

NL/6019

9 February 2015

Mr R. Duxbury  
Cherwell District Council  
Planning Department  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Dear Mr Duxbury,

**PROPOSED BIO-ACCELERATOR BUILDING AT BEGBROKE  
SCIENCE PARK, BEGBROKE**

**Request for a Screening Opinion under The Town And Country  
Planning (Environmental Impact Assessment) Regulations 2011**

We are instructed on behalf of the University of Oxford to make a request under Regulation 5 of the above Regulations for a screening opinion as to whether an Environmental Impact Assessment (EIA) is required in connection with the proposed development of the site as set out above. In accordance with Regulation 5(5), it is requested that a screening opinion is provided within 3 weeks of receipt of this request.

In accordance with Regulation 5(2), the following information is included:

- (a) A plan sufficient to identify the site (**Appendix One**)
- (b) A brief description of the nature and purpose of the development
- (c) Information to enable the Local Planning Authority to consider the need for an EIA

**The Site**

The site forms part of the Begbroke Science Park. It lies within the boundaries of the Science Park, the building proposed being located within the complex of the existing buildings on the northern side of the site. It would lie between the Centre for Innovation and Excellence and the Hirsch building.

The site is not within a conservation area and is separated from the listed building by a number of modern buildings between it and the proposed site.

The site is within the Oxford Green Belt but is not subject to any other designation. It is not within the flood zone of Rowel Brook which lies to the north of the farmland which lies to the north of the site.

The John Phillips Planning Consultancy

Partners:

Nik Lyzba MRTPI Ltd

Adrian Gould MRTPI Ltd



RTPI

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@JPPCPlanning

The site is not within a "sensitive" area as defined in the Regulations. In this context "sensitive area" means any of the following:

- (a) land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981;
- (b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949;
- (c) the Broads;
- (d) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage;
- (e) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;
- (f) an area of outstanding natural beauty designated as such by an order made by Natural England under section 82(1) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000;
- (g) a European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010.

The site is covered by policies in the adopted Cherwell Local Plan and the non-statutory Draft Deposit Local Plan 2011. In respect of the latter, the site is included as a major developed site in which respect infilling, complete or partial redevelopment are not considered inappropriate developments in the green belt subject to a number of provisos (policies GB5 and GB6 of the draft Plan).

The draft Cherwell Local Plan 2006-2011 includes the site within an area proposed for a limited review of the green belt (Policy Kidlington 1) and supports the further growth of the Science Park.

The site forms part of the area which was subject to an outline planning application reference 01/0662/OUT. Outline planning permission was granted on 30 April 2014 for "Proposed new research buildings..." subject to conditions. The outline planning permission is currently the subject of correspondence.

### **Proposed Development**

The proposed development would comprise a new building two storeys in height and having a gross internal area of some 2241m<sup>2</sup>. Space for plant to be located on the roof would be provided behind a parapet and screening.

Initial details of the proposed building are attached as **Appendix Two**.

The building would be part funded by and is an integral part of the City Deal, which was announced at the Science Park by the Deputy Prime Minister.

The building is proposed would be used for purposes consistent with conditions 6, 7, and 8 of the outline planning permission (**Appendix Three**). The proposed floor area would be within the limits set out in condition 10 of the permission.

The planning application which is proposed to be submitted would be either one which seeks reserved matters approval in relation to the outline planning permission or one for full planning permission.

## The need to provide an Environmental Impact Assessment (EIA)

Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 states that an application for development will require an EIA if it:

- (a) falls within Schedule 1 of the Regulation; or
- (b) falls within Schedule 2 of the Regulations and is likely to have significant effects on the environment by virtue of such factors as its nature, size or location

Our view is that the proposed development does not require the submission of an EIA for the following reasons:

1. The proposed development does not fall within Schedule 1 of the Regulations and is not located in a 'sensitive area' as defined in Regulation 2(1)
2. We do not consider that the proposal would fall within Schedule 2 Part 10 ("Infrastructure Projects").

You will recall that in relation to the outline planning application reference 01/0662/OUT, the Council provided a screening opinion in a letter dated 28 February 2014. The letter related to the whole of the development embraced by the planning application. The Council concluded that the development would not have a significant effect on the environment and that no EIA would therefore be required. The proposed development forms only a small part of the development to which the outline planning application related and it would be logical to assume that with a smaller scale development the same conclusion would be reached by the Council.

Insofar as the Council may consider that the development would be an 'Urban Development Project' under the heading 'Infrastructure Projects' under Part 10(b) of Schedule 2 the building would not have an area of development of more than 0.5ha. The Council should also have regard to Schedule 3 of the Regulations which provides the criteria against which Schedule 2 development will be assessed where it meets the relevant threshold. These are:

- The **characteristics** of the proposed development (size, the cumulation with other development, the use of natural resources, the production of waste, pollution and nuisances, the risk of accidents, having regard in particular to substances or technologies used)
- The **location** of the proposed development (existing land use, natural resources in the area and the absorption capacity of the natural environment; particularly nature reserves and parks and landscapes of historical, cultural or archaeological significance)
- The likely **impacts** of the proposed development (with regard extent, nature, magnitude, complexity, probability and frequency)

If the Council regards the proposal as one which is covered by Part 10 (b) of Schedule 2, the requirement for an EIA exists only where, following the consideration of the criteria which Schedule 3 sets, significant effects upon the environment would be likely to occur.

The current proposal is of a relatively small scale on a site which was included within an outline planning application for which outline permission exists for a larger floor area. It would not result in a significant cumulation with other development. There

would not be significant amounts of waste or any pollution or contamination given the proposed use. The development would not cause flood risk, impact on the adjacent heritage assets or effect biodiversity, being within the developed area of the Science Park.

Vehicular access to and from the Science Park has been improved with the creation of the new road linking the site to A44. As such there would be minimal impact from traffic, emissions and noise. The proposed works would not involve access through or activities on any adjoining nature conservation protected sites.

Given the outline planning permission and taking into account the criteria set out in Schedule 3 of the Regulations, it is not considered that the development would give rise to significant environmental impacts.

The National Planning Practice Guidance provides advice in relation to screening. In this case, the site is not within a "sensitive area" with either a national or local designation. The proposed development would not have significant effects on the environment either as an application which seeks full planning permission or as part of a multi stage consent seeking reserved matters approval following the grant of outline planning permission.

The NPPG advises that the following thresholds should be considered in respect of "industrial estate development projects", the closest category to the development proposed. It will be noted that the minimum threshold is 0.5ha and the requirements for EIA are more likely for developments over 20 ha, subject to considerations of traffic, emissions and noise.

#### 10. INFRASTRUCTURE PROJECTS

|   |  |  |   |
|---|--|--|---|
| (a) Industrial estate development projects; | The area of the development exceeds 0.5 hectare. | Site area of the new development is more than 20 hectares. | Potential increase in traffic, emissions and noise. |
|---|--|--|---|

The development proposed would be below the indicative threshold of 20 ha. It would not cause significant increases which would have significant effects on the environment in terms of traffic, emissions or noise.

Consequently, our conclusion is that the proposed development would not be EIA development and that no EIA would be required.

