

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND)
ORDER 2015

To: Finlay Scott

CONDITIONAL PLANNING PERMISSION

Outline planning permission for change of use of, the conservation stone yard area for the processing of stone, to class B2 of the Town and Country Planning (Use Classes) Order 1987 at Hornton Grounds, Hornton, Banbury, OX15 6HH

The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby GRANT PLANNING PERMISSION for this development SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.

The reasons for approval are set out in the attached Schedule 3.



Dated: 17th August 2016

On behalf of Deputy Director (Strategy and Infrastructure Planning)

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Notes

IMPORTANT

- This permission does not convey or imply any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- Application for approval under the Building Regulations must be made to the Council for the district in which the land is situated.

Appeals to the Secretary of State

- If you are aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, however if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the County Planning Authority's decision on your application then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- 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 the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the County planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 Council of the District in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Schedule 1 - Conditions

Conditions

1. The development shall be carried out in strict accordance with the approved plans and particulars as submitted in the application and also in accordance with plan PF/8930.03 and details of planning permission 08/01431/CM except as modified by conditions of this permission and accompanying plans, and with any approval which may be given in respect of the reserved matters and with any conditions which may be imposed in respect of such approval. The details of the planning permission comprise:
 - a) Application form dated 13/05/2016.
 - b) Email dated 2nd June confirming change of description.
 - c) Preliminary Ecological Appraisal dated 29th September 2014.
 - d) Planning Statement dated May 2016.
 - e) Location Plan Dwg.No. PF/8930.01
 - f) Transport statement dated July 2016 (incl appendices).

Reason: To ensure the details of the development are carried out in accordance with the application as amended or any subsequent approval.

2. That in the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date hereof.

Reason: By virtue of the provision of Section 92 (2) (a) of the Town and Country Planning Act, 1990.

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

Reason: By virtue of the provisions of Section 92 (2) (b) of the Town and Country Planning Act, 1990.

4. Approval of the details listed below (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
 - a) Details of how the site would be enhanced in order to achieve a net gain in biodiversity;
 - b) Enhanced hedgerow planting around the site;
 - c) Details of sustainable drainage, including the consideration of the need for a silt trap;
 - d) Details of proposed building; and
 - e) Landscape details.

Reason: The application is in outline only and not accompanied by detailed plans.

5. No operations, including the loading, unloading and dispatch of lorries, and the operation of plant, shall be carried out other than during the following hours:

Between 0700 and 1800 hours, Monday to Fridays; and
Between 0700 and 1300 hours on Saturdays.

No such operations shall take place on Sundays or recognised public and bank

holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: To protect the environment from development likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution. (Policy ENV1 of the CLP)

6. Noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour), freefield at the site boundary.

Reason: To protect the environment from development likely to cause materially detrimental levels of noise. (Policy ENV1 of the CLP)

7. Stone stockpiles shall not exceed a height of four metres.

Reason: To protect the local amenity. Policy ENV1 CLP

8. No works shall be carried out other than in accordance with Section 4.2 of the Preliminary Ecological Assessment (Cotswold Wildlife Surveys, 29th September 2014) which contains mitigation measures.

Reason: To promote the interests of biodiversity. Policy ESD10 CLP.

9. The existing trees, bushes and hedgerows within the site, as shown on the habitat plan in Appendix 1 of the Preliminary Ecological Assessment shall be retained and shall not be felled, lopped, topped or removed in areas outside the current or succeeding phase of development. Any such vegetation removed without consent, dying, being severely damaged or seriously diseased shall be replaced with trees or bushes of the same size and species, in the planting season immediately following such occurrences.

Reason: To protect the amenity of the area. Policy ENV1 CLP.

10. The number of lorry movements shall be no more than 4 (2 in, 2 out) per day.

Reason: To control the number of HGVs through the village of Wroxton. Policy TR10 CLP.

Informative

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

If any protected species (e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of trees, scrub, hedgerows or grassland should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

European Protected Species wording for Committee Reports

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place. Ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

For the avoidance of doubt "Lorry Movements" refers to either entering or leaving the site. One delivery would equal two movements; one in and one out. The movement will only relate to the final destination; if the lorry is passing through one site to another it will count as movements to and from the site to which the delivery is made.

Schedule 2 - Relevant Development Plan Policies

Cherwell Local Plan 2031 (CLP) adopted July 2015: PSD1, SLE1, ESD10, ESD 13

Schedule 3 - Reasons for Approval

The development would be in accordance with the principle of sustainable development. There would be no significant amenity or transport impacts for the application, and so it should be permitted with appropriate conditions.