



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

Name and Address of Agent/Applicant:

Heyford Park Estates Limited
c/o Pegasus Group
Mr Darryl Rogers
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
GL7 1RT
United Kingdom

Date Registered: 16th March 2017

Proposal: Reserved Matters to Approval 10/01642/OUT - Access for Camp Road Village Centre Highway Infrastructure Works. The original outline application was accompanied by an Environmental Statement.

Location: Heyford Park, Camp Road, Upper Heyford, Bicester OX25 5HD

Parish(es): Upper Heyford

APPROVAL OF RESERVED MATTERS SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **APPROVES** details of the matters reserved in the outline permission reference No. 10/01642/OUT, as 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
OX15 4AA

A handwritten signature in black ink that reads "Paul Feehily". The signature is written in a cursive, slightly slanted style.

Paul Feehily

**Interim Director for
Planning and Regeneration**

Date of Decision: 4th April 2018

Checked by: RD (Officer initials)

SCHEDULE OF CONDITIONS

- 1 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents: Application forms, Arboricultural Impact Assessment and Tree Condition Survey for S.278 Agreement Works at Camp Road 0317-2111 Rev.1 - April 2017 27.04.17 and the following drawings:

Village Centre - S278 Typical Construction Details HEYF-5-223 C
Village Centre - S278 General Arrangement (Location Plan) HEYF-5-230 B
Village Centre - S278 Existing Utility Layout HEYF-5-231 A 01.06.17
Village Centre - S278 Surface Finishes Layout HEYF-5-232 E
Village Centre - S278 Land to be dedicated as Highway HEYF-5-234 A
Village Centre - S278 Highway Drainage & Catchments Sheet 1 HEYF-5-235 C
Village Centre - S278 Highway Drainage & Catchments Sheet 2 HEYF-5-236 A
Village Centre - S278 Tracking HEYF-5-237 A
Village Centre - S278 Contour Plan HEYF-5-238 C
Village Centre - S278 White Lining and Signage HEYF-5-239 B
Village Centre - S278 Long Sections HEYF-5-240 D
Village Centre - S278 Setting Out HEYF-5-241 C

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.

- 2 Within 6 months of the commencement of the development hereby approved, a landscaping scheme shall be 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 and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

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

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

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

- 4 Prior to occupation of any residential or commercial property accessed from the road hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

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

- 5 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of trees on or adjacent the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

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

- 7 No pavements other than Marshall Keyblok-Burnt Ochre are to be used in the block paved areas of the new development. No other materials are to be used until written consent of the Local Planning Authority is received for the variation.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the commencement of the development, full details of the locations and facilities to be provided at each bus stop including Real Time Information and a programme of delivery shall be submitted to and approved in writing by the Local Planning. Thereafter the bus stops and facilities shall be provided and retained in accordance with the approved details.

Reason - To ensure facilities to enable convenient use of public transport and in accordance with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 Attention is drawn to the conditions imposed on the "outline" permission (App. No. 10/01642/OUT;) granted on 22.12.2011 which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.
- 2 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
- 3 Fibre to the Premises (FTTP) technology

Openreach will provide FTTP infrastructure free of charge for developments of 30 or more plots. For sites for 2 - 29 plots Openreach will review the available technology in the area, if FTTC infrastructure is not available free of charge then developers can choose to make a contribution to receive this technology and an offer will be issued at registration. You'll need to register your site at least nine months before the date that you want Openreach to provide service to the first new property, or if you're installing a lift, at least nine months before the lift commissioning date. This must be at least eight weeks before you actually start on the site construction.

For further information, please visit <https://www.ournetwork.openreach.co.uk/property-developers/site-registration.aspx>
- 4 Please note that separate consent is likely to be required for this work under the Highways Act 1980 (as amended). You should contact the Road Agreements Team at Oxfordshire County Council, as the Local Highways Authority in this instance, before commencing works. They can be contacted via email: roadagreements@oxfordshire.gov.uk, or telephone: 01865 815202.
- 5 The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.
- 6 Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the highway works under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.
There will need to be a consultation for the Traffic Regulation Order (TRO), with associated fees as follows.
 - o Loading bay - £2600;
 - o Raised traffic calming tables - £800;
 - o Zebra crossing - £800.If a 20mph speed limit is proposed then this would need a further TRO with an associated fee of £2600
- 7 Closure of Public Highway

If the permission hereby given requires work within the public highway, the applicant is advised that he/she should not commence such work before formal consent is secured from the Highway Authority by way of either (a) a Section 184 Highways Act 1980 notice, or (b) the completion of a formal agreement between the applicant and the Highway Authority. Details of the form of both a) and b) above may be obtained direct from Oxford

County Council, the Highway Authority on Tel. (01865) 844300.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



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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 0030 200, 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 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, Telephone No. 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.