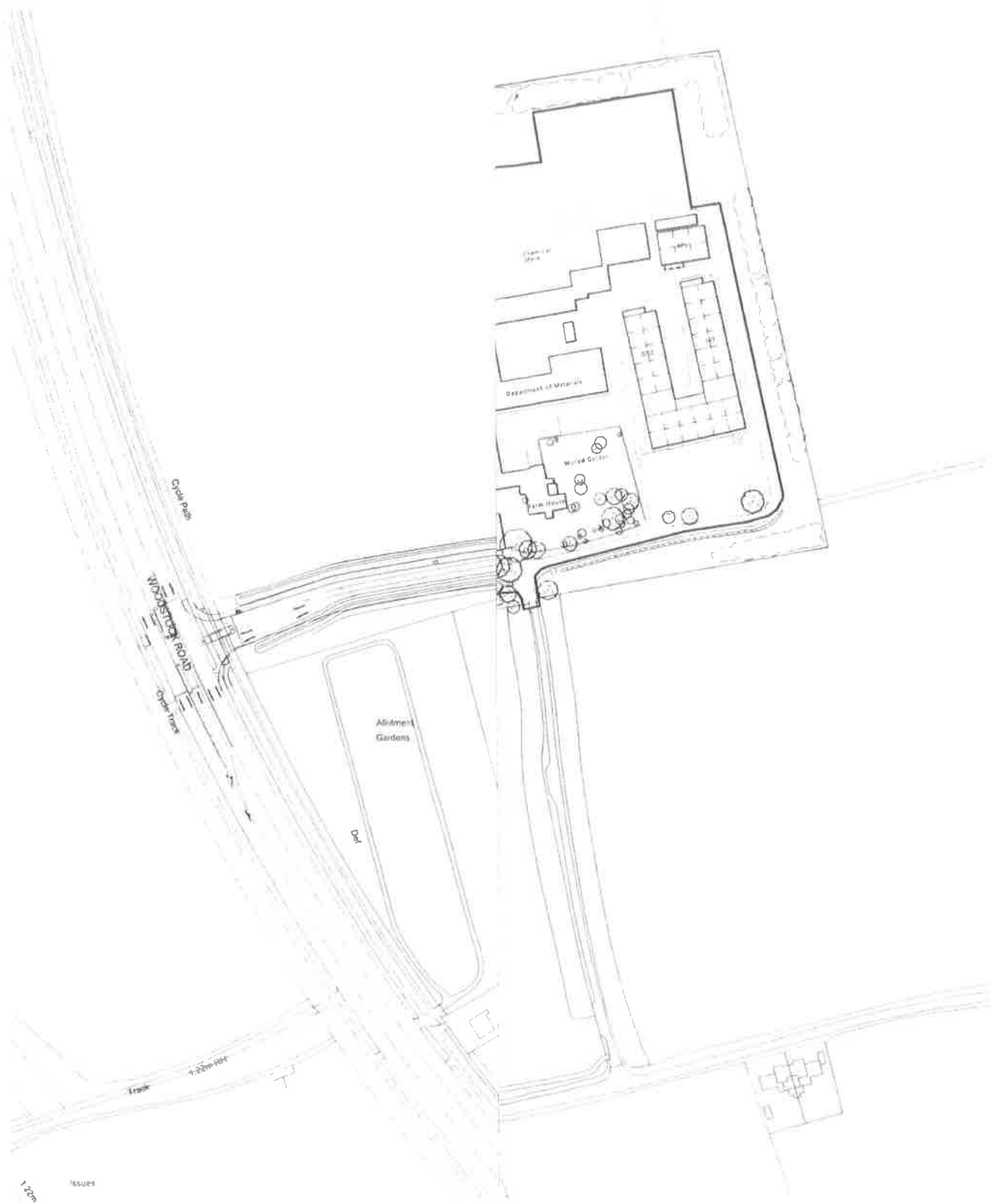
However, we look forward to receiving the Council's screening opinion within 3 weeks of the receipt of this letter and appendices.

Yours sincerely,



Nik Lyzba DipTP DipCP MRTPI

## APPENDIX 1



## Begbroke CIE Extension

Drawing title  
**Existing Site  
 Location Plan**

Drawing number & revision  
**3141 - 001 - A**

Amendments  
**Boundary clarified**

Original by  
**AJB**

Checked by  
**AJB**

A1 scale  
**1:1250**

A2 scale  
**1:2500**

Date  
**06 Feb 2015**

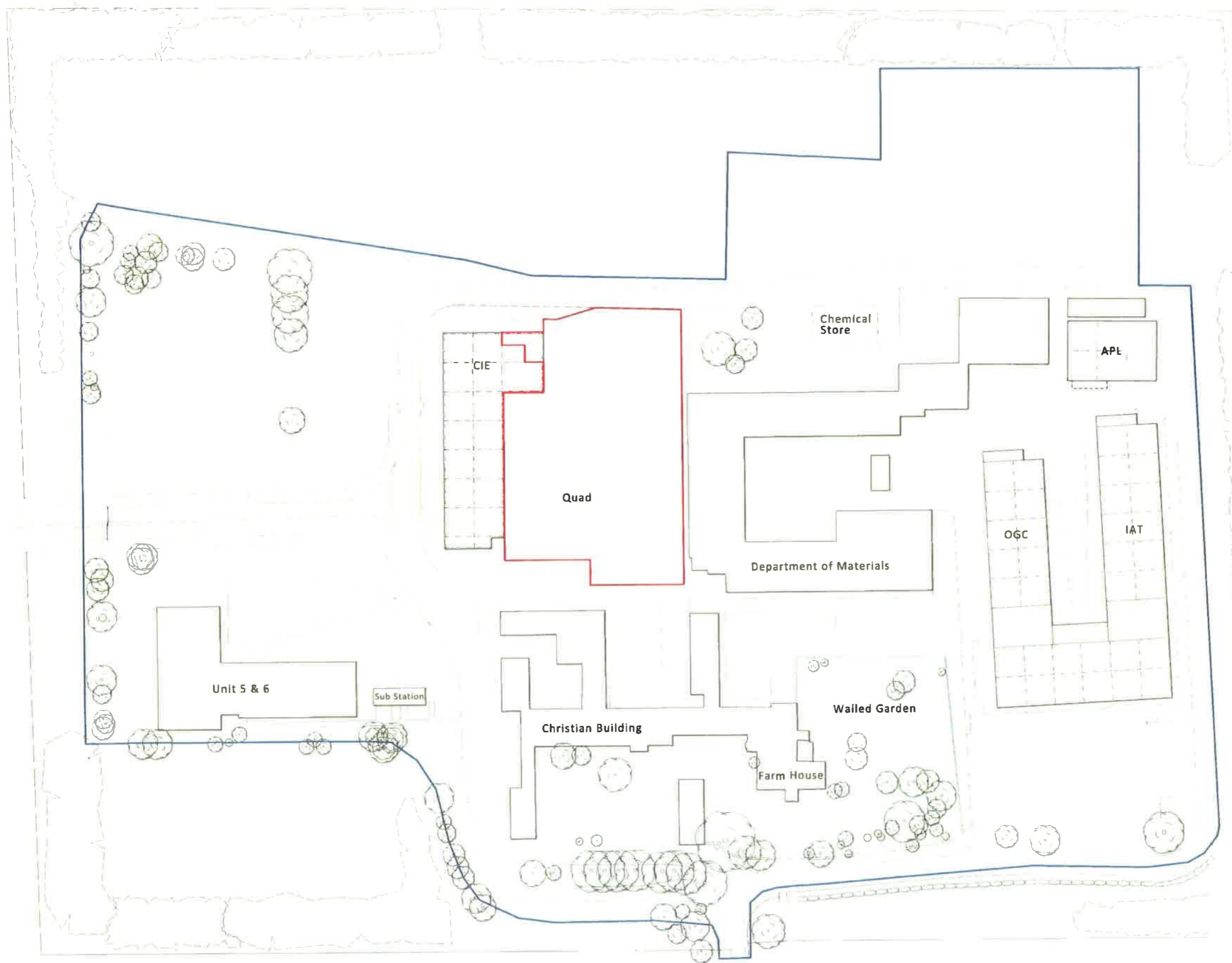
Stage  
**Preliminary**



Key  
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**APPENDIX 2**



### Begbroke CIE Extension

|                    |                           |                    |
|--------------------|---------------------------|--------------------|
| Drawing title      | Drawing number & revision | Amendments         |
| Existing Site Plan | 3141 - 002 - A            | Boundary clarified |
| Drawn by           | Checked by                | Alt Scale          |
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|                    |                           | 1:1000             |
| Date               | Status                    |                    |
| 06 Feb 2015        | Preliminary               |                    |



