

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

Name and Address of Agent/Applicant:

Hayfield Homes Construction Limited
Miss Katie Christou
Dominion Court
39 Station Road
Solihull
B91 3RT

Reserved Matters Determination

Date Registered: 11th April 2022

Proposal: Reserved matters application pursuant to outline planning permission 19/00963/OUT to discharge all remaining reserved matters (appearance, landscaping, layout and scale). The outline planning application was not subject to an environmental impact assessment.

Location: OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of, Berry Hill Road, Adderbury

Parish(es): Adderbury

APPROVAL OF RESERVED MATTERS SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **APPROVES** details of the matters reserved in the original outline planning permission, as described in the above-mentioned application, the accompanying plans and drawings, and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA



David Peckford
Assistant Director – Planning and
Development

Date of Decision: 12th November 2022

Checked by: Nathanael Stock

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 forms and the following plans and documents:

P21-2984-08 Rev I – Site Location Plan
P21-2984-01 Rev V – Site Layout Plan
P21-2984-02 Rev K – House Type Pack
P21-2984-09 Rev B – Street Scenes
22021-Bgc D PI02 Rev B – Levels Strategy Plan – Sheet 1
22021-Bgc D PI03 Rev B – Levels Strategy Plan – Sheet 2
P21-2984-06 Rev B – Boundary Treatments Plan
P21-2984-05 Rev D – Materials Plan
P21-2984-04 Rev B – Building Heights Plan
HAY-23648-15 – Basin Section Plan
HAY-23648-11-1 Rev A – Landscape Proposals – Sheet 1
HAY-23648-11-2 Rev A – Landscape Proposals – Sheet 2
HAY-23648-11-3 Rev A – Landscape Proposals – Sheet 3
HAY-23648-20 Rev B – LAP Proposals
HAY-23648-03 Rev A – Tree Protection Plan
22021-Bgc D PI07 Rev B – Extent of Highway Adoption Plan
22021-Bgc D PI06 Rev B – Drive Swept Path Plan – Fire Tenders
22021-Bgc D PI05 Rev B – Drive Swept Path Plan – Refuse Vehicles
22021-Bgc D PI04 Rev B – Highway Longitudinal Section
Soft Landscape Management & Maintenance Plan Rev A
Soft Landscape Specification Rev A (excluding toxic Euonymus shrub)

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 Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

2. Notwithstanding the details submitted, no development shall commence above slab level unless and until a revised schedule of materials and finishes to be used externally in the walls and roofs of the dwellings and garages has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason : To ensure the satisfactory appearance of the completed development and in the interests of the character and appearance of the area 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.

3. No development shall commence above slab level on any dwelling to be constructed of natural stone until a natural 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, all of the external walls of the dwellings to be faced in natural stone under the details agreed pursuant to the requirements of Condition 2 of this permission and their garages and their perimeter means of enclosure under the details agreed pursuant to the requirements of Condition 5 of this permission 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 safeguard the character and appearance of the area 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.

4. Notwithstanding the details submitted, and prior to the construction of any dwelling above slab

level, full details of the architectural details of the dwelling(s) and garages, including windows (including material, colour and recess from brick/stone face), doors, heads, cills, lintels, eaves and verges 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 in the interests of the character and appearance of the area 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.

Note: All casement windows should have balanced casements with even sightlines. True sash windows should be provided. Glazing bars should be true glazing bars or external glazing bars

5. Notwithstanding the details submitted, no development shall commence above slab level until full details of the boundary treatments to the site and each plot, including the appearance and details of the materials (including details of the stone and coursing), have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments and means of enclosure shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwelling they serve and shall be retained as such thereafter.

Reason: To protect the character and appearance of the area and provide a safe and durable development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Notwithstanding the details submitted, no development shall commence above slab level until revised plans have been submitted to and approved in writing by the Local Planning Authority to show amended roof forms for certain garages across the development, namely those serving Plots 3, 5, 17, 18, 19, 28-29 and 33. The development shall not be carried out other than 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 safeguard the character and appearance of the area and the living conditions of future occupiers 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.

7. Swept path details for an 11.6m refuse vehicle shall be provided to demonstrate that vehicles will not overhang the footways. Such details must be approved in writing by the Local Planning Authority before the commencement of development above slab level and shall thereafter be constructed in accordance with the approved details.

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. OCC Highways guidance states that 'potential for conflict with pedestrians should be avoided'.

8. The LAP play area hereby approved shall be level and a stable sign supported by steel frame with two posts shall be erected at one entrance to the LAP. The sign shall contain the name of the play area, the developer's contact details/telephone number in case residents need to contact them to report on vandalism or accident and a 'No Dogs' symbol. The development shall not be occupied unless and until fencing and gate details for the LAP play area have been submitted to and approved in writing by the Local Planning Authority and have thereafter been implemented in accordance with the approved details. The development shall be retained as such thereafter.

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 Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

9. Provision must be made for tree planting within highway verges to improve amenity, microclimate and mitigate heat island effect. Root deflectors to be installed to protect kerbs and hard surfaces. All trees are to be planted and maintained and watered in accordance with BS 8545:2014 Trees.

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.

10. Notwithstanding the details submitted, prior to the first occupation of the development hereby approved revised landscaping plans shall be submitted to and approved in writing by the local planning authority to show additional tree planting between certain plots.

The hard landscaping shall be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of the soft 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 commencement of development 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 and Government guidance contained within the National Planning Policy Framework.

