



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Cala Homes (Cotswolds) Ltd
Miss Becky Pull
2nd Floor, Building One
Oxford Technology Park
Technology Drive
Kidlington
OX5 1GN

Reserved Matters Determination

Date Registered: 7th June 2023

Proposal: Reserved Matters Application including access, layout, landscaping and scale pursuant to outline planning permission 14/02121/OUT for internal primary and secondary streets along with the partial discharge of conditions 12 (Building for Life 12), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) for Phase 1B

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

Parish(es): Bicester Chesterton

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: 8th July 2024

Checked by: Caroline Ford

SCHEDULE OF CONDITIONS

IMPORTANT – THIS DECISION MAY BE SUBJECT TO MADATORY BIODIVERSITY NET GAIN AND THE STATUTORY PRE-COMMENCEMENT BIODIVERSITY GAIN PLAN CONDITION. PLEASE SEE BELOW FOR FURTHER GUIDANCE.

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS (TL)

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application forms and the following plans and documents:

Site Location Plan 27141-HYD-XX-XX-DR-C-3000 P08 received 12 June 2024;
Phase 1B Engineering Layout Sheet 1 of 4 27141-HYD-1B-XX-DR-C-2200 P09 received 12 June 2024;
Phase 1B Engineering Layout Sheet 2 of 4 27141-HYD-1B-XX-DR-C-2201 P10 received 12 June 2024;
Phase 1B Engineering Layout Sheet 3 of 4 27141-HYD-1B-XX-DR-C-2202 P10 received 12 June 2024;
Phase 1B Engineering Layout Sheet 4 of 4 27141-HYD-1B-XX-DR-C-2203 P09 received 12 June 2024;
Phase 1B Drainage Layout Overview 27141-HYD-1B-XX-DR-C-2300 P06 received 12 June 2024;
Phase 1B Drainage Layout Sheet 1 of 4 27141-HYD-1B-XX-DR-C-2301 P06 received 12 June 2024;
Phase 1B Drainage Layout Sheet 2 of 4 27141-HYD-1B-XX-DR-C-2302 P06 received 12 June 2024;
Phase 1B Drainage Layout Sheet 3 of 4 27141-HYD-1B-XX-DR-C-2303 P06 received 12 June 2024;
Phase 1B Drainage Layout Sheet 4 of 4 27141-HYD-1B-XX-DR-C-2304 P06 received 12 June 2024;
S278 Primary Access General Arrangement Sheet 1 27141-HYD-XX-XX-DR-D-0100 P04 received 12 June 2024;
S278 Secondary Access General Arrangement Sheet 2 27141-HYD-XX-XX-DR-D-0101 P03 received 12 June 2024;
S278 Pedestrian Cycle Link Arrangement Sheet 3 27141-HYD-XX-XX-DR-D-0102 P03 received 12 June 2024;
S278 Site Accesses Visibility Splays 27141-HYD-XX-XX-DR-D-0103 P01 received 02 June 2023;
S278 Primary Access Junction Swept Path Analysis Bus Sheet 1 27141-HYD-XX-XX-DR-D-0104 P01 received 02 June 2023;
S278 Primary Access Junction Swept Path Analysis Refuse Vehicle Sheet 2 27141-HYD-XX-XX-DR-D-0104-1 P01 received 02 June 2023;
S278 Secondary Access Junction Swept Path Analysis Refuse Vehicle Sheet 1 27141-HYD-XX-XX-DR-D-0105 P01 received 02 June 2023;
Phase 1B Microdrainage Calcs 2023.05.31 received 02 June 2023;
Phase 1B Drainage Strategy Technical Note 27141-HYD-XX-XX-TN-C-0002 P03 received 02 June 2023;
Phase 1B Bus Tracking Sheet 1 27141-HYD-XX-XX-DR-C-2600 P08 received 12 June 2024;
Phase 1B Bus Tracking Sheet 2 27141-HYD-XX-XX-DR-C-2601 P08 received 12 June 2024;
Phase 1B Refuse Tracking Sheet 3 27141-HYD-XX-XX-DR-C-2602 P08 received 12 June 2024;
Phase 1B Refuse Tracking Sheet 4 27141-HYD-XX-XX-DR-C-2603 P08 received 12 June 2024;
Street Lighting Design 588/001 Rev C received 12 June 2024;
S278 and S38 Infrastructure Lighting Equipment Schedule Rev A dated March 2024;
S278 and S38 Infrastructure Lighting Calculation Report Rev B dated March 2024;
S278 Street Lighting Design Summary 588/401 dated 30th May 2023;
Phase 1B Detailed Infrastructure Landscape Proposals P22-3093_EN_04_D_00 Rev H received 12 June 2024;
Proposed Phase 1B Works Stage 1 Road Safety Audit SG-AA-2024-4431-RSA1 dated May 2024;
Phase 1B Road Safety Audit – Stage 1 Designer’s Response dated May 2024;
S278 Offsite Highway Works Primary Access Junction General Arrangement Sheet 1 27141-HYD-