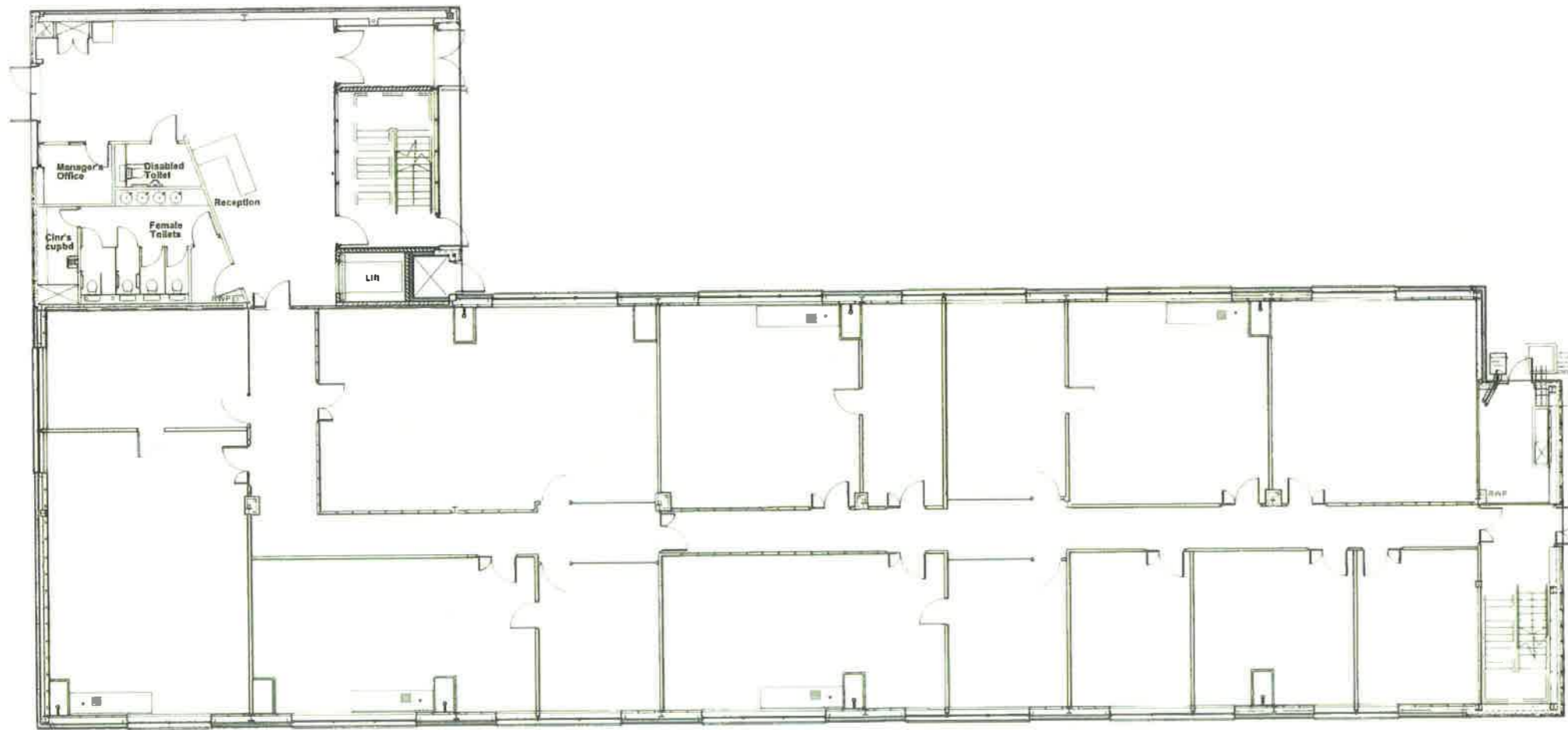
**Key**

- Outline planning permission boundary
- Proposed development boundaries

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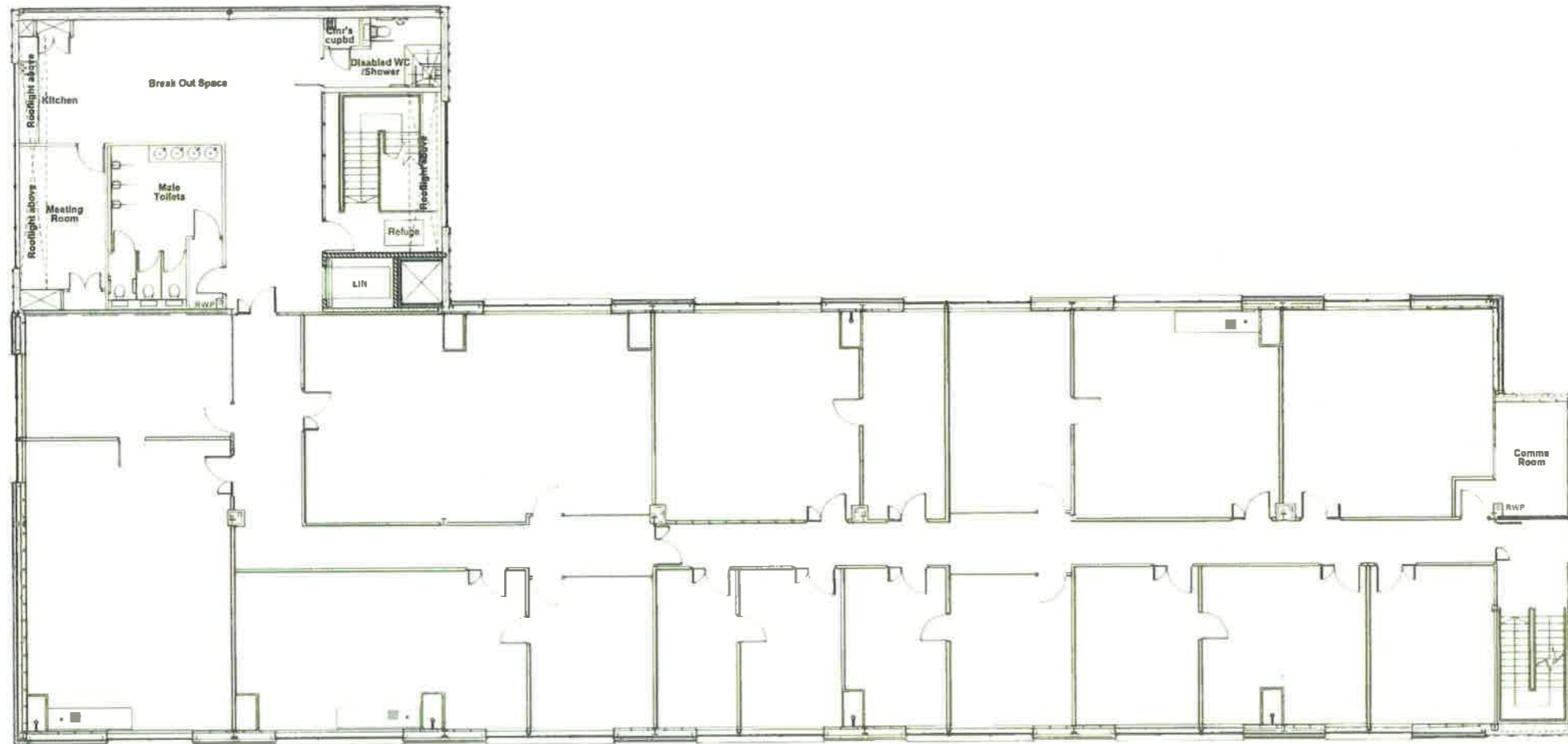
## Begbroke CIE Extension

|                                       |                           |                      |
|---------------------------------------|---------------------------|----------------------|
| Drawing title                         | Drawing number & revision | Amendments           |
| <b>Existing<br/>Ground Floor Plan</b> | <b>3141 -015</b>          | <b>Initial issue</b> |
| Drawn by                              | Checked by                | Scale                |
| AJB                                   | AJB                       | 1:100                |
| Scale                                 | Date                      | Status               |
| 1:200                                 | 29 Jan 2015               | Preliminary          |



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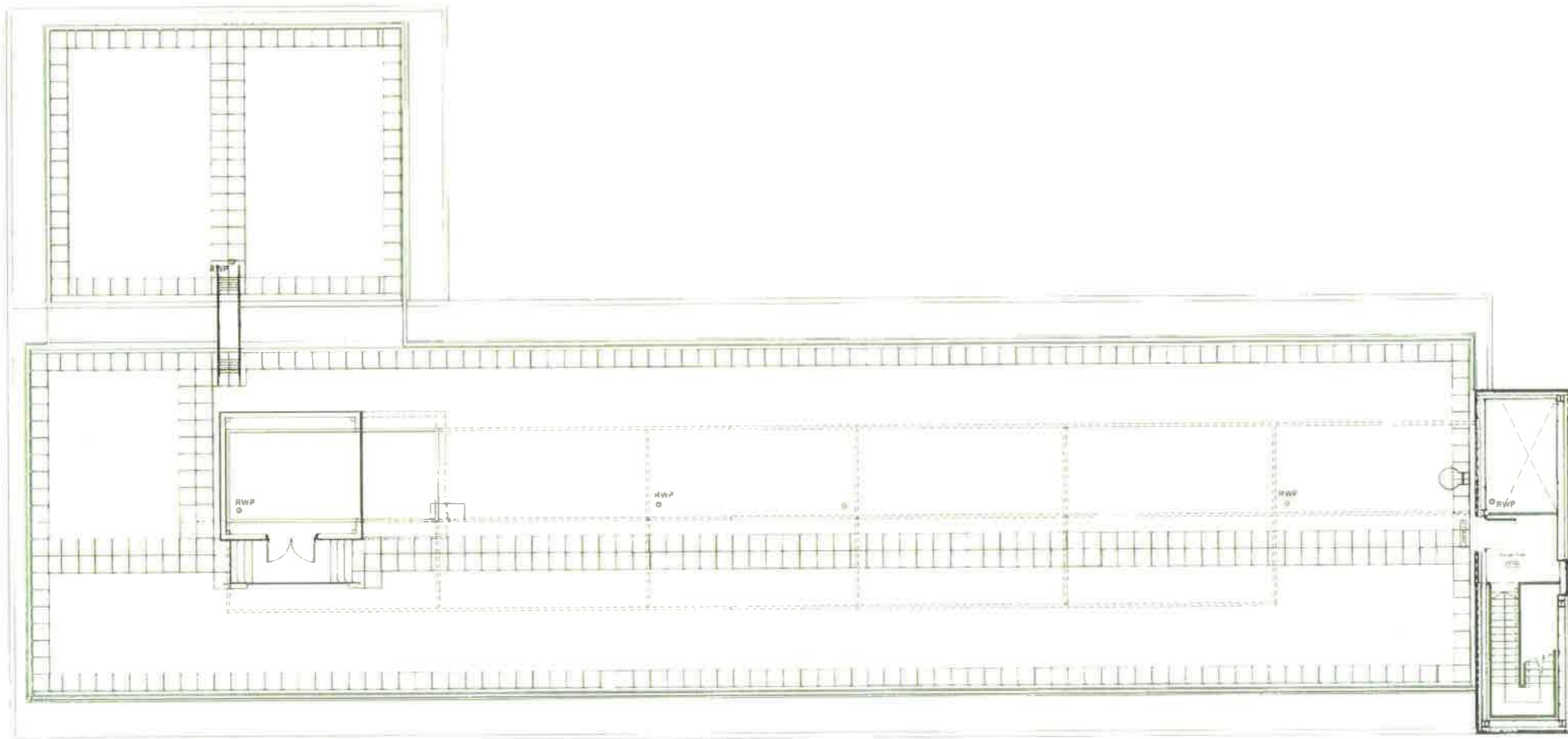
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|                              |                           |               |
|------------------------------|---------------------------|---------------|
| Drawing title                | Drawing number & revision | Amendments    |
| Existing<br>First Floor Plan | 3141 -016                 | Initial Issue |
| Drawn by                     | Checked by                | Date          |
| AJB                          | AJB                       | 29 Jan 2015   |
| Scale                        | Scale                     | Stage         |
| 1:100                        | 1:200                     | Preliminary   |



