



DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Gallagher Estates
c/o David Lock Associates
50 North Thirteenth Street
Central Milton Keynes
MK9 3BP

Date Registered: 17th November 2014

Proposal: Outline - Development of up to 1,000 dwellings together with a mixed use local centre [including A1 retail up to 1,000 m2, financial services (A2), restaurants, pubs and takeaways (A3, A4, A5), community uses (D1)]; primary school and safeguarded additional primary school land; secondary school playing field land; green infrastructure including formal (including playing fields) and informal open space, landscape and amenity space; changing and sports facilities (including D2); sustainable drainage systems; highway, cycle and pedestrian routes; car parking; infrastructure (including utilities); engineering works including ground remodelling; demolition, site reclamation and removal of structures. Formation of a new roundabout access from the A361 together with associated alterations to alignment of Bloxham Road and provision of a section of link road through the site up to its eastern-most boundary.

Location: OS Parcel 7400 Adjoining And South Of, Salt Way

Parish(es): Banbury

OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS AND SUBJECT TO A S106 PLANNING AGREEMENT

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline 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
OX15 4AA

**David Peckford - Assistant Director
Planning and Development**

Date of Decision: 19th December 2019

Checked by: _____ Alex Keen

SCHEDULE OF CONDITIONS

- 1 No development shall commence on a phase identified within an approved phasing plan (see condition 2), with the exception of works undertaken in accordance with condition 50, until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- 2 Prior to the commencement of development, a phasing plan covering the entire application site (that indicates amongst other things the clear development parcels for which reserved matters applications will be submitted, in whole or in part) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved phasing plan and reserved matters applications shall only be submitted in accordance with the approved phasing plan and refer to the phase(s) they relate to, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

- 3 In the case of the reserved matters, no application for approval shall be made later than the expiration of eight years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The development to which this permission relates shall be begun not later than the expiration of two years from the approval of all of the reserved matters relating to the development or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

- 5 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings:

- JJG043 - 033 Rev. B - Location Plan
- A_005 Rev. D Footway Linkage and Delivery Plan but only insofar as it relates to those works shown in blue

The development shall also be carried out in general accordance with the parameters set out in the development framework plan (JJG043/035 Rev. Y) and the design principles set out in the amended Design and Access Statement.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 No application for reserved matters approval shall be submitted (with the exception of an application solely providing details of the new link road) until a Design Parameters Code covering the entire application site has been submitted to and approved in writing by the local planning authority.

The Design Parameters Code shall be broadly in line with the principles contained in the design and access statement and its addendums and include details of:

- a) An indication of development densities across the site;
- b) Character areas;
- c) The general scale and form of buildings across the site;
- d) The street form and hierarchy for all key types of street/road;
- e) General approach to public open space, recreation facilities and green infrastructure;
- f) The approach with respect to existing public rights of way;
- g) The approximate location of public artwork;
- h) The approach to the new link road including its alignment.

The Design Parameters Code shall also include a parameters plan for the local centre which shall include details of the following:

- an indication of uses within the Local Centre;
- amount of development proposed for each use;
- an indicative block plan layout, including car parking arrangement;
- scale parameters of buildings;
- indicative access points.

The development and all subsequent applications for approval of reserved matters shall be in accordance with the approved Design Parameters Code unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development takes place in a cohesive way that leads to a satisfactory quality of urban design in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 7 The first application for approval of reserved matters shall include full details of the link road (from its access off Bloxham Road to the eastern boundary of the application site) including its alignment, specification, main junctions (other than private drives), drainage, crossings, road markings, traffic calming, footways/cycle lanes, verges, street lighting, bus stop infrastructure and associated soft landscaping.. No development shall take place on the site until the hereby specified link road details have been approved through the grant of a reserved matters approval and the development shall thereafter be carried out in accordance with the link road details approved except where otherwise agreed in writing by the local planning authority.

