



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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

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

Miss Sally Appleyard  
Taylor Wimpey Oxfordshire  
Windrush Court, Suite J  
Abingdon Business Park  
Abingdon  
Oxon  
OX14 1SY

**Date Registered:** 5th November 2014

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**Proposal:** Reserved Matters to 05/01337/OUT - Details of the proposed community park adjacent to Bankside, including play, recreation, education and biodiversity features, a footpath and cycle network and other public amenities.

**Location:** Land North East Of Oxford Road West Of Oxford Canal And East Of, Bankside, Banbury,

**Parish(es):** Banbury

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**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. , 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

Jim Newton

**Assistant Director for  
Planning Policy and Development**

**Date of Decision:** 1st August 2018

**Checked by:** RD (Officer initials)

## SCHEDULE OF CONDITIONS

- 1 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:  
1707.16496 Rev. 2  
1709.17114  
5205/CP/ASP4.7 Rev. F  
5205/ASP/CP.PP4.4 Rev. F  
5205/CP-ASP2.5 Rev. I  
5205/CP-ASP2.4 Rev. I  
5205/CP-ASP2.3 Rev. I  
5205/CP-ASP2.2 Rev. I  
5205/CP-ASP2.1 Rev. I  
5205/CP-ASP1.0 Rev. I  
20488\_02\_040\_05 Rev. H

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 No use of the hereby approved community park shall take place (other than for construction purposes) unless and until a revised scheme of external lighting along paths within the park has been submitted to and approved in writing by the local planning authority. Thereafter the approved external lighting shall be installed prior to first use of the park and retained as such thereafter.

Reason - In the interests of encouraging safe use of the park for travel by foot and cycle and to ensure that such lighting is visually appropriate to the park's character in accordance with the requirements of Draft Policy H10 of the Non-Statutory Cherwell Local Plan 2011 as well as well as Policies SLE4, ESD1, ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 3 No use of the community park shall take place until further details of the car park to serve the park adjacent to Parcel F are submitted to and approved in writing by the local planning authority. Such details shall include the markings, landscaping, surfacing, drainage and lighting of the car park. The car park shall then be provided in accordance with the approved new details prior to first use of the community park and retained as such thereafter.

Reason - To ensure that the car park is provided in a manner that is fit for purpose and aesthetically appropriate to the context in accordance with the requirements of Draft Policy H10 of the Non-Statutory Cherwell Local Plan 2011 as well as Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 4 Prior to the first use of the community park hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Reason - In the interests of ensuring that the community park provides a well managed natural landscaped park for the local community in the future as well as to deliver the long term biodiversity enhancements required as part of the wider development in accordance with the requirements of Draft Policy H10 of the Non-Statutory Cherwell Local Plan 2011 as well as Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 5 No retained tree as shown in the approved plans 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.

Reason - To ensure that existing trees of value on the site and as shown within the approved plans are retained in the long term in the interests of public amenity, visual amenity and ecological value of the community park.

- 6 The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Tree Protection Plan prepared by Aspect Arboriculture on October 2014.

Reason - To ensure that existing trees for retention are adequately protected during construction work in the interests of public amenity and biodiversity in accordance with the requirements of Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 7 Notwithstanding anything shown in the approved plans, neither the community park, Neighbourhood Area of Play (NEAP) or Multi-Use Games Area (MUGA) hereby approved shall be brought into use until details of cycle parking facilities to support those facilities have been provided in an appropriate location(s) on the site in accordance with details that have been submitted to and approved in writing by the local planning authority. Such cycle parking shall thereafter be retained as approved.

Reason - To ensure that sustainable travel to these facilities is encourage in accordance with the requirements of Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1.

- 8 Notwithstanding anything shown in any of the approved plans/drawings, no use of the community park shall take place until a revised scheme of landscaping in relation to the strip of land between Parcels B and C (of the wider development approved under 05/01337/OUT) has been submitted to and approved in writing by the local planning authority. This revised scheme shall include greater provision of tree and shrub planting as opposed to predominantly amenity grass. The development shall thereafter take place in accordance with the approved revised landscape scheme.

Reason - In the interests of visual amenity and to create a high quality, attractive residential environment in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

- 9 No use of the hereby approved sports pitches shall take place until a barrier feature has been erected between the pitches and Bankside (that reduces the risk of errant balls straying onto the road) in accordance with details that have first been submitted to and approved in writing by the local planning authority. Such details shall be the subject of full public consultation with occupants of relevant neighbouring properties prior to any decision being issued.

Reason - In the interests of the safety of those using the pitches and trying to reclaim errant balls as well as the safety of road users.

## 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 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>.



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**NOTES TO THE APPLICANT**

**TIME LIMITS FOR APPLICATIONS**

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

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

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

**OTHER NECESSARY CONSENTS**

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

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 0030 200, fax 0300 003 0201 or E-mail at [building.control@cherwellandsouthnorthants.gov.uk](mailto: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.