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Existing  
Roof Plan



Existing Upper  
Roof Plan

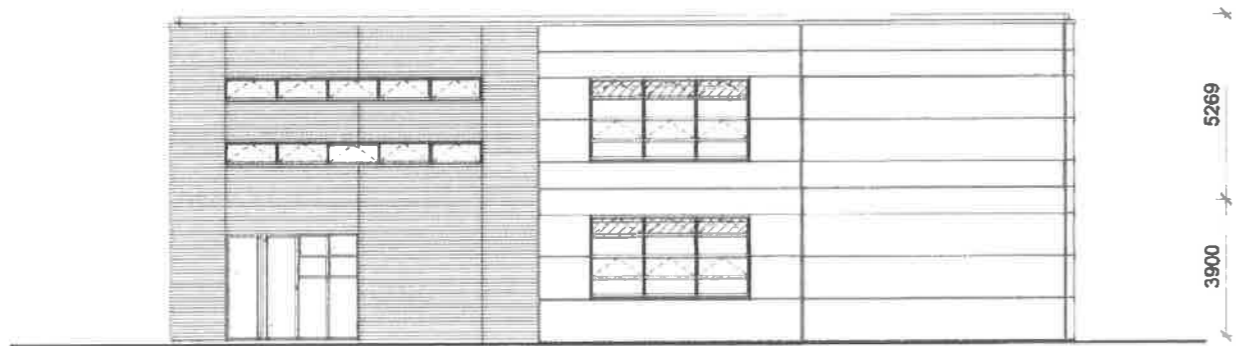
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| Existing Roof Plan |            | 3141 -017                 |          | Initial issue |             |
| Drawn by           | Checked by | A1 scale                  | A3 scale | Date          | Status      |
| AJB                | AJB        | 1:100                     | 1:200    | 29 Jan 2015   | Preliminary |



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Existing North Elevation



Existing West Elevation

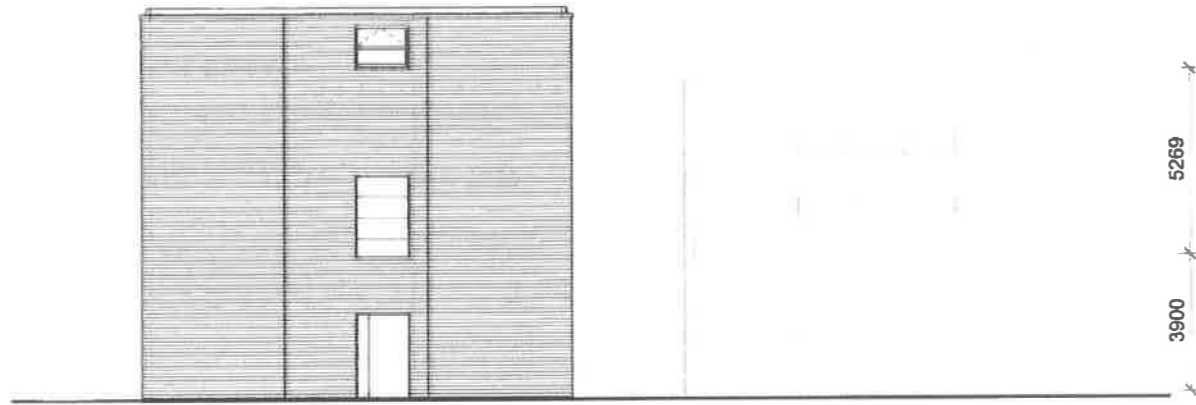


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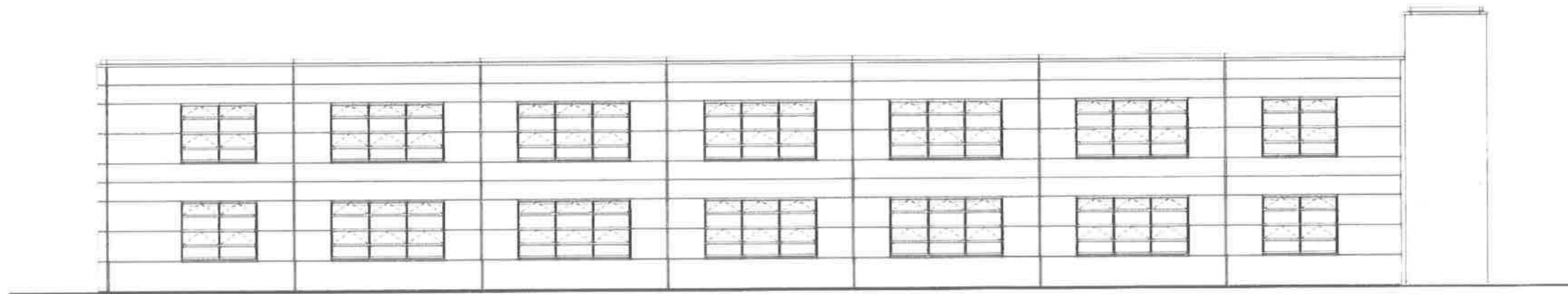
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| Drawn by              | Checked by | A1 scale                  | A3 Scale | Date        | Status      |
| AJB                   | AJB        | 1:100                     | 1:200    | 29 Jan 2015 | Preliminary |