Reason - To ensure that a suitable specification and alignment of link road is provided so that it meets its traffic mitigation requirements whilst not unduly compromising the urban design merits of the wider development in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 8 No development (with the exception of works undertaken in accordance with condition 50) shall take place on any phase until full details of proposed site and floor levels in comparison to existing site levels, including those that have been approved and implemented pursuant to condition 50, within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out only in accordance with the approved levels, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the satisfactory functioning and visual appearance of the development in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 9 No development shall take place on any phase including works of site clearance/preparation until that phase of the site has been thoroughly checked by a suitably qualified ecologist to ensure that no statutorily protected species which could be harmed by the development have moved on to the site since the date the previous surveys supporting the application were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of ensuring that protected species are adequately safeguarded as part of the development in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

- 10 Prior to the commencement of any development on this site, including the preliminary earthworks proposed under condition 50, full details of a site wide sustainable drainage strategy, in accordance with the principles set out in Section 14 of the NPPF, together with the results of the assessment provided to the LPA and details for its future management, required in relation to the whole development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed drainage works shall be carried out and completed in accordance with approved strategy.

Reason - To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031, Part 1, Saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

- 11 No development (with the exception of works undertaken in accordance with condition 50) shall take place on a phase until a drainage scheme detailing the foul and surface drainage works for that phase, having regard to its wider relationship to the site-wide drainage strategy has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from any phase of the development shall be accepted into the public system until the approved drainage works related to that phase, have been completed.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

- 12 No development (with the exception of works undertaken in accordance with condition 50) shall take place on a phase until impact studies of the development on the existing water supply infrastructure (or written confirmation is provided by Thames Water that there is adequate existing capacity) have been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason - In the public interest to ensure all new and existing properties receive sufficient access to mains water.

- 13 Prior to the commencement of development on any phase, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present on land within that phase and the risks to receptors that inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place within that phase unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 14 If contamination is found within land associated with a phase under the requirements of condition 13, prior to the commencement of the development within that phase a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place within that phase until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 15 If remedial works have been identified as necessary, no development shall be occupied within a phase (other than for construction purposes) until the remedial works have been carried out for that phase in accordance with the scheme approved under condition 14. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before any occupation of development on that phase can take place.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 If during development on a phase, contamination not previously identified is found to be present on land within that phase, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 17 Prior to the commencement of the development hereby approved, including any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any mitigation or protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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 and Government guidance contained within the National Planning Policy Framework.

- 18 A Landscape and Ecological Management Plan (LEMP) for areas identified on plan ref JJG043/057 C shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of new soft landscaping works or development (with the exception of works undertaken in accordance with Condition 50) within those identified areas. The Landscape and Ecological Management Plan shall include:

- Description and evaluation of the features to be managed;
- Ecological characteristics and constraints of the site that may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Mechanism for management review, monitoring and, if necessary, remedial measures;
- Personnel responsible for implementation of the plan.

Thereafter, the LEMP shall be implemented and carried out as approved or in accordance with such modification/variation as may be agreed in writing by the local planning authority.

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 and Government guidance contained within the National Planning Policy Framework.

- 19 No development shall take place within 10m of an existing or new public right of way until the affected public right of way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the local planning (or highway) authority to be diverted or extinguished. Thereafter, the public right of way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of public amenity in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as DEFRA Circular 01/09.

- 20 All applications for reserved matters approval relating to a phase shall include details of the alignment and specification of any and all new and/or enhanced footpaths, bridleways and cycle tracks within that phase together with a timetable for their provision. Thereafter the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase.

Reason - In the interests of creating permeable new development that integrates with existing communities in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 21 All applications for approval of reserved matters relating to residential development for a phase shall include an energy statement demonstrating how that phase will achieve a 10% reduction in carbon emissions above the 2013 building regulations, having regard to the conclusions of the overarching Energy Statement submitted to accompany the outline planning application.

Reason - In the interests of creating sustainable new development in accordance with the requirements of Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

- 22 Prior to the commencement of any development within an approved phase (with the exception of works undertaken in accordance with condition 50) on the site, details for the management, storage and/or disposal of spoil resulting from associated construction works within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only take place in accordance with the approved details.

Reason - In the interests of visual amenity and local landscape character in accordance with the requirements of Policies ESD13, ESD15 and Banbury 17.

