development shall be carried out strictly in accordance with the plans and documents listed in the drawing Issue Sheet received on 29th July 2020 and included as an appendix to 19/00895/REM.

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. Notwithstanding the details of materials shown on the approved plans, no materials shall be used in the construction of the external walls, roofs and finished surfaces of:
  - all access roads, driveways, parking courts, parking areas and footpaths
  - all dwellings, garages and other buildings
  - all boundary walls, feature walls, and walls providing means of enclosure

until samples of the proposed materials along with a plan showing the locations where each material will be used has been submitted to and approved in writing by the Local Planning Authority. The plan shall show a minimum of 30% of the dwellings to be constructed in natural ironstone. The development shall be carried out in accordance with the samples and plan so approved thereafter.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan 1996, the Council's adopted Residential Design Guide 2018 and Government guidance within the National Planning Policy Framework.

3. No dwelling or garage to be constructed in natural ironstone or brick as shown on the materials plan approved under condition 2 shall be constructed above slab level until stone and/or brick sample panels (minimum size 1m<sup>2</sup>) have been constructed on site to be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the relevant dwellings and garages shall be constructed in accordance with the approved sample panels. The sample panels shall be retained on site for the duration of construction of the development.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan 1996, the Council's adopted Residential Design Guide 2018 and Government guidance within the National Planning Policy Framework.

4. Notwithstanding the details of means of enclosure shown on the approved plans, no dwellings hereby approved shall be constructed above slab level until full details of all enclosures along all boundaries and within the site, which shall include walls to parking courts and all boundaries visible from the public domain, have been submitted to and approved in writing by the Local Planning Authority. The enclosures so approved shall be erected in accordance with the approved details prior to the first occupation of the dwellings and areas of development they serve.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of occupants of the proposed dwellings and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996, the Council's adopted Residential Design Guide 2018 and Government guidance within the National Planning Policy Framework.

5. No dwellings shall be constructed above slab level until details of site-wide biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. Such enhancements shall include the provision of habitat boxes/bricks for bats, swifts and other birds; the provision of hedgehog passages; the provision of boundary treatments to facilitate the movement of wildlife; and a timetable for the enhancements to take place. The development shall be carried out in accordance with the approved details and timetable and thereafter maintained in accordance with this condition.

Reason: To enhance biodiversity in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

6. Prior to the installation of any external lighting in the development, including any lighting to the footpaths/open space, bridleway and links to Salt Way and sports facilities, full details of the lighting proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be carried out and retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and protection of wildlife corridors and movement of wildlife, in accordance with Policies ESD10 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

7. Notwithstanding the details shown on the approved plans, all casement windows to be installed on the dwellings and garages within the development shall be side hung, balanced casements of equal proportions unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan 1996, the Council's adopted Residential Design Guide 2018 and Government guidance within the National Planning Policy Framework.

8. All windows and doors to be installed within the development shall be recessed a minimum of 75mm within the window and door surrounds, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide 2018 and Government guidance within the National Planning Policy Framework.

9. All dwellings and garages shall be constructed using simple mortared edges to roof edges with no overhang and clipped eaves and gutters fitted tight to the walls on brackets or sprockets, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide 2018 and Government guidance within the National Planning Policy Framework.

10. 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 first occupation of the dwellings hereby permitted. Any trees, herbaceous 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 planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the development, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

11. Prior to commencing works in respect of landscaping and notwithstanding the details shown on the approved plans, final details, locations, specifications and construction methods for all purpose built tree pits and above ground features, to include the installation of below ground, load bearing cell structures root trenches, root barriers, irrigation systems and stated volume of a suitable growing medium to facilitate and promote the healthy development of the 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 development, to ensure the creation of a pleasant environment, and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

12. 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, wall, fence or other means of enclosure shall be erected or constructed or placed between the dwellings and the highway or within the curtilages of the dwellings and forward of a principal elevation without the prior express consent of the Local Planning Authority.

Reason: To retain the character and appearance of the development and in the interests of highway safety, to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

13. Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments the garages, car-ports and drive-throughs serving parking courts shown on the approved plans shall be retained and maintained for the parking and manoeuvring of vehicles and storage of cycles at all times and shall not be converted to provide additional living accommodation without the express planning permission of the Local Planning Authority.

Reason: To ensure that satisfactory provision is made for parking and access, and the parking and safe undercover storage of cycles clear of the highway, in accordance with Government guidance within the National Planning Policy Framework.

## DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: [monitoring@cherwell-dc.gov.uk](mailto:monitoring@cherwell-dc.gov.uk) and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

## PLANNING NOTES

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended.

The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

**The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.**

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

## **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



## 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 - Telephone: 01295 227006. Email: [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.
- 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](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. 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.