



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

Name and Address of Agent/Applicant:

Mr F Scott
c/o Framptons
Mr Peter Frampton
Oriol House
42 North Bar
Banbury
Oxfordshire
OX16 0TH

Date Registered: 20th April 2016

Proposal: Change of Use of agricultural land to class B8 to provide for the purposes of the existing Class B2 Use.

Location: Hornton Grounds Quarry, Street From Stratford Road To Hornton Grounds Quarry, Hornton


Parish(es): Hornton

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** 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

Cherwell District Council
Certified a true copy

Head of Public Protection & Development Management

Date of Decision: 29th June 2016

Head of Public Protection & Development Management

SCHEDULE OF CONDITIONS

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following application forms and drawings numbered:

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

- 3 No development shall commence until a detailed landform restoration scheme to include proposals for planting with trees, hedgerows and the progressive return of the land to agriculture or forestry, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of:

- (i) the nature of the intended after-use of the site;
- (ii) the sequence and programming of reclamation showing clearly their relationship to the working scheme;
- (iii) the respreading over the floor of the excavated area of mineral waste, overburden, subsoil and topsoil previously stripped from the site, in that order and the depths and placement of respreading materials;
- (iv) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;
- (v) the machinery to be used in soil respreading operations;
- (vi) the final levels of the reclaimed land and the gradient of the restored slopes around the margins of the extraction;
- (vii) drainage of the reclaimed land, including the formation of suitably graded contours to promote natural drainage where possible or, if not, artificial drainage;
- (viii) the reinstatement of the site and access road by clearing plant, buildings, machinery, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites; and
- (ix) the phased planting and seeding of the restored area

- 4 Within 12 months of the approval of the restoration scheme approved under condition 3, an aftercare scheme requiring that such steps as may be necessary to bring the land to the required standard for whatever restoration is approved, shall be submitted to and approved in writing by the Local Planning Authority. The aftercare steps for agricultural restoration shall include soil testing, the cropping pattern, cultivation practices, stonepicking, remedial treatments, fertilisation treatment, water supply for agricultural and woodland areas, the provision of an efficient field drainage system, seed mixes and shelter belts and hedges. Examination of the soil profile shall take place in the third year.

Reason - To ensure that the restored land is correctly husbanded

- 5 The aftercare of the land, restored under the provisions of condition 4, shall be carried out for a period of five years following the complete restoration the land, in accordance with the approved aftercare scheme or as may be subsequently amended with the approval in writing of the Local Planning Authority.

Reason - To ensure that the restored land is correctly husbanded

- 6 For land restored under the provisions of condition 3, for every year and before 31 August each year during the aftercare period, a report shall be submitted to the Local Planning Authority recording the operations carried out on the land during the previous 12 months and setting out the intended operations for the next 12 months.

Reason - To ensure that the restored land is correctly husbanded

- 7 For the land restored under the provisions of condition 3, every year during the aftercare period the developer shall arrange a site meeting to be held before 30 November to discuss the report prepared in accordance with condition 6 to which the following parties shall be invited:
- (a) the Local Planning Authority,
 - (b) DEFRA,
 - (c) the owner of the land within the site, and
 - (d) all occupiers of land within the site.

Reason - To ensure that the restored land is correctly husbanded

- 8 No development shall commence until a landscaping scheme is submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree, shrub and hedgerow planting around the site including their species, number, sizes and positions, together with grass seeded/turfed areas to be implemented and maintained in accordance with BS4428:1989 in respect of hedgerows, and BS8545:2014 in respect of tree planting,

(b) details of the existing trees and hedgerows which shall be retained on the western boundary and maintained at a height of not less than 3.5 metres, as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps

The development shall be implemented fully in accordance with the approved details and shall be maintained thereafter in accordance with the approved details.

Reason - In the interests of the biodiversity, and visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10 and ESD13 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 Existing trees and hedgerows to the western boundary of the site shall be protected during the construction phase and any future works carried out at the site in accordance with BS5837:2012.

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 ESD13 and saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 No development shall commence until full details of hardstanding to include hard surfacing materials, finished levels and contours, drainage, and means of enclosure, is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and retained as such thereafter.

Reason - To enhance the appearance of the development in the interests of the visual amenities of the area, and to comply with Policies ESD15, ESD13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 11 The site shall be used for the open storage of palletted natural stone products and for no other purpose (including any other purpose within Class B8 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: The proposed use is acceptable but the Local Planning Authority wishes to consider any future proposal for a change of use, and because a general Class B8 use would be an unsustainable form of development in this location, and to accord with Policies SLE1 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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 in a positive and proactive way as the decision has been made in an efficient and timely manner.

NOTICE OF DECISION

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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 starting work on site.**
- 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 0300 003 0200, fax 0300 003 0201 or E-mail at building.control@cherwellandsouthnorthants.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 refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
- For **all other types** of planning applications you must do so within **6 Months** of the date of the decision

Unless;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- 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 the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision which ever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5000. Or online at www.planningportal.gov.uk/pcs**. 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.