- 23 Prior to the commencement of the development within an approved phase (with the exception of works undertaken in accordance with condition 50), a soil management plan relating to the soil arisings generated by development in that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason - To ensure that topsoil is stored separately from subsoil and that it is available to be reused as a growing medium for soft landscaping in accordance with the requirements of Policies Banbury 17 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 24 No occupation of any building or dwelling on the site (other than for construction purposes) shall take place until the highway works edged in blue as shown in drawing no. A_005 Rev. D have been fully completed and made available for continued public use. The proposed emergency access on the aforementioned drawing shall however be fully completed and available for public use by the first occupation of the 400th dwelling on the site.

Reason - To ensure suitable and safe access to the development in accordance with the requirements of Policies SLE4 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 25 No dwelling shall be occupied within any phase until full details of the street lighting to be provided within that phase together with a programme for installation, has been submitted to and approved in writing by the local planning authority. Thereafter the street lighting shall be provided within that phase as approved and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that the development is adequate lit in the interests of safety and permeability but also to control potential inappropriate light spillage that could harm nocturnal wildlife in accordance with the requirements of Policies SLE4, ESD10, ESD15 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 26 Prior to the first occupation of any dwelling within a phase, fire hydrants shall be provided within that phase of development in accordance with details to be first submitted to and approved in writing by the local planning authority unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that infrastructure is in place in the interests of fire safety for occupants of the development.

- 27 Prior to the first occupation of any dwelling within the development, a Framework Travel Plan setting out key objectives for residential development, in accordance with best practice, shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of any commercial unit, a Framework Travel Plan setting out key objectives for commercial development, in accordance with best practice, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved plans.

Reason - To promote sustainable modes of travel in accordance with the requirements of Policies SLE4 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 28 Prior to the first occupation of the 350th dwelling on the site, details of a scheme of public artwork to be installed within the site (including a timetable for its provision and future maintenance arrangements) shall be submitted to and approved in writing by the local planning authority. The public artwork shall thereafter be installed in accordance with the approved details.

Reason - In the interests of public amenity and the quality of the development in accordance with the requirements of Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 29 No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling, in accordance with the following specification:

- o One 240 litre blue wheeled bin for the collection of dry recyclable material;
- o One 240 litre green wheeled bin for the collection of residual waste;

- o One 240 litre brown bin for the collection of garden waste material

Reason - To ensure that new residents have access to waste storage facilities that encourage recycling and to reduce risk of unsightly bin waste storage affecting streetscenes in accordance with the requirements of Policies ESD1, ESD2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 30 No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - To reduce water stress in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

- 31 Notwithstanding any provisions contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015 (and any Order or Statutory Instrument revoking, amending or re-enacting that order), all new water, waste, power and communication related infrastructure serving development on the site shall be provided underground and retained as such thereafter unless otherwise with the specific prior approval in writing of the local planning authority either through a grant of reserved matters approval or separate full planning permission. Where approved in writing by the local planning authority, the relevant above ground infrastructure shall be provided only in accordance with the approved details and retained as such thereafter.

Reason - To prevent inappropriately designed and sited infrastructure adversely affecting visual amenity in accordance with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 32 No trees or hedgerows on the site (as existing at the date of this decision) shall be lopped, felled, uprooted or willfully damaged unless otherwise directly necessary to lay out either the approved new vehicular access from Bloxham Road (including visibility splays) or approved link road (as set out in plans listed in condition 5) or is otherwise directly necessary to facilitate the carrying out of the detailed elements of the development as approved within any subsequent reserved matters approval.

Reason - To ensure that existing landscape features of significance are preserved to mitigate the landscape impact of the development and create a high quality new urban extension as factored into the assessments undertaken as part of the Environmental Statement and as required by Policies ESD13, ESD15 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 33 No more than 1000 dwellings shall be accommodated on the site under the provisions of this planning permission.

Reason - To ensure that the Environmental Impact Assessment undertaken as well as other supporting assessments are accurate, robust and relevant to the development.

- 34 The link road (as approved under the requirements of condition 7) shall be fully completed and available for public use from its new junction with (A361) Bloxham Road through to the eastern boundary of the application site prior to whichever occurs earliest of the following:

- First occupation of the 200th dwelling as part of the development;
- Two years following first occupation of the first dwelling to be occupied as part of the development.

Thereafter, not more than 750 dwellings shall be occupied on the site as part of the development approved under this planning permission unless and until the full link road has been made available for continued public use between the approved new junction with the A361 (Bloxham Road) and White Post Road (in accordance with details approved pursuant to condition 7) in such a manner that it is available to accommodate traffic associated with the development.

