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Town and Country Planning Act 1990

NOTICE OF DECISION

Paul Brailsford
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80 Mount Street
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Application Number: 06/1158/P/OP
Date of Application: 21 June 2006
Date Received: 26 June 2006

Parish: WITNEY

The West Oxfordshire District Council, as Local Planning Authority, hereby **Grant, subject to conditions** the application for Outline Planning Permission, as outlined below

Proposed: Redevelopment to provide multiplex cinema, retail uses, residential, new urban square, town park, landscaping, multi storey car park, public toilets, access and servicing. (Amended Plans).

At: Marriotts Close, Former Highway Depot, Witney

For: Simons Developments Ltd

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission; and
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: The time limit condition is imposed in order to allow the phased implementation of the development and to comply with the Planning Act.

- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 13th November 2006. Should the scheme be amended by the submission of amended or additional plans a composite list of the latest agreed set of plans shall be submitted along with any request to amend or vary the scheme.
REASON: The application details have been amended by the deposited plan(s) and to maintain certainty as to what has been approved.

- 3 Other than as may be agreed in writing by the Local Planning Authority, prior to the commencement of development full details of the following shall be submitted to and approved in writing by the Local Planning Authority, and development shall only proceed in accordance with the said agreed details:-
 - (a) details of the timing of provision, surfacing, drainage and cessation of use of the temporary car park and temporary disabled spaces.
 - (b) details of the location and screening of the construction compounds, the site hoardings, temporary toilets, temporary recycling facility and temporary relocation of the pedestrian footway from Puck Lane to Woodford Way through the site.

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- (c) details of the ecological/energy saving/water saving/sustainability measures to be incorporated into the scheme: such details to include as a minimum the re-use of surface water to serve the public toilets and towards watering the landscaped areas, renewable energy sources to power the lighting of parts of the car park and measures to decrease the carbon footprint of the proposed residential properties, cinema and shops and to encourage recycling.
- (d) revised details of the residences fronting Woodford Way and Welch Way incorporating more pitched roofed and less flat roofed dormers and a revised rear elevation.
- (e) the location of fire hydrants to serve the development (if required).
- (f) the elevations of the development fronting internal courtyards, roof gardens etc.
- (g) details of the phasing and timing of construction/laying out of the development.
- (h) details of the CCTV coverage of the scheme and surrounds - including Puck Lane.
- (i) details of the cycle parking stands in the main square.
- (j) details of the play equipment to be provided in the new park and the location of the maypole.
- (k) details of all street furniture to be provided including bins, lighting/CCTV columns, seats, directional signs, etc.
- (l) details of the means to control access to and egress from the car park (and to advise as to the availability of car parking spaces).
- (m) details of the means to prevent unauthorised vehicular access to the main Square.
- (n) details of the means to ensure the adequate storage and collection of trade and domestic refuse.
- (o) provision of bat boxes throughout the development.

REASON: Such information was either not submitted or was considered inadequate.

- 4 No service run, sewer, substation or soakaways shall pass under the crown of any tree shown on the approved plans as being retained or be located within an area designated for landscaping on the approved plans.

REASON: To ensure the establishment and retention of key landscape features. (Policies NE3 and NE6 of the West Oxfordshire Local Plan 2011)

- 5 The plans and particulars submitted in accordance with the Reserved Matters above shall include:

- a) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- b) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within 5 metres;
- c) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

REASON: To ensure the continuity of amenity afforded by existing trees. (Policy NE6 of the West Oxfordshire Local Plan 2011)

- 6 Other than as may be agreed by the Local Planning Authority as part of a phased programme of works, no building shall be occupied until the area comprising Puck Lane, the link up to the boundary of the development land to the north, Welch Way, the pedestrian and vehicular access to both sites, the service yards and the residential courtyard have been drained, constructed and surfaced in accordance with a detailed plan and specification that shall be first submitted to and approved in writing by the Local Planning Authority. Such surface shall be retained thereafter.

