

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

Name and Address of Agent/Applicant:

Burrington Estates
No 3 Arden Court
Arden Street
Stratford upon Avon
CV37 6NT

Reserved Matters Determination

Date Registered: 22nd August 2022

Proposal: Reserved Matters application to 20/02083/OUT for the approval of details of layout (internal access roads and footpaths), scale, appearance and landscaping relating to the erection of 14 dwellings including 5 affordable dwellings, together with the provision of parking, landscaping and other associated details

Location: Hempton Gate Land North Of Hempton Road And West Of, Wimborn Close, Deddington

Parish(es): Deddington

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: 17th January 2023

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 form and drawings numbered 201-P500, 201-P501 REVISION E, 201-P502 REVISION D, 201-P503 REVISION D, 201-P504 REVISION A, 201-P601 REVISION A, 201-P602 REVISION B, 201-P603 REVISION B, 201-P604 REVISION D, 201-P605 REVISION B, 201-P606 REVISION D, 201-P607 REVISION D, 201-P608 REVISION E, 201-P609 REVISION C, 201-P610 REVISION C, 201-P611 REVISION B, 201-P612 REVISION D, 201-P613 REVISION B, 201-P614 REVISION D, 201-P615 REVISION C, 201-P616 REVISION C, 201-P619 REVISION E, 201-P620 REVISION F, 201-P621 REVISION C, 201-P622 REVISION E, 201-P623 REVISION A, 201-P624 REVISION D, 201-P625 REVISION C, 201-P626 REVISION C, 201-P627 REVISION D, 201-P628 REVISION D, 201-P629 REVISION E, 06.03 REVISION P4, 001 (Tree Protection Plan, ref. TGA.2467.TPP.001), GL1714 01D and GL1714 02C, and the following documents: Landscape Management Plan Burrington Estate (golby+luck, 6th May 2022, ref. GL1714 and Landscape and Biodiversity Enhancement & Management Plan (ref. 9549M.LBEMP.Condition15.16 Discharge.vf) and dated November 2022.

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. No development shall commence above slab level on any dwelling to be constructed of 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 dwellings and garages shown to be constructed in natural stone on drawing 201-P504 Rev A 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.

3. No development shall commence above slab level on any dwelling to be constructed of brick until a brick sample panel (minimum 1 sq m in size) (in Ibstock – Heritage County Blend unless otherwise agreed in writing by the local planning authority) 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 garages shown to be constructed in brick on drawing 201-P504 Rev A shall be laid, coursed and pointed in strict accordance with the approved brick 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.

4. The development shall not be implemented other than in full accordance with the 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 approved under application 21/03804/DISC 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 windows should have balanced casements with even sightlines. Glazing bars should be true glazing bars or external glazing bars.

5. The means of enclosure and other boundary treatments of the development shall be provided in full accordance with the details shown in drawing GL1714 02C including position, height, appearance and materials prior to the first occupation of any dwelling 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.

6. Notwithstanding the details on the approved plans the roofs of the proposed dwellings and garages shall be externally faced in accordance with the following details unless otherwise agreed in writing with the local planning authority under a separate discharge of planning condition:

- Natural slate (Capimor (Centera Beda) in accordance with the certification received by the Local Planning Authority on 12.07.2021 on dwellings shown to be constructed of natural stone on drawing 201-P504 Rev A
- Cement slates (Cembrit Westerland slate) fibre cement slates on properties shown to be constructed of brick on drawing 201-P504 Rev A

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.

7. Notwithstanding the details submitted, there shall be no fascias and/or bargeboards used or erected on any dwelling or garage in the development.

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 the significance of heritage assets 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.

8. The hard and soft landscaping of the development shall be carried out in accordance with the landscaping scheme shown on drawings numbered GL1714 01D and GL1714 02C 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 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.

9. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no walls, gates or fences shall be erected beyond the front elevation of any dwelling hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: To afford adequate visibility at the access and to ensure a pleasant and attractive environment and to safeguard the character and appearance of the area and 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.

10. No development shall commence unless and until the tree/hedgerows to be retained (as shown on the approved soft landscaping plan (GLIA714 01D) and Tree protection plan (001) including hedgerows to the east and west of the site have been protected in accordance with BS 5837:2012. The tree/hedgerow protection measures shall remain in place throughout the construction period unless otherwise agreed in writing by the Local Planning Authority under a separate discharge of planning condition.

Reason – To protect the existing trees and hedges to be retained 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.

11. 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.

12. Before each respective dwelling is first occupied all first floor openings identified on side and rear elevations identified on the plans listed in Condition 1 of this permission as serving bathrooms and/or en suite bathrooms shall be glazed with obscure glass (at least Level 3) only and, unless fixed shut, fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Before each respective dwelling is first occupied the east facing first floor window serving the bedroom of Plot 22, the west facing first floor window serving Plot 24, the west facing first floor windows serving Plots 25 and 26, the east facing first floor window serving Plot 29 and the north facing first floor window serving the stairwell of Plot 30 shall be glazed with obscure glass (at least Level 3) only and fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or

without modification), in the case of Plots 25, 26, 17, 30 and 31 inclusive no additional windows, doors or any other openings shall be inserted at first floor level or above in the development hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A - E (inclusive) shall take place on the dwellinghouses hereby permitted or within their curtilage without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to ensure a satisfactory living environment for future occupiers, and in the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. 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.

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 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. **Outline planning permission and legal agreement** - The applicant's attention is drawn to the conditions of the outline permission and to the legal agreement covering this application. The stipulations of these remain and nothing in this consent overrides them. The applicant's particularly attention is drawn to:

The highway works required under the legal agreement

The requirement for 50% of the social/affordable rent properties to meet M4(2) accessibility standard under the Building Regulations and all affordable homes to meet the Nationally Described Space Standard.

The requirement for pre-commencement conditions on the outline planning consent and the obligations of the legal agreement to be met at certain trigger points

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**
- 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.

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.