

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

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

Savills  
Mr James Yeoman  
Wytham Court  
11 West Way  
Oxford  
OX2 0QL

**Reserved Matters Determination**

---

**Date Registered:** 5th July 2021

**Proposal:** Reserved matters application for 19/00616/OUT - seeks approval of all reserved matters (excluding access as determined at the outline stage), namely, the layout, appearance, landscaping and scale for the development.

**Location:** OS Parcel 9507 South Of 26 And Adjoining, Fewcott Road, Fritwell

**Parish(es):** Fritwell

**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



David Peckford  
Assistant Director – Planning and  
Development

**Date of Decision: 31st August 2022**

**Checked by: Nathanael Stock**

## SCHEDULE OF CONDITIONS

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms, Arboricultural Method Statement (21-2173 V5 – June 2022), Ethos Biodiversity Net Gain Results May 2022, Condition 11 Report Surface Water Drainage Scheme (Job no: P18-654 Date 25.02.2022, Issue no 4), Accommodation Schedule and the following plans and documents:

PLN.01	LOCATION PLAN
PLN.02 P	ILLUSTRATIVE SITE LAYOUT
PLN.03 P	BLOCK PLAN
PLN.04 P	TENURE PLAN
PLN.05 A	PLOTS 1, 17, 28
PLN.06 D	PLOTS 2, 11, 14, 20
PLN.07 A	PLOTS 3 & 4
PLN.08 A	PLOTS 5 & 6
PLN.09 A	PLOTS 7 & 8
PLN.10 a	B PLOTS 9 & 10
PLN.10 b	A PLOTS 18 & 19, 25 & 26
PLN.11 A	PLOTS 12 & 13
PLN.12 A	PLOTS 15, 21
PLN.13 A	PLOTS 16, 22
PLN.14 A	PLOT 23
PLN.15 A	PLOT 24
PLN.16 A	PLOT 27
PLN.17 A	GARAGES
PLN.18 B	ILLUSTRATIVE STREET SCENES
PLN.19 P	OPEN SPACE PLAN
PLN.20 R	BOUNDARY TREATMENT PLAN
20-4772 V12	Detailed Landscape Design
20-4772 V12	Plant Schedule and Overview
20-4772 V12	Planting Specification
20-4772 V12	Detailed Landscape Design Inset 1
20-4772 V12	Detailed Landscape Design Inset 2
20-4772 V12	Detailed Landscape Design Inset 3
20-4772 V12	Detailed Landscape Design Inset 4
20-4772 V12	Detailed Landscape Design Inset 5
20-4772 V12	Detailed Landscape Design Inset 6
20-4772 V12	Detailed Landscape Design Inset 7
20-4772 V12	Hard Landscape Information
J32-3847-PS-006	Swept Path Analysis

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

2. Notwithstanding the details on the approved plans the bungalows to be constructed on Plots 15 and 21 (as shown on drawing PLN.02 Rev P and PLN12 Rev A) shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes. The dwellings shall be provided on site to accord with this standard and shall be retained as such thereafter.

Reason: To provide a mix of dwellings as supported by Policy PH3 of the Mid Cherwell Neighbourhood Plan (2019), Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

3. The surface water drainage strategy shall be provided, managed and maintained in accordance with the details in the report by Simpson TWS Consulting Engineers titled ‘ Condition 11 Report – Surface Water Drainage Scheme (Job no P18-654 – dated 25th February 2022), drawing number

P18-654 SK01 P6 (contained within the report) and letter from Savills dated 10th June 2022 (ref: L 220610 JY - Update Submission to CDC). The scheme shall be provided prior to the occupation of the site and shall thereafter be managed and maintain in accordance with the approved details.

Reasons: To ensure that the proposed development can be adequately drained and to manage the flood risk on or off the site resulting from the proposed development in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

4. The development shall be carried out in strict accordance with the details contained in the submitted Arboricultural Method Statement (Ref: 21-2173 – Version 5 dated June 2022). All tree and hedgerow protection measures must be in place prior to any development commencing.

