

KPF/CIR.D.0340

20th August 2019

Public Protection & Development Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

For the Attention of Andrew Lewis

Dear Andrew

**Town and Country Planning Act 1990
Application for approval of details reserved by Condition 7(viii) of Outline Planning
Permission 10/01642/OUT at
Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD**

Please find enclosed an application for the partial discharge of Condition 7 attached to the above planning permission at Heyford Park, in respect of off-site landscaping and fence removal, as required by sub-section (viii).

Condition 7(viii) requires:

“No reserved matters applications shall be submitted pursuant to the outline application until such time as a phasing plan has first been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include:

viii) The phasing of the provision of the off site landscaping and fence removal to the south of Camp Road.

There shall be no variation to the phasing plan as submitted without the prior written approval of the Local Planning Authority and it shall be implemented in accordance with such details as approved”.

Condition 7(viii) has previously been discharged by the LPA under application ref: 13/00329/DISC on 18th April 2019.

Whilst a fence removal plan was approved as part of this application a small section of the fence is required to be retained for health and safety reasons.

A ditch runs along the southern boundary of the bungalows between the bungalows and the fence. The ditch is approximately 1m deep (see photo below). To the south of the fence are open fields and whilst there are no public rights of way the field is frequented by walkers and as such it is considered necessary to protect this ditch from walkers as per the landowners duty of care requirements under the Occupiers Liability Act 1984. Retention of the fence (following removal of the barbed wire) would ensure the ditch cannot be accidentally accessed by members of the public and wildlife, it is therefore considered to be essential for health and safety reasons.

This application therefore seeks approval of a revised Fencing Removal Plan (drawing ref: D.0340_01A). For completeness the previously approved Southern Boundary Soft Landscape Proposals (drawing ref: Bir.4322_15C) is also submitted.

As required by Cherwell District Council, the Council's Approval of Details Reserved by Condition Pro-Forma has been duly completed and the application fee paid via the Planning Portal.

I trust the above and enclosed will allow Officers to discharge Condition 7(viii), however, should you require any further details please do not hesitate to contact me.

Yours sincerely



Kerry Pflieger
Principal Planner
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