REASON: To ensure that the development is served by adequate roads, driveways and footpaths. (Policy BE2 of the West Oxfordshire Local Plan 2011)

- 7 No development shall take place within the site area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
REASON: To afford the opportunity for archaeological investigations and recording during the development. (Policy BE13 of the West Oxfordshire Local Plan 2011)
- 8 Development shall not commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure adequate means of disposing of surface water from the site. (Policies BE18 and NE9 of the West Oxfordshire Local Plan 2011)
- 9 Other than the laying out of the temporary car park no development approved by this planning permission shall be commenced until:
- (a) A detailed quantitative risk assessment (DQRA) has been undertaken; and
 - (b) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.
- REASON: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.
- 10 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
REASON: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.
- 11 No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 2 metres in depth below existing ground level.
REASON: To prevent pollution of groundwater.
- 12 No soakaways shall be constructed in contaminated ground.
REASON: To prevent pollution of groundwater.
- 13 Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.
REASON: The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

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- 14 The construction of the foul drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.
REASON: To prevent pollution of the water environment.
- 15 Before the development commences, a phased risk assessment to identify potentially contaminative former uses of the site and/or nearby land, to identify any active exposure pathways, to characterise contamination on the site and/or nearby lands, and to propose a scheme of remediation to ensure the site is made suitable for the proposed use shall be submitted to, and approved in writing to the Strategic Director (Development). The dwellings/development shall not be occupied until any works specified in the approved remediation scheme have been carried out to the satisfaction of the Strategic Director (Development) and written verification shall be provided by the applicant to the Strategic Director (Development) that subsequent remediation has been completed as agreed.
REASON: In the interests of the amenity of future occupiers of the site. (Policies BE2 and BE18 of the West Oxfordshire Local Plan 2011)
- 16 No development above ground level shall begin until a sound insulation scheme for protecting the habitable rooms* in the residential units+ of the proposed development from road traffic and commercial noise has been submitted to and approved by the Local Planning Authority. The sound insulation scheme shall achieve at least the 'reasonable' design range for living rooms and bedrooms specified in Table 5 of British Standard 8233:1999 'Sound insulation and noise reduction for buildings - Code of Practice'. Provision shall be made for the ventilation of the residential units without the need to open any windows. The scheme shall be implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the site remains in use.
* The term 'habitable rooms' means any rooms within a residential unit other than dedicated kitchens, bathrooms, utility rooms, storerooms and cupboards.
+ The term 'residential units' means any units used for living purposes within the proposed development.
REASON: To protect the amenity of the occupiers of proposed residential units. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 17 The development shall not commence until a working plan has been submitted to and approved by the Local Planning Authority detailing the measures that will be taken to minimise dust, emissions from vehicles and plant, noise and vibration arising from the development process. The term 'development process' includes the demolition of buildings and structures, groundworks and any other works necessary to complete the development.
REASON: To minimise pollution. (Policy BE18 of the West Oxfordshire Local Plan 2011)
- 18 The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secured by Design' accreditation awarded by the Thames Valley Police. Written confirmation of those measures are to be provided to the Council, as the Local Planning Authority.
REASON: In pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under Section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering".

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- 19 Approval of the landscaping of the scheme hereby approved (herein called the Reserved Matters) shall be obtained from the Local Planning Authority prior to development commencing.
REASON: The application has not been accompanied by such details.
- 20 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: Only limited details have been provided with the application and are reserved for subsequent approval. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 21 The external walls of the development which are to be constructed in artificial stone shall be constructed of artificial stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority prior to the development commencing and thereafter retained on site until the development is completed.
REASON: To ensure that the development is in keeping with other buildings in the locality. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 22 That part of the development to be constructed of natural stone shall be constructed in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority prior to the development commencing and thereafter retained on site until the development is completed.
REASON: To ensure that the development is in keeping with other buildings in the locality. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 23 The walls of the proposed buildings shall be laid and pointed with "bagged" joints unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that a traditional practice of the area is carried out in the interests of the finished appearance of the buildings. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 24 The external walls of the development proposed to be rendered shall be rendered, in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development.
REASON: The type of render has not been specified. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 25 No works shall commence on any building, phase or part of the development comprising the shops, cinema, restaurant or housing until such time as plans and elevations at a minimum scale of 1:50 of the said building phase or part have been submitted to and approved in writing by the Local Planning Authority.
REASON: The submitted plans were at too large a scale to ensure that the detailing would be acceptable. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 26 The windows and door frames shall be recessed a minimum distance of 100mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality. (Policy BE2 of the West Oxfordshire Local Plan 2011)