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Existing South Elevation



Existing East Elevation

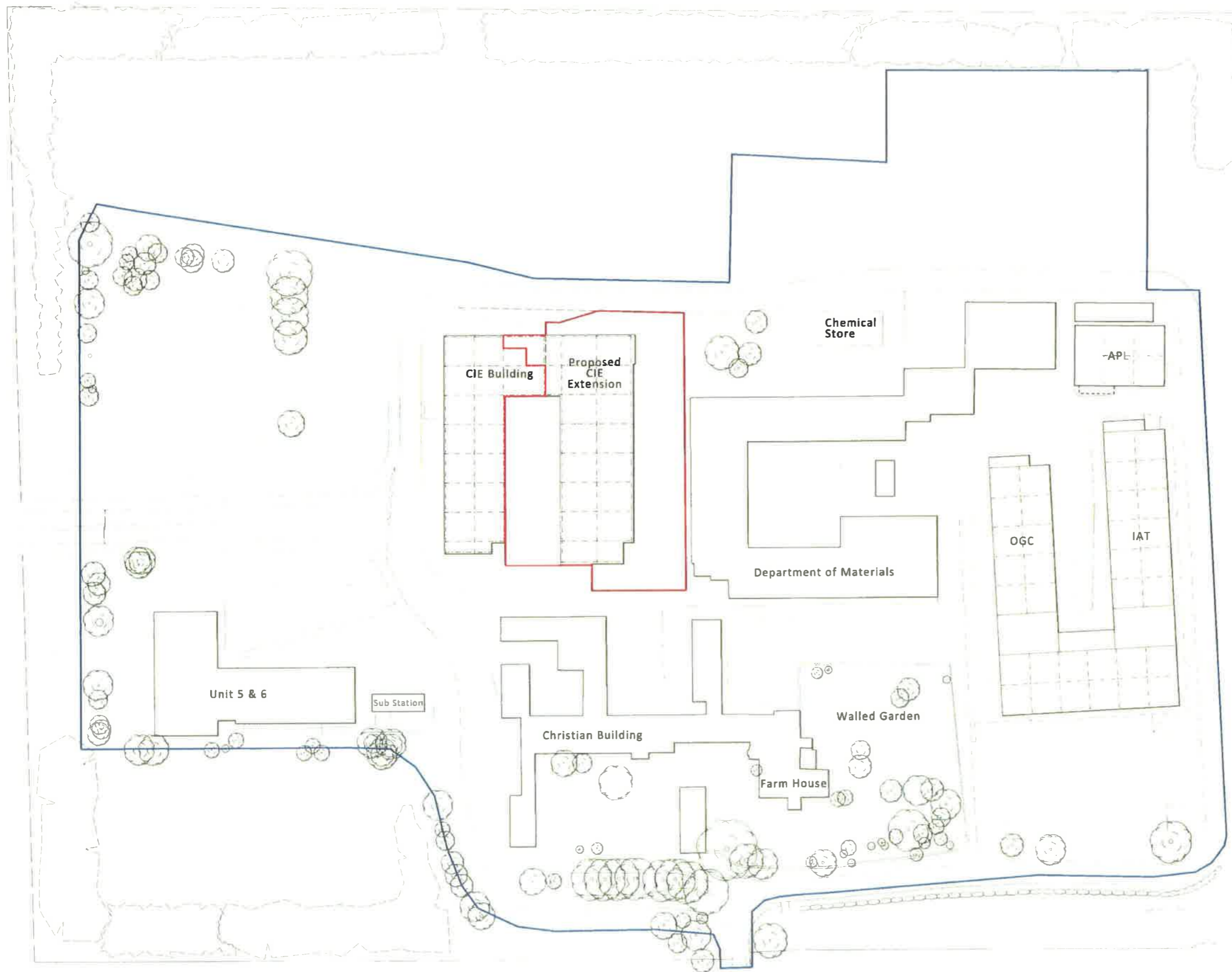


## Begbroke CIE Extension

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## Begbroke CIE Extension

Drawing title: **Proposed Site Plan** | Drawing number & revision: **3141 -050 - A** | Amendments: **Boundary clarified**

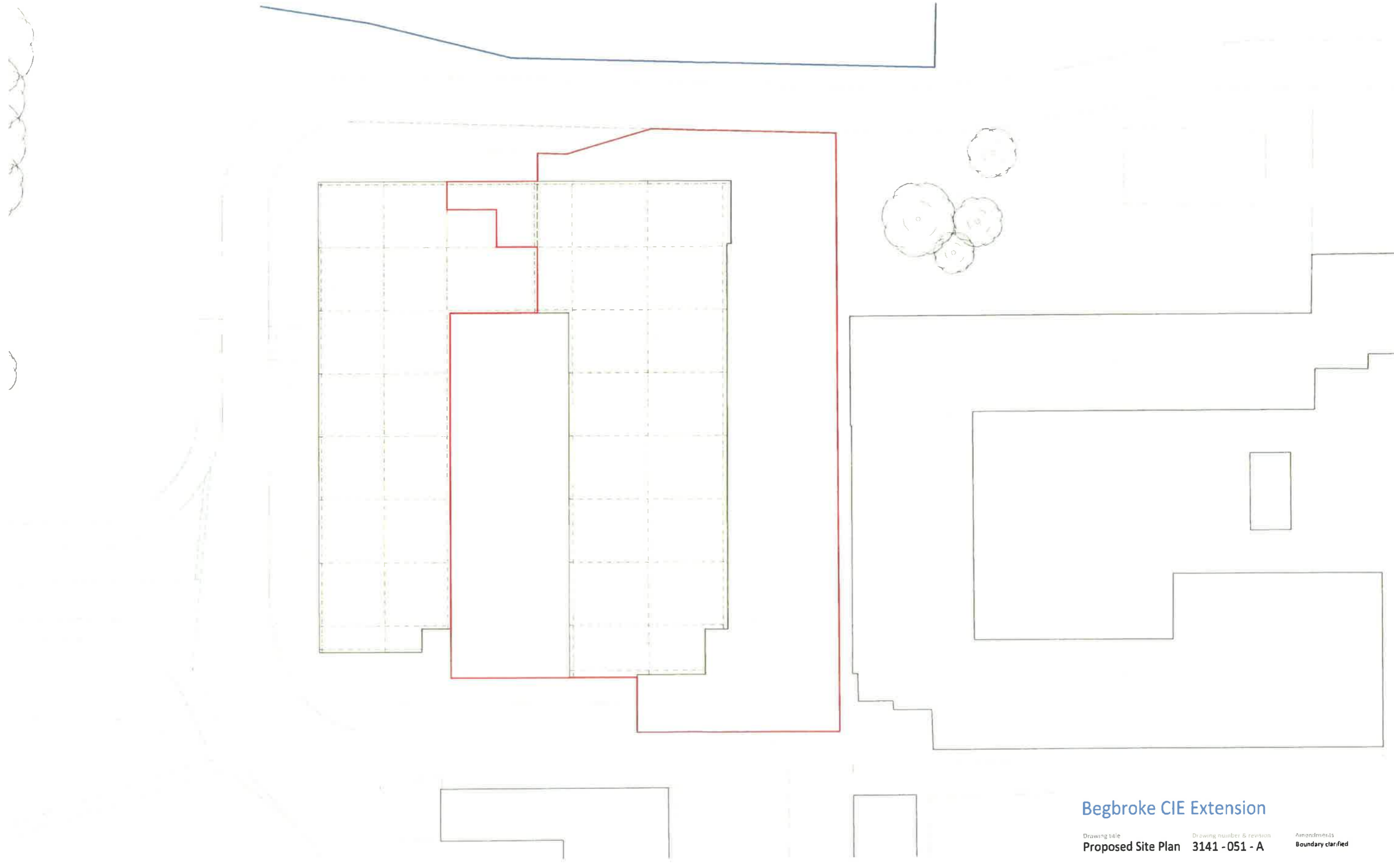
Drawn by: **AJB** | Checked by: **AJB** | A2 Scale: **1:500** | A3 Scale: **1:1000** | Date: **06 Feb 2015** | Status: **Preliminary**



- Key**
- Outline planning permission boundary
  - Proposed development boundaries

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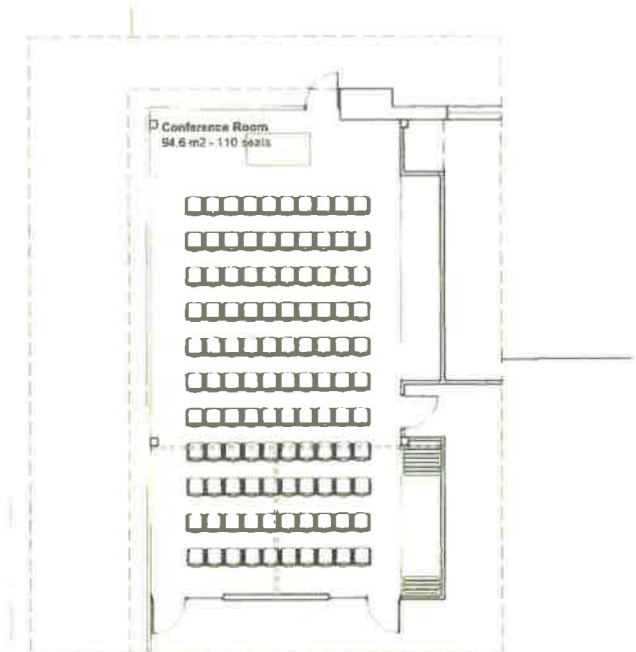
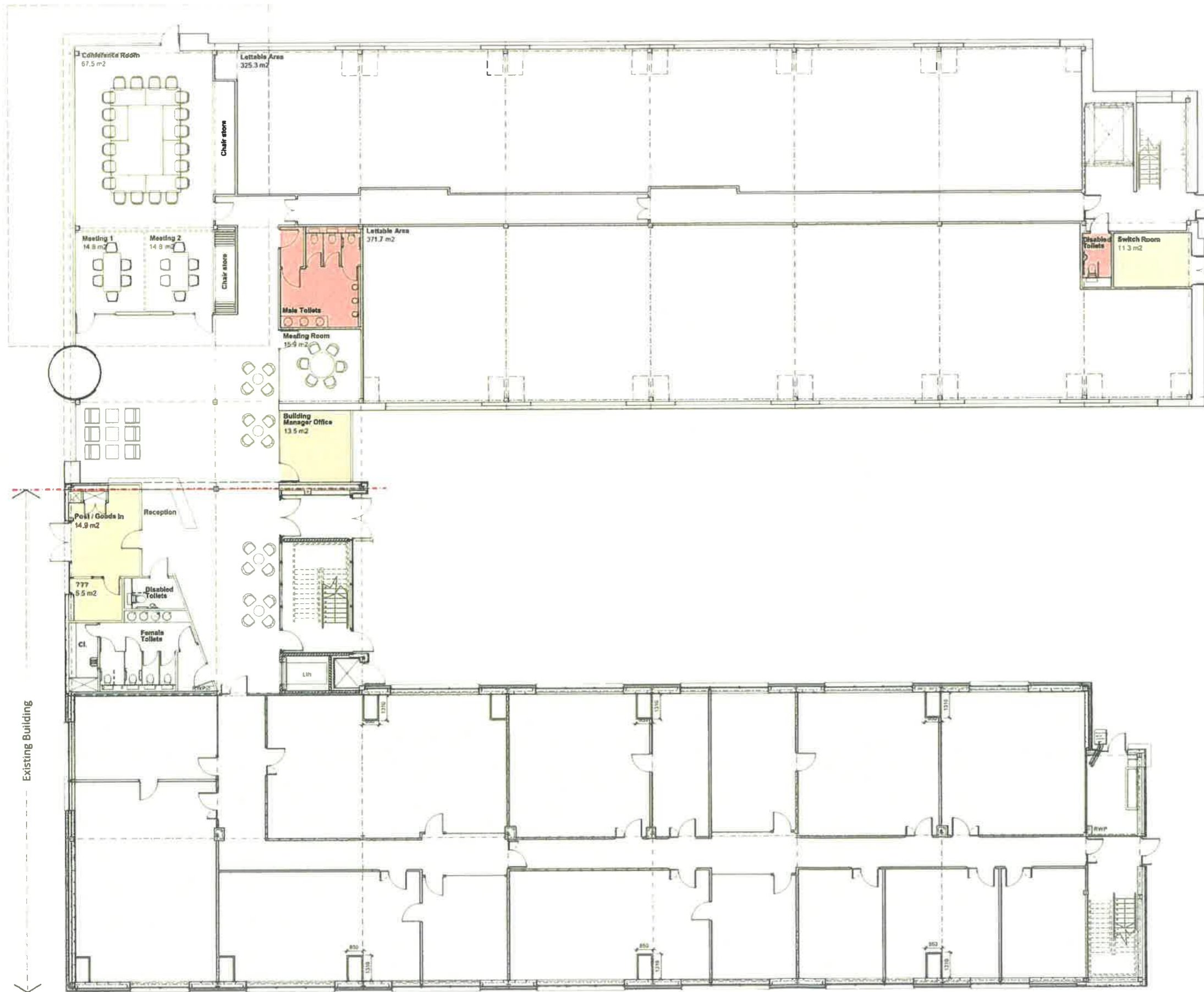
**Key**

