

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

Name and Address of Agent/Applicant:

Mr Jon Bryan
Bloor Homes Western Ltd
Rudgeway House
Celandine Road
Walton Cardiff
Tewkesbury
Glos
GL20 7FU

Reserved Matters Determination

Date Registered: 10th January 2024

Proposal: Reserved Matters Application (layout, scale, appearance and landscaping) for 22/02101/OUT - 250 dwellings, public open space, landscaping and associated supporting infrastructure at Land Adjoining Withycombe Farmhouse, South of Banbury Rise, Banbury.

Location: Land Adjoining Withycombe Farmhouse, Stratford Road , Drayton

Parish(es): Drayton Banbury

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: 15th April 2024

Checked by: Andy Bateson

SCHEDULE OF CONDITIONS

1. The development shall be carried out in complete accordance with the approved plans listed below unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended):

- WE102-SL-001J (Site Layout)
- WE102-SL-030 (External Works)
- WE102-SL-020B (Materials Layout)
- Drake brick 277_277-1.PL-01
- Drake brick 801.PL-01
- Drake floor plans 801.PL-04
- Oahstone brick 389_389-1.PL-01
- Oahstone render 389_389-1.PL-02
- Oahstone render 815.PL-01
- Oahstone floor plans 815.PL-04
- Lyttelton Bryon stone 807.PL-03
- Lyttelton Bryon 807.PL-04
- Lyttelton Bryon brick 807.PL-01
- Lyttelton Bryon 807.PL-04
- Lawrence stone 301.PL-03
- Lawrence brick 301.PL-01
- Lawrence render 301.PL-02
- Lawrence stone 301-1.PL-03
- Lawrence brick 301-1.PL-01
- Lawrence render 301-1.PL-02
- Wixham stone 307.PL-04
- Wixham brick 307.PL-01
- Wixham floor plans 307.PL-05
- Wixham tudor 307.PL-03
- Wixham floor plan 307.PL-05
- Wixham brick 307-1.PL-01
- Wixham floor plans 307-1.PL-05
- Wixham tudor 307-1.PL-03
- Wixham floor plan 307-1.PL-05
- Makenzie brick 384_384-1.PL-01
- Makenzie 384_384-1.PL-04
- Makenzie render 384_384-1.PL-02
- Makenzie 384_384-1.PL-04
- Henley stone 385.PL-04
- Henley brick 385.PL-01
- Henley brick 385-1.PL-01
- Kilburn brick 386_386-1.PL-01
- Hilcott stone 400.PL-04
- Hilcott stone 400-1.PL-04
- Wollaton stone 401.PL-04
- Wollaton plans 401.PL-05
- Wollaton brick 401.PL-01
- Wollaton plans 401.PL-05
- Wollaton stone 401-1.PL-04
- Wollaton plans 401-1.PL-05
- Hallam stone 470.PL-04
- Hallan brick 470.PL-01
- Hallam tudor 470.PL-03
- Hallam stone 470-1.PL-04
- Hallam brick 470-1.PL-01
- Hallam render 470-1.PL-02

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- Skelton brick 474.PL-01
- Skelton floor plans 474.PL-05
- Skelton tudor 474.PL-03
- Skelton brick 474-1.PL-01
- Skelton floor plans 474-1.PL-05
- Wyatt stone 476.PL-04
- Wyatt brick 467.PL-01
- Wyatt floor plans 476.PL-05
- Wyatt render 476.PL-02
- Wyatt tudor 476.PL-03
- Wyatt brick 467-1.PL-01
- Wyatt tudor 476-1.PL-03
- Shakespeare brick 480.PL-01
- Shakespeare 480.PL-05
- Shakespeare tudor 480.PL-03
- Harwood stone 481.PL-04
- Hardwood brick 481.PL-01
- Hardwood 481.PL-05
- Hardwood tudor 481.PL-03
- Hardwood brick 481-1.PL-01
- Hardwood 481-1.PL-05
- Hardwood tudor 481-1.PL-03
- Peele stone 482.PL-03
- Peele 482.PL-04
- Peele brick 482.PL-01
- Peele stone 482-1.PL-03
- Peele 482-1.PL-04
- Peele brick 482-1.PL-01
- Davenant brick 485.PL-01
- Davenant 485.PL-04
- Davenant brick 485-1.PL-01
- Davenant 485-1.PL-04
- Davenant stone 485-1.PL-03
- Locke brick 486.PL-01
- Locke render 486.PL-02
- Locke tudor 486.PL-03
- Dawlish stone 496.PL-03
- Dawlish floor plans 496.PL-04
- Dawlish stone 496-1.PL-03
- Dawlish floor plans 496-1.PL-04
- Single brick Garages GL01.PL-01
- Single brick Garages GL02.PL-01
- Double brick Garages GR02.PL-01
- Tiverton brick NSS.M(3)1BB2P-SD.PL-01
- Symons brick NSS.1BF01.PL-01
- Symons brick NSS.851.PL-01
- Symons floor plans NSS.851.PL-03
- Acton elevations RV922.PL-01
- Acton elevations RV922.PL-01
- Acton GF plan RV922.PL-01
- Acton FF plan RV922.PL-01
- Acton SF plan RV922.PL-01
- Acton elevation RV922-1.PL-01
- Acton elevation RV922-1.PL-01
- Acton GF plan RV922-1.PL-01
- Acton FF plan RV922-1.PL-01
- Acton SF plan RV922-1.PL-01

- Elyot brick 270_270-1.PL-01
- Elyot brick 270_270-1.PL-01
- Elyot render 270_270-1.PL-02
- Elyot brick 803.PL-01
- Sansom CLA brick NSS.M2B4P.PL-01
- Sorley brick 3B5P.PL-01
- Storer Sorley brick 868.PL-01
- Storer Sorley floor plans 868.PL-03
- Sutherland CLA brick NSS.M3B5P.PL-01
- Sutherland floor plans NSS.M3B5P.PL-08
- Sutherland CLA brick NSS.M3B5P(3).PL-01
- Sutherland floor plans NSS.M3B5P(3).PL-08
- Sutherland CLA brick NSS.M3B5P.PL-01
- Sutherland floor plans NSS.M3B5P.PL-08
- Site Landscaping Sheet 002 WE102-LS-002c
- Site Landscaping Sheet 003 WE102-LS-003c
- Site Landscaping Sheet 004 WE102-LS-004c
- Site Landscaping Sheet 005 WE102-LS-005c
- Site Landscaping Sheet 006 WE102-LS-006c
- Site Landscaping Specification & Schedule WE102-LS-007b
- Site Landscaping Overall Plan WE102-LS-008b
- Ecological Enhancement EC04
- Refuse Tracking WE102-EN-002A.

Reason: To clarify the permission and for the avoidance of doubt.

2. The development hereby permitted shall be constructed in accordance with either:
 - a) The materials identified on drawing WE102-SL-020B (Materials Layout)

OR

- b) An alternative schedule listing the materials and finishes to be used for external walls, roof, cills and headers, porches, windows, doors, meter boxes, rainwater goods, soffits and fascia's of the dwellings which 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.

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 landscaping scheme submitted, prior to commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- a) planting plans
 - b) written specifications including cultivation and other operations associated with tree, plant and grass establishment
 - c) a schedule of plants noting species, plant sizes and proposed numbers/densities
 - d) existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate)
 - e) existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate)
 - f) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate).

The approved scheme shall be carried out concurrently with the development and completed prior to the first occupation of the development hereby permitted. Thereafter, all planting, seeding or turfing comprised in the landscaping shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will 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.

4. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of 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.

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.

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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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.