XX-XX-DR-D-0100 P04 received 12 June 2024;
Highway Longitudinal Sections Sheet 1 of 3 27141-HYD-XX-XX-DR-C-2100 P04 received 12 June 2024;
Highway Longitudinal Sections Sheet 2 of 3 27141-HYD-XX-XX-DR-C-2101 P04 received 12 June 2024;
Highway Longitudinal Sections Sheet 3 of 3 27141-HYD-XX-XX-DR-C-2102 P04 received 12 June 2024;
Highway Longitudinal Sections Sheet 4 of 7 27141-HYD-XX-XX-DR-C-2103 P01 received 02 June 2023;
Highway Longitudinal Sections Sheet 5 of 7 27141-HYD-XX-XX-DR-C-2104 P01 received 02 June 2023;
Highway Longitudinal Sections Sheet 6 of 7 27141-HYD-XX-XX-DR-C-2105 P01 received 02 June 2023;
Highway Longitudinal Sections Sheet 7 of 7 27141-HYD-XX-XX-DR-C-2106 P01 received 02 June 2023;
SUDS Sections Sheet 1 of 3 27141-HYD-XX-XX-DR_C-2150 P01 received 02 June 2023;
SUDS Sections Sheet 2 of 3 27141-HYD-XX-XX-DR_C-2151 P01 received 02 June 2023;
SUDS Sections Sheet 3 of 3 27141-HYD-XX-XX-DR_C-2152 P01 received 02 June 2023;
Phase 1B Vehicle and Cycle Visibility Sheet 1 of 4 27141-HYD-1B-XX-DR-C-2050 P02 received 12 June 2024;
Phase 1B Vehicle and Cycle Visibility Sheet 2 of 4 27141-HYD-1B-XX-DR-C-2051 P02 received 12 June 2024;
Phase 1B Vehicle and Cycle Visibility Sheet 3 of 4 27141-HYD-1B-XX-DR-C-2052 P02 received 12 June 2024;
Phase 1B Vehicle and Cycle Visibility Sheet 4 of 4 27141-HYD-1B-XX-DR-C-2053 P02 received 12 June 2024;
Construction Environmental Management Plan – Biodiversity TG Report No. 15525_R05b_JS_RC dated 15 May 2024.

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.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE (CON)

2. Notwithstanding the Street Lighting plans and details submitted in support of this reserved matters, no street lighting shall be installed until (a) fully detailed Street Lighting scheme(s) for all or part of Phase 1B has/have been submitted to and approved in writing by the Local Planning Authority. The Street Lighting shall be provided in accordance with the approved scheme(s) and thereafter retained as such. The scheme(s) shall include details of how the effect of lighting on bats has been considered around retained hedge buffers and the 'Dark Corridor' to the western boundary of Phase 1B with reference to the Bat Conservation Trust's Guidance Note 08/23 'Bats and Artificial Lighting at Night'.

Reason: To ensure that the development does not cause harm to bats or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Badgers until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. In accordance with the approved Phase 1B Engineering Layout Sheets 1 to 4 (dwg nos 27141-HYD-1B-XX-DR-C-2200/P09, 27141-HYD-1B-XX-DR-C-2201/P10, 27141-HYD-1B-XX-DR-C-2202/P10, 27141-HYD-1B-XX-DR-C-2203/P09) works associated with the temporary bus turning heads shall be constructed and remain in place until Oxfordshire County Council have confirmed that the temporary turning heads are no longer required. The final road layout as shown on the approved plans, including raised tables and all road markings, shall be completed within 6 months of the final use of the temporary turning heads unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

6. Prior to commencement of the Foul Water Pumping Station above slab level, full details of the siting, size, external appearance, facing materials and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and thereafter so retained.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION (POS)

7. The proposed roads, accesses, parking and turning facilities shall be provided in accordance with the approved plans and shall be laid out, drained, constructed, surfaced and sealed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority before first occupation of the development served by those facilities. The roads, accesses, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only except for the temporary turning facilities covered by condition 5 of this permission.

Reason: In the interests of highway safety, to ensure the provision of adequate access, off-street car parking and turning to comply with Government guidance in Section 12 of the National Planning Policy Framework.

8. Prior to the first operation of the bus service serving the development hereby permitted, Mobility Hubs shall be provided on the Spine Roads/Primary Streets in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The Mobility Hubs so provided shall thereafter be permanently retained and maintained to facilitate active travel in connection with the development.

Reason: In the interests of promoting active travel and sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

PLANNING NOTES

IMPORTANT - BIODIVERSITY NET GAIN CONDITION

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cherwell District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which **will not** require the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

Notes

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development

on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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.

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 £43 per request for householder development and £145 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. In accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.
3. Attention is drawn to a Legal Agreement related to this development under outline planning permission ref: 14/02121/OUT dated 30th January 2020 which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
4. Approval of Reserved Matters - Attention is drawn to the conditions imposed on the "outline" permission (App. No. 14/02121/OUT) granted on 30th January 2020 (and amended by App. No. 22/03492/NMA) which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.
5. Your attention is drawn to condition 30 of the outline planning permission 14/02121/OUT which requires the submission of a Construction Method Statement (CMS) prior to commencement on any phase.

In order to discharge this condition the following details will be required as part of the CMS:

Part a. The parking of vehicles of site operatives and visitors:

Confirmation that all construction related vehicles will be parked on the site and parking areas to be shown on a plan not less than 1:500;

Parts c. and j. Construction Traffic Times and Deliveries:

'Peak Traffic Periods' must include both the network peak and school peak hours;

Part d. Loading and unloading of plant and materials:

Confirmation that an appropriately trained, qualified and certificated banksmen will be used for guiding vehicles/unloading etcetera;

Part e. Storage of plant and materials used in construction:

A layout plan of the site to show structures, roads, storage areas, compounds, amenity areas/site offices, pedestrian routes etc shall be provided.

6. In respect of conditions 3 and 4 (requirement for licences relating to Great Crested Newts and Badgers):

A GCN Licence would be required for all works within 250m buffer of the ponds. A licence isn't needed for the works outside of these buffers.

A badger Licence would be required for all works within 30m buffer of setts. A licence isn't needed for works outside of these buffers.

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 is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>



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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.

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.