- Outline planning permission boundary
- Proposed development boundaries

## Begbroke CIE Extension

| Drawn by | Checked by | A1 scale | A3 scale | Date        | Status      |
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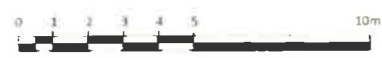
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Alternate Conference Room Layout

9000  
9000  
4500

Existing Building



**Key**  
 Unaltered areas of the existing CIE building

## Begbroke CIE Extension

Drawing title: **Ground Floor Plan**  
 Drawing number & revision: **3141 - 055**

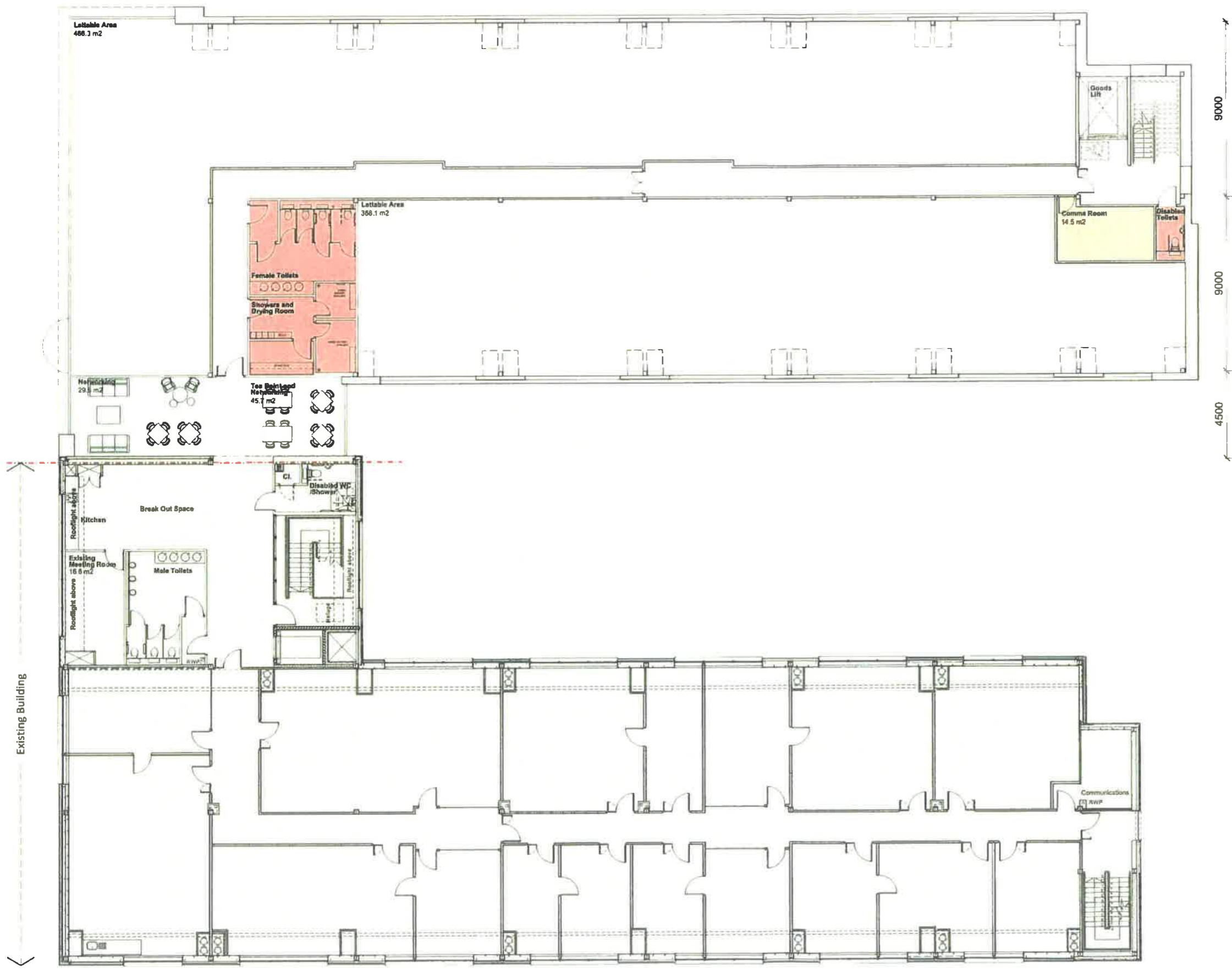
Annotations:  
 Initial Issue

| Drawn by | Checked by | A1 scale | A3 scale | Date        | Notes       |
|----------|------------|----------|----------|-------------|-------------|
| AJB      | AJB        | 1:100    | 1:200    | 29 Jan 2015 | Preliminary |

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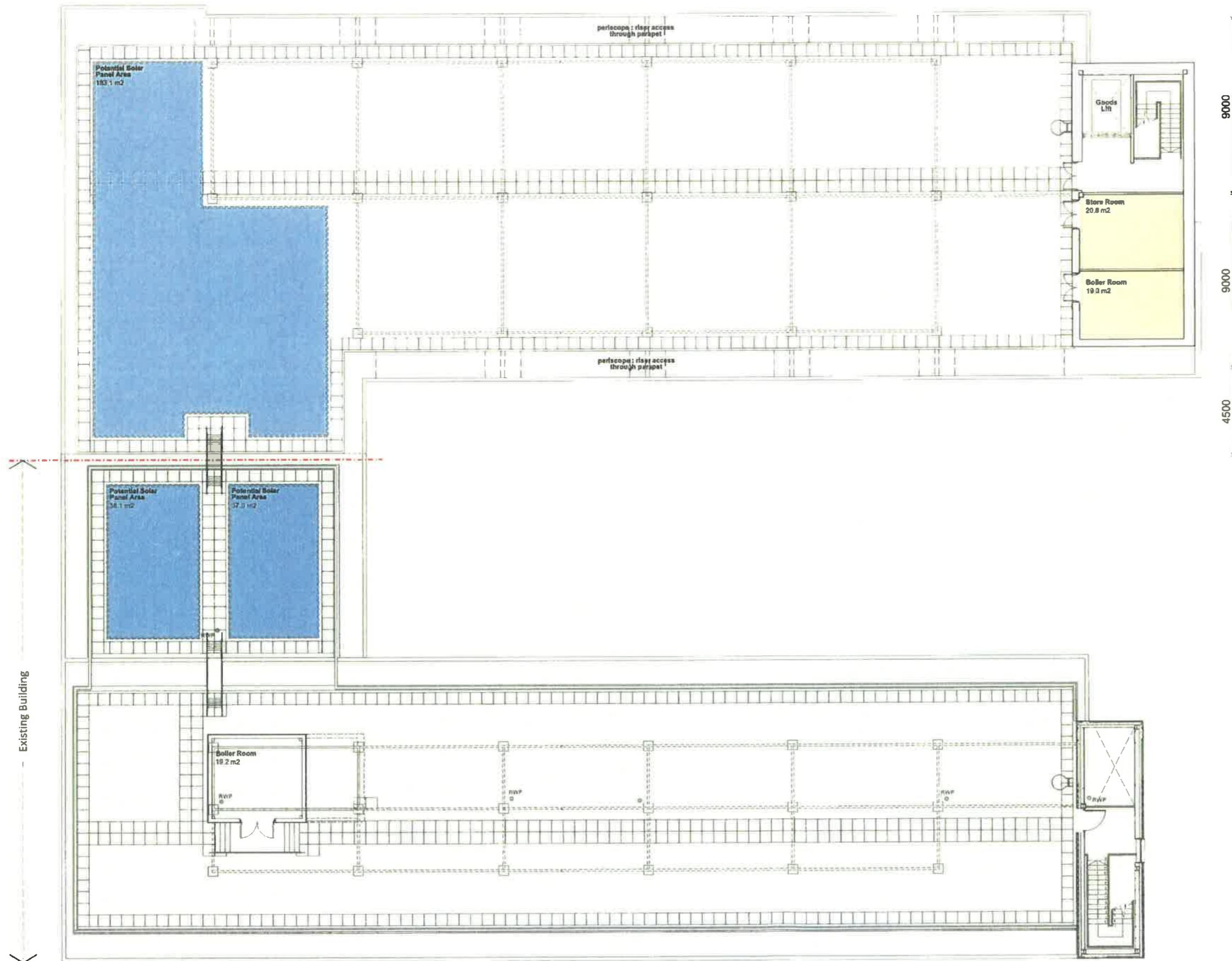
9000  
9000  
4500