Reason - To ensure that a properly integrated development takes place across the allocated site and so that the full link road is provided and available for use before the entirety of development on Banbury 17 is completed, in accordance with the requirements of Policies SLE4 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 35 No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th August inclusive, unless the local planning authority has confirmed in writing that such works can proceed based on the submission of a recent survey (no older than one month) that has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site together with details of measures to protect the nesting bird interest on the site.

Reason - To prevent harm to nesting birds in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 part 1.

- 36 All non-residential buildings on the site shall be designed and constructed to achieve at least BREEAM 'Very Good' as measured against the applicable BREEAM standard for such buildings that exists at the date of this decision.

Reason - In the interests of sustainable construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

- 37 No part of any building on the site shall be located within 20m of any part of the Salt Way restricted byway track unless otherwise with the prior written agreement of the local planning authority.

Reason - To protect the rural historic character of this public amenity and non-designated heritage asset in accordance with the requirements of Policies Banbury 17, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

- 38 The open market dwellings provided as part of the development across the application site shall include a minimum of the following dwelling sizes and all reserved matters submissions shall reflect these requirements:

- 25% as two bedroom dwellings;
- 45% as three bedroom dwellings.

Reason - To ensure that the new dwellings provided meet the identified housing needs of the District in accordance with the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1.

- 39 Applications for reserved matters approval that propose any part of a dwelling within 50m of the approved newly aligned A361 (Bloxham Road) shall be accompanied by details of noise mitigation measures to be incorporated into the development to ensure that the World Health Organisation's 1999 guidance on noise values for outdoor areas of 55 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and that the internal noise levels in habitable rooms of the affected dwellings do not exceed the criteria specified in Table 4 of BS 8233:2014. The affected dwellings shall only be occupied once the noise mitigation measures approved as part of the relevant reserved matters approval(s) have been fully incorporated.

Reason - To ensure that the standards of living within the new dwellings are acceptable having regard to best practice and the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as ENV1 of the Cherwell Local Plan 1996.

- 40 Prior to the first occupation of any building or dwelling on the site, details of measures controlling/restricting vehicular access between the application site and what is currently known as Wykham Park Farm to the south together with a programme for completion of the works shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented in accordance with the approved details and shall be retained/maintained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that streets/roads within the new development are not subject to use by inappropriate farm vehicles that would be harm to residential amenity and the character/quality of the area in accordance with the requirements of Policies ESD15, SLE4 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 41 No works shall be undertaken that result in the temporary or permanent need to divert an existing public right of way that runs through the site until details of a satisfactory alternative route have first been submitted to and approved in writing by the local planning authority. The existing public right of way shall not be stopped up or obstructed in any way until the new diverted route has been provided in accordance with the approved details and is fully available for public use. Any approved temporary diversion shall remain available for public use in accordance with the approved details until the works to the existing or diverted public right of way are completed and are fully publicly accessible.

Reason - In the interests of public amenity and access between new/existing development as well as to the countryside in accordance with the requirements of Policies ESD15 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 42 Prior to the commencement of development (with the exception of works undertaken in accordance with condition 50) within any phase that includes a part of bridleway Bodicote 11, details shall be submitted of measures to protect and enhance that part of the bridleway within the phase together with a timetable for such protection/enhancement measures to be carried out.

Reason - To ensure that the public bridleway is fit for its purpose and increased usage so that permeability is encouraged in accordance with the requirements of Policies ESD15 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 43 Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 44 Prior to any demolition on the site (other than in accordance with the Written Scheme of Investigation) and prior to the commencement of the development within areas of potential archaeological sensitivity as identified by the approved first stage Written Scheme of Investigation referred to in condition 43, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance in accordance with Government guidance within the National Planning Policy Framework.

- 45 Prior to the commencement of any development, drainage or any other works, including the removal of top soil, a detailed method statement for the preservation and protection of the Neolithic Causewayed Enclosure during the construction of the development, 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 method statement.

Reason - to ensure the protection and preservation of the significant archaeological remains on the site in accordance with Government guidance within the National Planning Policy Framework.

