



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Deanfield Homes
Oakingham House
Kingsmead Business Park
High Wycombe
HP11 1JU

Full Planning Determination

Date Registered: 4th December 2024

Proposal: Variation of Condition 4 (plans) of 18/01894/OUT (Appeal Ref: APP/C3105/W/19/3229631) - Amendment to approved drawings, removing allotments

Location: Os Parcel 4300 North Of Shortlands And South Of High Rock, Hook Norton Road, Sibford Ferris

Parish(es): Sibford Ferris

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development 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: 5th March 2025

Checked by: **Nathanael Stock**

SCHEDULE OF CONDITIONS

1. Except where otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the Site Location Plan 1:2500 scale (Promap), Concept Schematic 6426/ASP3/PP – Rev E Parameter Plan and 6426/ASP4/LSP-Rev B-Landscape Strategy Plan, the drawing numbered 3361.101A and the following approved documents: Design and Access Statement; Flood Risk Assessment; Arboricultural Impact Assessment; Ecological Impact Assessment; Archaeological Desk Based Assessment; Flood Risk Assessment and Drainage Strategy report.

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. The access shall be in accordance with the positioning indicated on the approved plan 3361.101A-Concept Schematic, 6426/ASP3/PP and Drawing Nos: C85855-JNP-66-XX-DR-T-2001-P04 Geometry and Visibility Splays and C85855-JNP-66-XX-DR-T-2007-Site Access GA and Off Site Highway Works. Thereafter and prior to the first occupation of any of the development the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to its occupation each dwelling shall be provided with a copy of the document entitled "Travel Information Pack" by JNP Group Consulting Engineers approved under application 22/00787/DISC.

Reason: In the interests of sustainability, to ensure all residents are aware of the travel choices available to them from the outset and to ensure a satisfactory form of development and in accordance with Policies PSD1, SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. The development shall not be carried out other than in full accordance with the Construction Traffic Management Plan Rev B, dated April 2022, received by the Local Planning Authority in an email dated 20.06.22 at 13:21 hours.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

5. The development shall not be carried out other than in full accordance with the following:
Site Plan C85855-JNP-XX-XX-DR-G-2002
 - Site Logistic/Site Set Up Compound Plan E21-077-159 Rev C
 - Surface Water Drained Areas and Pipeline Reference Plan E21-077-152.3 Rev P2
 - Proposed Site Drainage Plan E21-077-152 Rev T3
 - Surface Water Drainage Maintenance Plan E21-077-152.1 Rev P1
 - Surface Water Exceedance Plan E21-077-152.2 Rev P2
 - S104 Drainage Construction Details E21-077 165 Rev T1
 - Infiltration Basin Plan and Sections E21-077-166 Rev T1
 - Domestic Drainage Construction Details E21-077-168 Rev T1
 - Domestic Drainage Construction Details E21-077-169 Rev T1
 - Microdrainage Calculations. SW Network. MDX dated 03 May 2022, as amended Document titled 'Job No E21-077 (Second) Microdrainage Surface Water Drainage Calculations' prepared by SDP Consulting Engineers and dated September 2022
 - Document titled 'Response to LLFA Comments 05.09.22' prepared by SDP Consulting Engineers received via email from Dan Skinner on Tue 06/09/2022 09:11
 - Document titled 'Phase 1 & 2 Geo-Environmental Report' and referenced C85855-JNP-XX-XX-RP-G-001 P02 prepared by JNP Group dated October 2020
 - Document titled 'SuDs Maintenance Plan' and referenced 'Job No E21-077 First Issue' prepared

by SDP Consulting Engineers and dated May 2022

• Document titled 'Microdrainage Surface Water Drainage Calculations' and referenced 'Job No E21-077 (Second)' prepared by SDP Consulting Engineers and dated September 2022

The development shall not be carried out other than in accordance with the approved scheme; until such time no discharge of foul or surface water from the site shall be accepted from the site into the public system.

Reason - To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to comply with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. The development shall be carried out in strict accordance with the Landscape and Ecological Management Plan (LEMP) by aspect ecology, file ref. "6126 LEMP vf2 CG/LP/JP" and dated 21.09.2022, received by the Local Planning Authority in an email from the applicant dated 22.09.22 at 12:16 hours.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

7. The development shall be carried out in strict accordance with the document entitled "Construction Environmental Management Plan" by Aspect Ecology, dated March 2022, submitted with this application.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. If during development, contamination not previously identified is found at the site, no further development shall be carried out until full details of a remediation strategy detailing how the contamination shall be dealt with has been submitted to and approved by the Local Planning Authority. Thereafter, the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. The development shall be carried out in strict accordance with the recommendations and measures contained in Energy Statement revision 3 dated 04 November 2021 prepared for Gade.

Reason – In the interests of sustainability, and to deliver low carbon development to mitigate the impacts on climate change, in accordance with Policies ESD1 to 3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. The development shall be carried out in accordance with the archaeological written scheme of investigation entitled "Land west of Hook Norton Road, Sibford Ferris Archaeological Mitigation Written Scheme of Investigation May 2021 Updated August 2021" (Orion Heritage, ref. PN1803/Mitigation WSI/3

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

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.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission.

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.
2. You are reminded that the development must be carried out in accordance with the approval granted under application 21/02893/REM including the conditions thereof unless where otherwise stipulated by conditions attached to this outline planning permission.



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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.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 39 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>.

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 (as amended), 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. 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 their 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 refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the 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 **6 Months** of the date of the decision **Unless**;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority’s decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision whichever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5000) Or online at www.planningportal.gov.uk/pcs**. 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 them 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 them.

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 they 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 District Council to purchase their 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 them. These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.