

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

Name and Address of Agent/Applicant:

Crest Nicholson Midlands
c/o RPS Group
Mr Tom Ayres
5 Ridgeway
Quinton
BIRMINGHAM
B32 1AF

Date Registered: 6th February 2018

Proposal: Reserved matters application to 14/02156/OUT - for appearance, landscaping and layout (including the layout of the internal access roads, footpaths and cycleways) for 37 dwellings

Location: Land South Of Cotefield Business Park, Oxford Road, Bodicote

Parish(es): Bodicote

APPROVAL OF RESERVED MATTERS SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **APPROVES** details of the matters reserved in the outline permission reference No. 14/02156/OUT, 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



Jim Newton

**Assistant Director for
Planning Policy and Development**

Date of Decision: 28th August 2018

Checked by: NS (Officer initials)

SCHEDULE OF CONDITIONS

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

- o P16-1264_16C Site Location - Phase 1
- o P16-1364_01AE Site Layout - Phase 1
- o P16-1364_08 SAN-1 Rev I Sandown (Stone)
- o P16-1364_08 HUN-2 Rev I Huntingdon (Stone)
- o P16-1364_08 LAN Rev I Langford (Stone)
- o P16-1364_08 AVON2 Rev I Avon (Stone)
- o P16-1364_08 SOM-1 Rev I Somerton (Stone)
- o P16-1364_08 CAL-2 Rev I Calder V2 (Stone)
- o P16-1364_08 RAD Rev I Radley 'V1' (Stone) [drawing updated by excluding plot 37]
- o P16-1364_08 RAD Rev I Radley 'V2' (Stone) [new drawing for plot 37 with bedroom window to rear]
- o P16-1364_08 AH2B-2 Rev I AH2B (Stone)
- o P16-1364_08 AH2B-1 Rev I AH2B (Brick)
- o P16-1364_08 AH2B LTH Rev I AH2B LTH* (Brick)
- o P16-1364_08 AH3B-2 Rev I AH3B (Stone)
- o P16-1364_08 DOV-1 Rev I Dovedale (Stone)
- o P16-1364_08 DOV-2 Rev I Dovedale Floor Plans
- o P16-1364_08 GAR-1 Rev I Single and Double Garages (Brick)
- o P16-1364_08 GAR-2 Rev I Single and Double Garages (Stone)
- o P16-1364_08 GAR-3 Rev I Single and Double Gable Fronted Garages (Brick)
- o P16-1364_08 GAR-4 Rev I Single and Double Gable Fronted Garages (Stone)
- o P16-1364_07G Materials Plan - Phase 1
- o P16-1364_10G Adoption Strategy - Phase 1
- o P16-1364_12H Boundaries and Surfaces - Phase 1
- o P16-1364_13F Affordable Housing - Phase 1
- o 5692-P90-F Refuse Collection Strategy (tracking & key distances) (Phase 1)
- o 1908 08 I Detailed LEAP / LAP Proposals
- o UTC-0225-P04-TTP-E Tree Protection Plan
- o CNSD_104-T1 Front entrance and standard canopy details
- o CNSD_112 Meter Boxes

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.

2 No development shall commence above slab level until a stone sample panel (minimum 1 sq m in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of Plots 1 - 24 inclusive, 29, 30, 35, 36 and 37, including the walls to the garages to those plots, and the means of enclosure to those plots, shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 3 No development shall commence above slab level until a sample of the brick to be used in the construction of the walls of certain plots as approved in writing by the Local Planning Authority pursuant to Condition 1 of this permission has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out fully in accordance with the sample so approved and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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 Notwithstanding the details submitted, and prior to the construction of any dwelling above slab level, an amended materials plan shall be submitted to and approved in writing by the Local Planning Authority, to show alternative roof materials for the development. Thereafter the development shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

- 5 No development shall commence above slab level until (a) a sample of the slate to be used in the construction of the roofs of certain plots as approved in writing by the Local Planning Authority pursuant to Conditions 1 and 4 of this permission, (b) a sample of the roof tile to be used in the construction of the roofs of certain plots and (c) a sample of the stone sills and headers have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out fully in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

- 6 Notwithstanding the details submitted, and prior to the construction of any dwelling above slab level, full details of the fenestration and architectural details of the dwelling(s), including heads, cills, lintels, eaves and verges, and positions of meter boxes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and the Cherwell Residential Design Guide 2018 and Government guidance contained within the National Planning Policy Framework.