- 46 No operational development including roads/driveways (with the exception only of footpath, bridleway and cycle links to the Salt Way together with associated infrastructure) shall be located within 5m of any part of the existing vegetation belt that lines the southern boundary of the Salt Way.

Reason - To ensure that development does not prejudice the future growth of existing and new vegetation along Salt Way so that the rural character and amenity value of this public right of way is preserved in accordance with the requirements of Policies ESD15 and Banbury 17 of the Cherwell Local Plan 2011-2031 Part 1.

- 47 That before any building is first occupied (other than for construction purposes), the new roads providing vehicular access to that building from Bloxham Road (other than the new link road) shall be laid out, constructed, lit and drained up to base course level. The roads serving a building shall be completed prior to whichever occurs earliest of the following unless with the prior written agreement of the local planning authority:

- Within 3 months of the first occupation of the final dwelling within that street/road/driveway
- Within 24 months of the first occupation of a building within that street/road/driveway

Unless otherwise agreed in writing.

Reason - To ensure suitable vehicular access to new dwellings in the interests of residential amenity and the quality and appearance of the development in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 48 Prior to the commencement of the development, details of means by which any vehicular traffic would access Wykham Park Farm through the site during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and during the construction phase of the development, vehicular access to Wykham Park Farm shall take place only in accordance with the approved details.

Reason - To ensure that inappropriate additional use of Wykham Lane for large vehicles associated with the farm either does not take place or is managed satisfactorily during the construction phase between when the existing vehicular link is extinguished and the new link is provided through the development.

49 *Part A*

No development shall take place until a site-wide Framework Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Framework CMP shall include details relating to the following matters:

- Measures to reduce noise, environmental nuisance and disruption for nearby residents;
- Measures to avoid undue impact on ecology during construction work;
- Construction traffic management (to include a restriction on construction vehicles using Wykham Lane);
- Methods of working including site compound and contractor parking;
- Contact details of the site manager and procedures for complaints as well as details of communication with neighbouring residents.

Thereafter, the development on that phase shall be carried out in accordance with the approved Framework CMP at all times.

Part B

Prior to the commencement of development on any phase a Site Specific Construction Management Plan, which shall confirm compliance with the Framework Construction Management Plan (Part A) shall be submitted to and approved in writing by the Local Planning Authority. The Site-Specific Construction Management Plan shall include but not limited to the following:

- Construction access including details of the measures to ensure that all construction vehicles can enter the site immediately upon arrival and also the method of segregating construction traffic from general traffic/pedestrians and cyclists (as required);
- A scheme for parking of contractor's vehicles and details of the location of contractor's welfare/site office facilities;
- A scheme for access and deliveries showing adequate space for vehicles to park, turn, load and unload clear of the public highway;
- Details of the location and layout of all materials storage and plant storage compounds; and
- Details of the means of enclosure of the application site for the construction phase including details of all types of fencing proposed and a plan showing the location of all the fencing.

Thereafter the development shall be carried out in accordance with the Site Specific Construction Management Plan at all times.

Reason – To reduce the environmental effects of construction work in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part as well as Policy ENV1 of the Cherwell Local Plan 1996.

50 Prior to the commencement of development, a strategy for preliminary earthworks shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

- Details relating to the proposed grading and mounding of land areas including the indicative levels and contours to be formed.

The development shall be carried out in accordance with the approved strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason - To permit material to be moved within the site in order to achieve initial ground recontouring having regard to the site-wide drainage strategy and the development proposals as approved. For the avoidance of doubt these works do not define finished floor levels which will be submitted and approved pursuant to condition 8 of this decision notice.

PLANNING NOTES

1 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

2 No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.

3 Attention is drawn to a Legal Agreement related to this development or land dated 18th December 2019 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 With regard to the requirements of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), the main reasons and considerations on which the decision is based including information about the participation of the public - along with the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development – is contained within the Officer's report to Planning Committee dated 4th August 2016.

5 The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.

6 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

- 7 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively 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 4 August 2016 are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>.



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 considering work on site.**
- 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 0300 0030 200 , fax 0300 0030 201 or E-mail at building.control@cherwellandsouthnorthants.gov.uk
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of

a public footpath.

- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- 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. Tel 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.