- 27 All new external joinery shall be painted in accordance with a suite of colours first agreed in writing by the Local Planning Authority and retained in one of the approved colours thereafter.
REASON: This information has not been submitted with the application. (Policy BE7 of the West Oxfordshire Local Plan 2011)
- 28 Detailed drawings of the following items to a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority before work on that part of the development takes place; dormers, shopfronts, fenestration - which in the main should be balanced wooden casements, doors to the bike and bin stores.
REASON: This information has not been submitted with the application. (Policy BE7 of the West Oxfordshire Local Plan 2011)
- 29 Notwithstanding the information provided on the approved layout plan, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site. Such means of enclosure shall be erected in accordance with a phased programme to be agreed in writing by the Local Planning Authority, the said programme to be designed to enable the earliest possible provision of the permanent boundary enclosures with the residential properties abutting the site.
REASON: To ensure that in the interests of privacy and visual amenity a high standard of boundary treatment is provided. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 30 The development shall not begin until a scheme which specifies the provisions to be made for the control of noise emanating from the site has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of physical and administrative measures and other measures as may be approved by the Local Planning Authority. The scheme shall be implemented before the development is occupied and thereafter shall be retained and maintained in good working order and effect for so long as the site remains in use.
REASON: To protect the amenity of occupiers of both proposed residential units and existing premises in the vicinity of the proposed development. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 31 The use hereby permitted shall not commence until fume extraction and mechanical ventilation equipment has been installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be retained and operated in its approved form for so long as the use hereby permitted remains on the site.
REASON: To protect the amenity of occupiers of both proposed residential units and existing premises in the vicinity of the proposed development. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 32 Prior to the commencement of development the gates screening the service yards shall be designed such that they default to a closed position and the said gates shall be kept closed other than to allow the access or egress of vehicles.
REASON: To minimise the visual and noise nuisance of the service yards. (Policy BE2 of the West Oxfordshire Local Plan 2011)

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- 33 Prior to the first occupation of any part of the development and irrespective of the details outlined in the above condition, temporary gates of a design and at a position first agreed in writing by the Local Planning Authority shall be erected in the pedestrian link to the High Street until such time as the link is opened through to the High Street whereupon at the request of the Local Planning Authority they shall be permanently removed.
REASON: To reduce the opportunities from crime. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 34 The details of landscaping submitted as part of the reserved matters shall include, inter alia, the mitigating planting to third party properties at the earliest stage, the landscaping of the roof gardens, the planting of the central refuse on the main site access, the laying out of the park, the highway trees in Welch Way, the residential courtyard, the Squares and Mall.
REASON: To ensure the provision of amenity afforded by appropriate landscape design. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 35 Detailed plans of the design and external appearance of the shop fronts, including details of the fascias and advertisements zones, shall be submitted to and approved in writing by the Local Planning Authority before the shop fronts are installed.
REASON: Insufficient information is contained in this application regarding the design of the shop fronts. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 36 Notwithstanding the terms of the Town and Country Planning General Permitted Development Order (as amended) and the Town and Country Planning Use Classes Order (as amended) the buildings detailed as cinema, shops and restaurants on the approved plans shall be retained solely in those uses and not used for any other use without the prior express planning consent of the Local Planning Authority.
REASON: For the avoidance of doubt as to what is approved and to control the retail and environmental impact of the proposals. (Policies BE2 and SH1 of the West Oxfordshire Local Plan 2011)
- 37 The car park shall only be available for use by the general public between the hours of 7.00am and 1.30am the following day.
REASON: To limit the extent of noise and disturbance to adjoining occupiers. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 38 With the exception of film drops to the cinema no service traffic shall pass through the Square outside the hours of 7.00am to 9.00am on any day.
REASON: To minimise potential vehicular/pedestrian conflict. (Policy BE3 of the West Oxfordshire Local Plan 2011)
- 39 No servicing of the cinema food outlet or the shops/restaurants served from the eastern service access shall take place before 7.00am or after 9.00pm on any day.
REASON: To limit the extent of noise and disturbance to adjoining occupiers. (Policy BE2 of the West Oxfordshire Local Plan 2011)
- 40 The restaurants shall not be open for business between 1.00am and 7.00am.
REASON: To limit the extent of noise and disturbance to adjoining occupiers. (Policy BE2 of the West Oxfordshire Local Plan 2011)

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- 41 Approval of the details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called "The Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development is commenced prior to development commencing.

