



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

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

Reserved Matters Determination

Date Registered: 16th June 2023

Proposal: Reserved Matters Application pursuant to Outline planning permission 14/02121/OUT for the erection of 123 dwellings (including 37 affordable dwellings), parking, landscaping and other associated infrastructure including the part compliance of conditions 12 (Building for Life 12), 14 (noise assessment), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) at Phase 2A

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

Parish(es): Bicester

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: 20th November 2024

Checked by: Caroline Ford

SCHEDULE OF CONDITIONS

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, documents and materials samples:

Phase 2A Design Statement ref: P22-3093_GD_F_04 dated October 2024;
Site Location Plan ref: P22-3093-DE-101_F_02 dated 11 July 2024;
Phase 2A Site Layout ref: P22-3093-DE-101_Y_01 dated 17 October 2024;
Illustrative Street Scenes ref: P22-3093-DE-102_I_12 dated 21 October 2024;
Phase 2A Parking Strategy ref: P22-3093-DE-101_I_03 dated 18 October 2024;
Phase 2A Tenure Plan ref: P22-3093-DE-101_I_04 dated 18 October 2024;
Phase 2A Garden Areas Plan ref: P22-3093-DE-101_G_05 dated 18 October 2024;
Phase 2A Materials Plan ref: P22-3093-DE-101_J_06 dated 21 October 2024;
Forterra Malvern Village Mix brick sample for use on Plots 1 to 8;
Phase 2A Boundary Treatments Plan ref: P22-3093-DE-101_H_07 dated 18 October 2024;
Unit & Tenure Plan ref: P22-3093-DE-101_G_08 dated 18 October 2024;
External Works Plan (Solar PV Layout) ref: P22-3093-DE-101_D_15 dated 18 October 2024;
Spine Road PV Layout ref: P22-3093-DE-102_A_13 dated 16 October 2024;
Himley Edge PV Layout ref: P22-3093-DE-102_A_16 dated 16 October 2024;
House Type Pack (including floor plans and elevations of all residential buildings, garages and the substation) ref: P22-3093-DE-102_Q_01 received 31 October 2024;
Phase 2A Concept on Plot Landscaping ref: P22-3093-EN-03-M dated 18 October 2024;
Phase 2A Drainage Strategy 27141-HYD-XX-XX-TN-C-0004 Rev P02 dated 02 June 2023;
Phase 2A LLFA Drainage Response ref: 27141-HYD-2A-XX-TN-C-0006 Rev P01 dated 20 August 2024;
Phase 2A Drainage Strategy ref: 27141-HYD-PH2A-XX-DR-C-2310 Rev P06 dated 18 October 2024;
Micro Drainage (Storm Drainage Calcs) dated 17 October 2024;
Phase 2A Lighting Equipment Schedule ref:589/101B (Drawing 589/001B) dated 06 October 2024;
Phase 2A Outdoor Lighting Report ref: 589 Rev B dated 06 October 2024;
Phase 2A Street Light Design Summary ref: 588/401 dated 30 May 2023;
Phase 2A Street Lighting Layout ref: 589/001 Rev B dated 06 October 2024;
Highway Longitudinal Sections Phase 2A ref: 21741-HYD-PH2A-XX-DR-C-2107 Rev P05 dated 08 October 2024;
Phase 2A Engineering Strategy Sheet ref: 27141-HYD-PH2A-XX-DR-C-2210 Rev P06 dated 18 October 2024;
Fire Tracking ref: 27141-HYD-PH2A-XX-DR-C-2610 Rev P06 dated 18 October 2024;
Refuse Tracking ref: 27141-HYD-PH2A-XX-DR-C-2620 Rev P07 dated 18 October 2024;
Phase 2A Noise Impact Assessment ref: 27141-HYD-XX-XX-Y-RP-1001 Rev P02 dated 11 June 2024;
Heritage Statement dated 01 June 2023.

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 approved Phase 2A Materials Plan ref: P22-3093-DE-101_J_06 dated 21 October 2024 (and excluding the Forterra Malvern Village Mix brick sample approved for use on Plots 1 to 8), no plot or building shall be constructed above slab level until full details of the facing and roofing materials for that plot or building have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

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.

3. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds), the decorative brick panels and porches together with the eaves and verge treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.

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 [C18] of the Cherwell Local Plan 1996.

4. Full details of the siting, appearance and colour of any air source or ground source heat pumps to be located on the public facing external elevations of dwellings shall be submitted to and approved by the Local Planning Authority prior to the construction of that dwelling above slab level. The development shall thereafter be carried out in accordance with the approved details

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.

5. Notwithstanding the approved Phase 2A Concept on Plot Landscaping ref: P22-3093-EN-03-M dated 18 October 2024 details of a scheme for landscape edge treatments to prevent irregular parking and damage to planting/verges in the public realm shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of dwellings above slab level. The development shall be carried out in accordance with the approved scheme.

Reason : To ensure that the agreed landscaping scheme is protected to permit its establishment in the interests of visual amenity and to accord 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.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION (POS)

6. 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.

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.

7. For the avoidance of doubt, mitigation measures required by the approved Phase 2A Noise Impact Assessment ref: 27141-HYD-XX-XX-Y-RP-1001 Rev P02 dated 11 June 2024 shall be completed in accordance with the approved details for identified dwellings before that dwelling is occupied. The measures include the provision of 1.8m high closeboard fencing around the plot, facade insulation and alternative ventilation solutions.

Reason : To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with advice in the NPPF (section 15) and Saved Policy ENV1 of the Cherwell Local Plan 1996

8. The approved means of enclosure shown on Phase 2A Boundary Treatments Plan ref: P22-3093-DE-101_H_07 dated 18 October 2024 shall be erected at the boundary of each dwelling prior to the first occupation of that dwelling.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise, to ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve, and retained as such thereafter.

Reason : To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

10. Prior to the occupation of each individual dwelling, the dwelling shall be provided with solar PV in accordance with the approved External Works Plan (Solar PV Layout) ref: P22-3093-DE-101_D_15 dated 18 October 2024.

Reason : To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES (R)

11. Any electricity or gas supply meter housings to be located on the external elevations of the buildings hereby approved shall be sited on the side or rear elevations of the buildings and shall be coloured to match the facing material against which it will be sited unless otherwise approved in writing by the Local Planning Authority.

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.

12. Notwithstanding the provisions of Class A 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 that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the front wall of any dwelling and the highway or the flank wall of a dwelling at the junction of two roads, at any time, without the prior express planning permission of the Local Planning Authority.

Reason : In order to retain the open character of the development and area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

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.

PLANNING NOTES

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

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £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. **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. 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.
4. 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.
5. 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.

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>.



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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.