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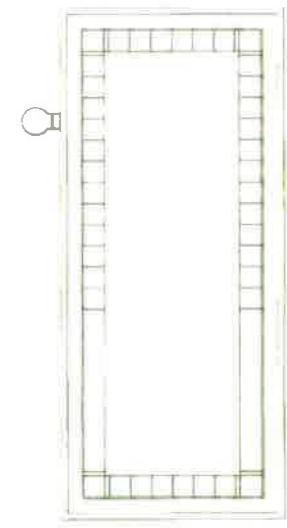
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| <b>First Floor Plan</b> | <b>3141 -056</b>          | Initial Issue |
| Drawn by                | Checked by                | Scale         |
| AJB                     | IR                        | 1:100 1:200   |
| Date                    | Status                    |               |
| 29 Jan 2015             | Preliminary               |               |

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9000  
9000  
4500



Upper Roof Plan

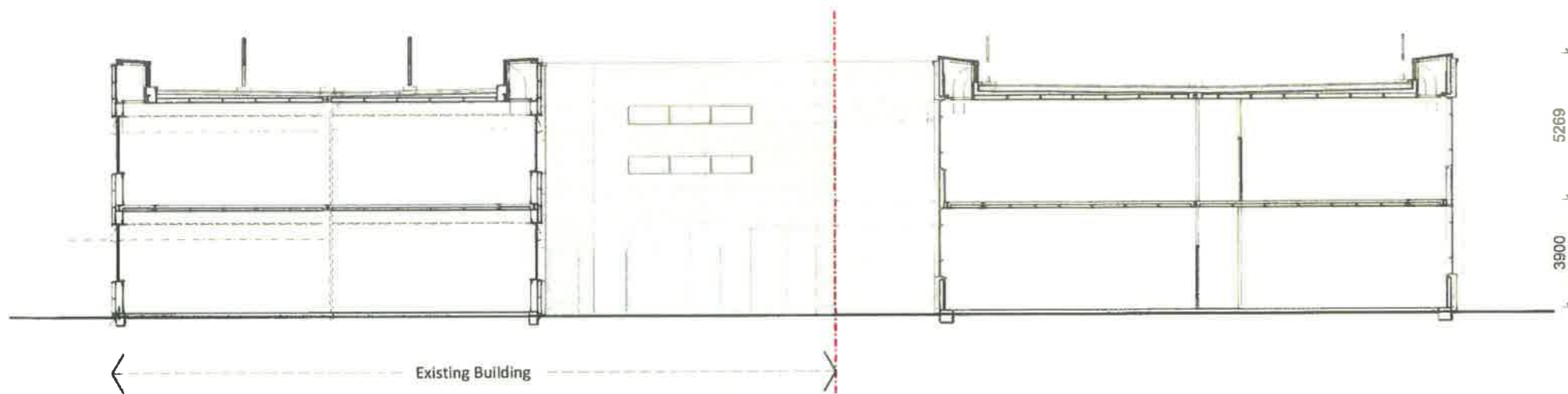
Existing Building

### Begbroke CIE Extension

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|---------------|-----------|---------------------------|--------------|-----------------|---------------|
| Drawing title | Roof Plan | Drawing number & revision | 3141 - 057 - | Author/Designer | Initial Issue |
| Drawn by      | A.B       | Checked by                | J.R          | A1 scale        | 1:100         |
|               |           | A2 scale                  | 1:200        | Date            | 29 Jan 2015   |
|               |           | Status                    | Preliminary  |                 |               |



**Key**  
 □ Unaltered areas of the existing CIE building  
 ■ Area of potential solar panel coverage  
 □ Area of Periscope riser access through parapet



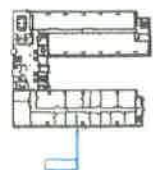
Proposed Section A-A  
1:100 @ A1



Proposed Section A-A  
1:100 @ A1



Section Plan Key



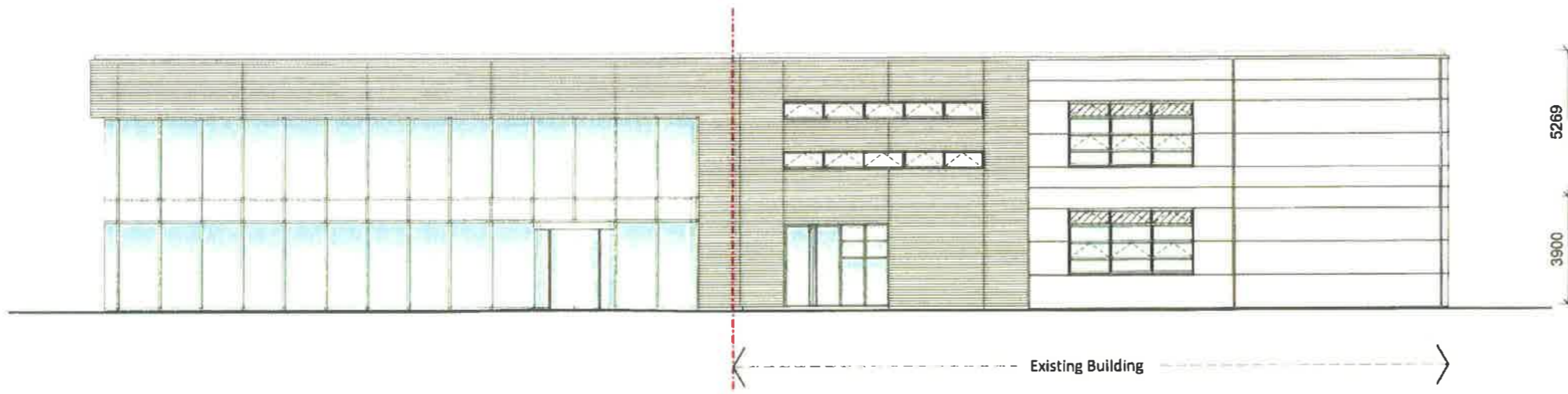
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Drawing number & revision: 3141 -060  
Amendments:

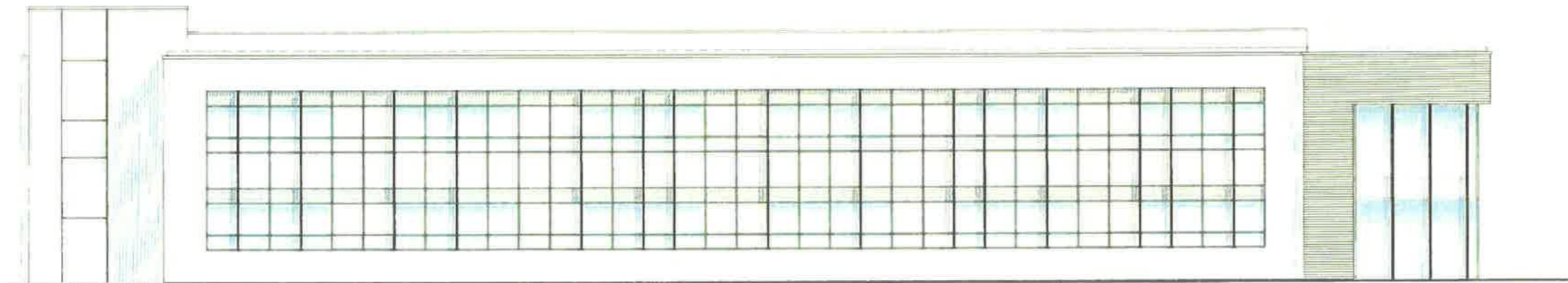
Drawn by: AJB  
Checked by: AJB  
A1 Scale: 1:100  
A1 Scale: 1:200  
Date: 29 Jan 2015  
Status: Preliminary