Reason: To protect the existing trees on the site in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

5. No development shall commence above slab level on any dwelling to be constructed of natural stone until a natural stone sample panel (minimum 1 sq m in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of the properties and their garages shown to be constructed in natural stone on the submitted Accommodation Schedule shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence above slab level on any dwelling to be constructed of reconstituted stone until a stone sample panel (minimum 1 sq m in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, all of the external walls of the properties and their garages shown to be constructed in reconstituted stone on the submitted Accommodation Schedule shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the details submitted, and prior to the construction of any dwelling above slab level, full details of the architectural details of the dwelling(s) and garages, including windows (including material, colour and recess from brick/stone face), doors, heads, cills, lintels, eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Note: All casement windows should have balanced casements with even sightlines. True sash windows should be provided. Glazing bars should be true glazing bars or external glazing bars

8. A schedule of materials and finishes to be used in the external roof(s) of the dwellings/garages shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details and shall be retained as such thereafter.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. No development shall commence above slab level until full details of the boundary treatments to the site and each plot, including the appearance and details of the materials (including details of the stone and coursing), have been submitted and approved in writing by the Local Planning Authority. The position and height of these shall be in accordance with drawing PLN.20 Rev P. The boundary treatments and means of enclosure shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwelling they serve and shall be retained as such thereafter.

Reason: To protect the character and appearance of the area and provide a safe and durable development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of any dwelling, the means of access, parking and turning area serving that dwelling shall be provided, constructed and retained in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority under a separate discharge of planning condition. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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.

12. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the garage(s) shown on the approved plans (drawing number PLN.02 Rev P) serving plots 12 and 13 shall be retained for the accommodation of private motor vehicles and shall not be converted to provide additional living accommodation without the grant of further specific planning permission from the Local Planning Authority.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

13. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the car port(s) hereby approved to plots 3 and 4 (as shown on drawing number PLN.02 Rev P) shall remain open fronted at all times and shall not be enclosed by doors, gates, barriers or bars in any way unless otherwise approved in writing by the Local Planning Authority.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

14. The hard and soft landscaping of the development shall be carried out in accordance with the approved landscaping scheme shown on the approved drawings listed under condition 1 unless otherwise agreed in writing under a separate discharge of condition. The hard landscaping shall be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of the soft 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 commencement of development 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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998:Recommendations for Tree Works.  
b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this reserved matters permission.

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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Prior to the occupation of the 15th dwelling the footpath connection to public right of way 219/6/10 Route number 6 to the south of the site shall be provided in accordance with the approved plans and shall be made available for public use. It shall remain available for public use and retained in accordance with the approved details thereafter and in perpetuity.

Reason: To provide a well connected development which links to the remainder to the village in an acceptable manner and provides permeability in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning notes: The developer is directed to the legal agreement relating to the outline planning application which requires a number of works to undertaken to this existing public right of way under a Section 278 agreement.

17. No development shall commence unless and until a certificate confirming the agreement of an Offsetting Provider to deliver a Biodiversity Offsetting Scheme totalling a minimum of 3.8 biodiversity units has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Offset Provider and provided to the Council. The details of biodiversity enhancements shall be documented by the Offset Provider and issued to the Council for their records.

Reason: To secure a net gain in biodiversity from the development in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the

National Planning Policy Framework.

18. The development shall be carried out and managed in accordance the details outlined in Ethos Biodiversity Net Gain Results May 2022 unless otherwise agreed in writing by the Local Planning Authority. The recommendations shall be incorporated into the Landscape and Ecological Management Plan (LEMP) to be submitted under condition 18 of the outline planning consent (19/00616/OUT)

Reason: To secure a net gain in biodiversity from the development in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

19. Prior to any works above slab level full details of built-in enhancements for biodiversity, such as the provision of bird and bat boxes and hedgehog highways shall be submitted and approved in writing. The development shall thereafter be carried out in accordance with the approved details.

Reason: To secure a net gain in biodiversity from the development in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained 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.

### INFORMATIVE NOTES TO APPLICANT

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 £116 per request. 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.

**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.

3. **Water** - Thames Water have advised they have assets in the vicinity of the site. No piling shall

take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The developer is advised to read Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> . For further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

4. **Conditions of the outline planning permission** - The applicant is advised that conditions 5, 7, 8, 9, 10, 12, 14, 15, 16, 18, 19, 20, 23 and 24, which require the submission of a discharge of condition application, and 4, 21, 22, which are statement conditions, remain applicable and to be complied with.

### **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, 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.