REASON: The application has not been accompanied by such details.

- 42 No development (other than the laying out of the temporary car park hereby approved) shall take place until details of arrangements to ensure that at least 30% of the units as a proportion of the total number of units shall be affordable housing provided within the development have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- (a) the number, type and location on the site of the affordable housing provision to be made;
 - (b) the number of units for social rented occupation to be let and managed by a registered social landlord;
 - (c) the number of units for shared ownership to be managed by a registered social landlord;
 - (d) the number of units of low cost market housing to be available for the first and subsequent purchasers at 50% of open market value;
 - (e) the timing of the construction of the affordable housing;
 - (f) the arrangements to ensure that the affordable housing is affordable for both its initial and its subsequent occupants;
 - (g) the occupancy criteria to be used for determining the identity of prospective and successive occupants of the affordable housing, and the means by which such occupancy criteria shall be enforced.

Development shall be carried out in accordance with the approved details.

REASON: To ensure adequate provision is made for affordable housing. (Policy H11 of the West Oxfordshire Local Plan 2011)

Note

You are advised that the details submitted pursuant to this condition may necessitate the applicant entering into an agreement under the provisions of S106 of the Town & Country Planning Act 1990 (as amended).

NOTES TO APPLICANT

- 1 You are advised that the housing layout shown for the area west of Woodford Way was for illustrative purposes only and no consent is given or should be implied for the details contained therein.
- 2 As part of the details submitted to discharge the above conditions the details submitted in support of the application should be considered the minimum acceptable standard.
- 3 As part of the details submitted to discharge the above conditions the requirements of the parallel Legal Agreement should also be taken into account with regards to the provision of Arts projects, landscape maintenance, connections to third party land etc.
- 4 The development pays proper regard to the preservation and enhancement of the character and appearance of the Conservation Area in accordance with Policies BE5 and BE6 of the West Oxfordshire Local Plan 2011.
In light of this the proposal is considered acceptable on its planning merits.

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DISTRICT COUNCIL

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- 5 The development pays proper regard to the neighbouring property and does not give rise to an unacceptable loss of residential amenity. As such, the proposal is in accordance with Policy BE2 of the West Oxfordshire Local Plan 2011.
In light of this the proposal is considered acceptable on its planning merits.
- 6 The development would provide overriding positive benefits to the local community through the provision of retail community and housing infrastructure. As such, this proposal is in accordance with Policy BE1 of the West Oxfordshire Local Plan 2011.
In light of this the proposal is considered acceptable on its planning merits.
- 7 The development pays proper attention to the preservation and enhancement of the special character, interest and appearance of the Listed Building, in accordance with Policies BE7 and BE8 of the West Oxfordshire Local Plan 2011.
In light of this the proposal is considered acceptable on its planning merits.
- 8 For the avoidance of doubt the laying out of the temporary car park shall not be deemed to constitute a material commencement of the development as a whole.
- 9 You are advised to ensure that no works to the trees to be felled takes place during the nesting season. For the avoidance of doubt such works shall not be deemed to be a material commencement of the development hereby approved.
- 10 The development pays proper regard to amenity and would not be harmful to the character and appearance of its surroundings. As such, this proposal is in accordance with Policy BE2 of the West Oxfordshire Local Plan 2011.
In light of this the proposal is considered acceptable on its planning merits.
- 11 The development pays proper regard to the safety of users of the public highway and does not give rise to unacceptable highway danger. As such, this proposal is in accordance with Policy BE3 of the West Oxfordshire Local Plan 2011.
In light of this the proposal is considered acceptable on its planning merits.

A handwritten signature in black ink, appearing to read 'A Tucker'.

Andrew Tucker
Strategic Director (Development)

Dated 28 February 2007