11. Notwithstanding the details submitted, the development shall not be occupied unless and until an updated Biodiversity Impact Assessment has been submitted to and approved in writing by the Local Planning Authority. The approved biodiversity net gain measures and habitat creation shall be implemented in accordance with the approved details prior to the first occupation of the development unless an alternative timescale is agreed by the Local Planning Authority as part of that Biodiversity Impact Assessment and shall be maintained as such thereafter.

Reason: For the avoidance of doubt, to maintain and improve biodiversity, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

12. Before each respective dwelling is first occupied all first floor openings on side and/or rear elevations shown in the plans listed in Condition 1 of this permission to serve bathrooms and/or 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.

13. Before each respective dwelling is first occupied the west facing first floor windows to Plot 1, the south facing first floor windows to Plot 33 and the west facing first floor bedroom window to Plot 40 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 part 1, saved

Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), and with the exception of the rear elevations to Plots 30, 31 and 32, no additional windows, doors or any other openings shall be inserted at first floor level or above in the development hereby permitted, without the grant of further specific planning permission from the Local Planning Authority.

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 C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. 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), and with the exception of Plots 30, 31, 32 and 34 in respect of Class A development other than under A.1(g), no development within Schedule 2, Part 1, Classes A - E (inclusive) shall take place on the dwellinghouses hereby permitted or within their curtilage without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to ensure a satisfactory living environment for future occupiers, 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.

16. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), 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.

17. In the case of those plots to be externally faced in brick as amended by the conditions of this permission, the brick headers to those plots shall be constructed only using the same brick as the main walls to that respective plot.

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.

18. Notwithstanding the details submitted, there shall be no fascias and/or bargeboards used or erected on any dwelling or garage in the development, and notwithstanding details submitted chimneys shall be added to the roofs of all dwellings in the style and design of those that are shown on the approved plans.

Reason - To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area 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.

19. The development shall not be carried out other than in accordance with the details of existing and proposed ground and finished floor levels shown in drawings "22021-Bgc D PI02 Rev B – Levels Strategy Plan – Sheet 1" and "22021-Bgc D PI03 Rev B – Levels Strategy Plan – Sheet 2"

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and surrounding countryside and 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.

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

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.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £116 per request. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted. Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.
3. **Ecology** - As part of the details required by condition 13 of the outline planning permission, a scheme for the provision of bat/bird boxes shall be provided, including their precise form and location. These will be best clustered and should be integrated into the fabric of the buildings.
4. **Highways matters** - The proposed on-site highway works will need to comply with OCC Highways Street Design Guide and proposed off-site highway works will need to be designed in accordance with Design Manual for Roads & Bridges (DRMB).
5. Where the section of 1:20 longitudinal gradient is present the Local Highway Authority require flat landing spots to be provided for every 500mm that a pedestrian route rises.
6. The adjacent highway Berry Hill Road and the surrounding grass verges are maintained by OCC

Highways Authority. A Section 278 and a Section 104 agreement will be required to create a new access and to make amendments to the grass verge respectively.

7. The Local Highway Authority requires the following:

- that all new development will need a 20mph speed limit and supporting Traffic Regulation Order and self-enforcing measures. The carriageways that are straight for >70m will require some form of traffic calming to ensure vehicle speeds are <20mph.
- that where there is not a footway adjacent to the carriageway, a 6m-wide shared surface block paved carriageway with a minimum 800mm grass margin on either side is required.
- that junction and forward visibility splays and dimensions are provided in accordance with the OCC Street Design Guide and dedicated to OCC if they fall out of the existing highway boundary
- that no private drainage is to discharge onto any area of existing or proposed adoptable highway. The drainage proposals will be agreed at the Section 38 Agreement stage once the drainage calculations and detailed design are presented. OCC has published the 'Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire' to assist developers in the design of all surface water drainage systems, and to support LPAs in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that are applied in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.
- that foul and surface water manholes should not be placed within the middle of the carriageway, at junctions, tyre tracks and where informal crossing points are located.
- a saturated CBR laboratory test on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site, but the location of the samples must relate to the proposed location of the carriageway/footway

8. The Local Highway Authority notes that a long section has not been provided as part of the application submission and will be required to ensure compliance with the Equalities Act 2010. This must include details of the vertical alignment to determine appropriate carriageway and footway gradients. They will need to be DDA compliant, i.e., a maximum 1:21 or 5%.

9. The Local Highway Authority advises that the visitor parking bays parallel to the carriageway, can be adopted but accrue a commuted sum. Any other bays (echelon or perpendicular) or private bays will not be considered for adoption.

10. No highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design and acceptable adoption standards will be subject to a full technical audit by OCC Highways.

11. **Landscaping** - The CDC Landscaping team advises that some of the trees have been relocated in the revised plans to allow for better on-site surveillance; however, two Prunus avium still follow the alignment of the outer path shown in the original plans. As this is a round-headed variety, it may block views into the play area (where the seesaw and springboard are to be located) and so the tree to the more SW location would be better located to the far side of the play area, possibly between the Quercus and Malus. They also advise that the proposed Euonymus shrub can be toxic, and it would be preferable to replace it with an alternative species. CDC Landscape request that the proposed seating within the play area be a hardwood option and that two not one bin are included in the LAP, both with seagull flaps to contain rubbish. These amendments will need to be incorporated into the plans submitted pursuant to Condition 10 of this decision.

12. **Outline permission** – The applicant is reminded that all conditions of the outline permission ref. 19/00963/OUT remain applicable and to be complied with.



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.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site - Telephone: 01295 227006. Email: Building.Control@Cherwell-dc.gov.uk**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 227006 or E-mail at building.control@cherwell-dc.gov.uk

- The need to obtain a separate “Listed Building Consent” for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN, Telephone No. 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.