- 7 Notwithstanding the details submitted the walls providing highway-facing means of enclosure to Plots 25-28 and 31-34 inclusive shall be constructed from and faced only in brick and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 8 Notwithstanding the details submitted no development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply 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.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2 Part 1 Classes A - E (inclusive) shall take place on the dwellinghouses hereby permitted or within their curtilage.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no additional windows, doors or any other openings shall be inserted in any dwelling at first floor level or above.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and the character and appearance of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 11 Before the respective dwelling is first occupied the first floor (en suite) bathroom window in the south-western rear elevation of Plot 4, the first floor window in the north-western rear elevation of Plot 29, the first floor window serving stairs/landing in the north-eastern side elevation to Plot 29 and the first floor side-facing window in Plot 36 shall be glazed with obscure glass (at least Level 3) only and fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 12 Notwithstanding the details submitted, the following windows are hereby not approved: (1) the first floor, south-west facing window serving a living and dining area on the building for Plots 14-17; (2) the first floor, north-east facing window serving a bedroom on Plot 18.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 13 Before the respective dwelling is first occupied all first floor openings identified on the plans listed in Condition 1 of this permission to be obscurely glazed, that is all bathrooms and en suite bathrooms, shall be glazed with obscure glass (at least Level 3) only and, unless fixed shut, fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 14 Prior to the commencement above slab level of the development hereby approved, and notwithstanding the submitted details, a schedule of chimneys to various plots and the full design details of those chimneys shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

- 15 Unless approved by virtue of Condition 1, no walls, gates, fences or planting shall be erected or allowed to grow on or adjacent to the highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

Reason: To afford adequate visibility at the access/junction and to cater for the expected volume of traffic joining the existing highway network and in the interests of highway safety, 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.

- 16 Prior to the commencement above slab level of the development hereby approved, and notwithstanding the submitted details, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (d) details of means of enclosure within the development, including the perimeter of the site.

The development shall be carried out fully in accordance with the approved details, and the hard landscaping elements shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies SLE4, BSC10, ESD1 and 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.

- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and 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 current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

- 18 Prior to the first occupation of each dwelling hereby permitted, the cycle parking facilities shall be provided for that dwelling in accordance with the details hereby approved. Thereafter, the 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.

- 19 Prior to the commencement above slab level of the development hereby approved, and notwithstanding the submitted details, an amended parking strategy for the development shall be submitted to and approved in writing by the local planning authority. The amended plan must provide for a level of parking provision fully in accordance with that required in the Cherwell Residential Guide, and must provide for a level of visitor car parking space provision acceptable to the local planning authority. Thereafter, the car parking provision shall be permanently retained and available at all times for that purpose in accordance with the approved details.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy R12 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide 2018 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 Consent has been granted subject to conditions. It is the developer's responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details. This is particularly important where a condition requires further details to be approved before any work commences as any work carried out before those details have been approved would be unauthorized and at risk of planning enforcement action.

The conditions application fee is £116. The fee is payable each time a conditions application is made. You can include multiple conditions in one application, and this can be

more cost and time effective than submitting details for each condition separately.

Guidance on making an application is available online on the Council's website by going to <http://www.cherwell.gov.uk/index.cfm?articleid=8983>

- 2 Attention is drawn to a Legal Agreement related to this development or land 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.
- 3 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.
- 4 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.

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 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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(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.**
- 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 0300 0030 200, fax 0300 003 0201 or E-mail at building.control@cherwellandsouthnorthants.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.