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Proposed North Elevation



Proposed West Elevation

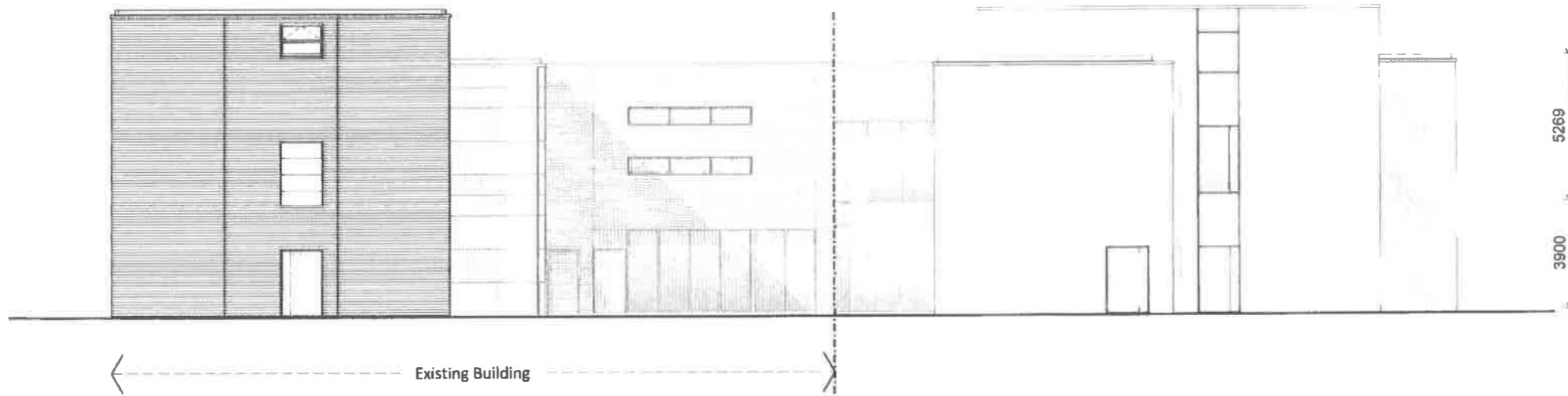


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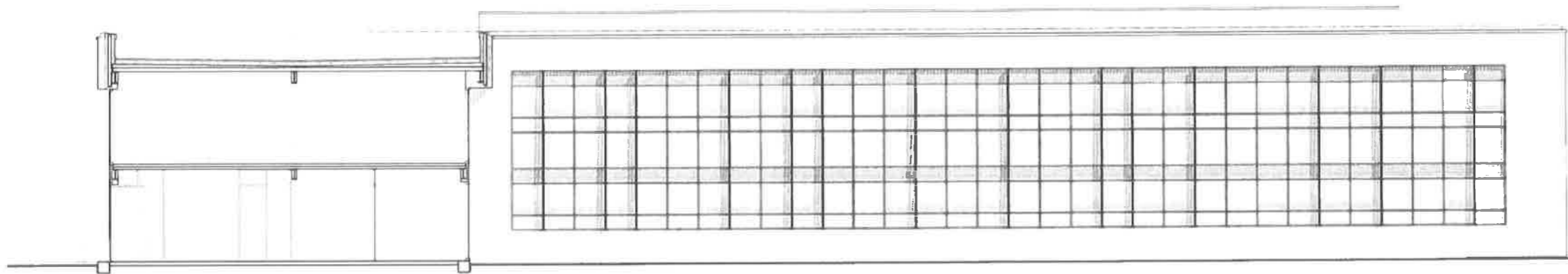
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| Drawing title                |            | Drawing number & revision |            | Annotations                |                    |
| <b>Proposed Elevations 1</b> |            | <b>3141 -065 -</b>        |            | <b>Exhaust Flues added</b> |                    |
| Drawn by                     | Checked by | A1 (Scale)                | A4 (Scale) | Date                       | Stage              |
| AJB                          | JR         | 1:100                     | 1:200      | 04 Feb 2015                | <b>Preliminary</b> |

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Proposed South Elevation



Proposed East Elevation

## Begbroke CIE Extension

Drawing title  
**Proposed Elevations 2**

Drawing number & revision  
**3141 -066 -**

Amendments  
 Exhaust flues added. Additional window panel added to east facade.

Drawn by  
**AJB**

Checked by  
**AJB**

At scale  
**1:100**

Scale  
**1:200**

Date  
**04 Feb 2015**

Status  
**Preliminary**



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**APPENDIX 3**



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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

**Name and Address of Agent/Applicant :**

University Of Oxford  
c/o Carolyn Puddicombe  
Director Of Space And Asset Management  
The Malthouse  
Tidmarsh Lane  
Oxford OX1 1NQ

**Date Registered :** 28th March 2001

---

**Proposal :** Proposed new research buildings (long term phase of site development).

**Location :** Begbroke Business And Science Park Sandy Lane Yarnton Kidlington Oxon OX5 1PF

**Parish(es) :** Begbroke

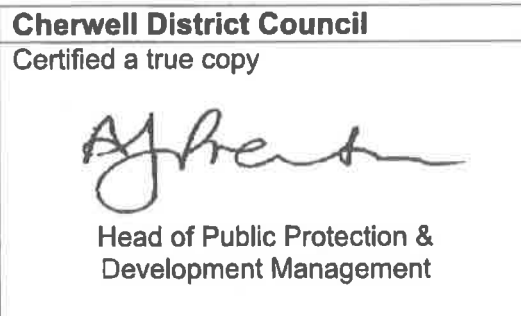
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**OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS**

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development 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  
Oxon  
OX15 4AA



**Date of Decision :** 30th April 2014

**Head of Public Protection &  
Development Management**

## SCHEDULE OF CONDITIONS

- 1 That no development shall be started until full details of the design, layout and external appearance of all buildings and landscaping of the site (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 2 In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 3 The development to which this permission relates shall be begun not later than whichever is the later of the following dates.

- i. The expiration of five years from the date of the grant of outline permission;
- ii. 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 - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 4 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 033/PM/LTP/LP14/01 dated 3 February 2014 and received 5 February 2014.

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.

- 5 That the proposed development shall be constructed as single or two-storey buildings only.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6 No more than 20% of the approved floorspace shall be occupied for uses falling within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005

Reason - In order to maintain the research and development focus of the Begbroke Science Park and to comply with Government Guidance contained within the National Planning Policy Framework.



- 7 Other than what is permitted by condition 6, the premises shall be used only for the purposes falling within class B1(b) and B1 (c) and ancillary D1 uses as specified in the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purposes whatsoever.

Reason - in order to maintain the research and development focus of the Begbroke Science Park and to comply with Government Guidance contained within the National Planning Policy Framework.

- 8 Further to condition 7, the premises shall only be occupied where consultation and liaison with staff of the University of Oxford or another research institution or company within Oxfordshire is an integral part of the research and development process, and shall not involve any manufacture other than the manufacture of prototypes.

Reason - in order to maintain the research and development focus of the Begbroke Science Park and to comply with Government Guidance contained within the National Planning Policy Framework.

- 9 Prior to occupation of the development, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of the means of regulating the use of private cars at the development in favour of other modes of transport and the means of its implementation and methods of regular monitoring. There shall be no variation to the details agreed without the prior written approval of the local planning authority.

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.

- 10 The floor area of the development hereby approved shall not exceed 21,236 square metres as determined by external measurement.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 11 Before any works commence, the existing trees on the land shall be preserved, fenced around and properly maintained in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, and none of the trees shall be felled, topped, lopped or uprooted without the prior consent of the Local Planning Authority unless such tree has become dangerous in the event of any tree dying or being seriously damaged or destroyed within five years from the completion of the development, a new tree of a species first approved in writing by the Local Planning Authority shall be planted and properly maintained in a position or positions first approved by the said Authority.

Reason - In the interest of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

- 12 Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme which shall be completed before the development is first used or occupied.

Reason - To ensure satisfactory drainage of the site in the interests of public health and to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

- 13 Full design details of the proposed lighting arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building(s) and to comply with Policy C18 of the adopted Cherwell Local Plan.

- 14 Full design details of the proposed fencing arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building(s) and to comply with Policy C18 of the adopted Cherwell Local Plan.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way.



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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

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**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 considering work on site.**
- 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 0030 201 or E-mail at [building.control@cherwellandsouthnorthants.gov.uk](mailto:building.control@cherwellandsouthnorthants.gov.uk)

- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- 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. Tel 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.