



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

Name and Address of Agent/Applicant:

Pegasus Group
Mr Paul Burrell
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
GL7 1RT

Full Planning Determination

Date Registered: 7th December 2016

Proposal: Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works

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

Parish(es): Upper Heyford

**PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS
AND SUBJECT TO A S106 PLANNING AGREEMENT**

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
OX15 4AA

David Peckford
Assistant Director for Planning and Development

Date of Decision: 7th April 2020

Checked by: Alex Keen

SCHEDULE OF CONDITIONS

Time Limits and General Implementation 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 hereby permitted shall be carried out strictly in accordance with the following approved documents and plans:

Documents

Application forms; Design and Access Statement; Planning Statement (incorporating Affordable Housing and Energy Statements); Existing Buildings Package; Statement of Community Engagement; Tree Survey; Arboricultural Impact Assessment and Tree Protection Plan (Pegasus Group dated 01/11/16); Report Title Reference Road Safety Audit Stage 1 - Phase 9, Heyford Park, Upper Heyford, Bicester. TMS Reference No: 14436; Designers Response - Road Safety Audit Stage 1 -TMS 14436 dated 5th September 2018; BLBB Consulting Limited Report dated 17th February 2017; Environmental Statement Non-Technical Summary; and Environmental Statement comprising the following chapters:

- 1) Introduction
- 2) Assessment Scope and Methodology
- 3) The Application Site
- 4) The Proposed Development and Alternatives Considered
- 5) Socio Economics
- 6) Noise
- 7) Air Quality
- 8) Hydrology (with Flood Risk Assessment)
- 9) Contaminated Land (Appendix 10.1 on CD only)
- 10) Landscape and Visual Amenity
- 11) Ecology and Nature Conservation
- 12) Cultural Heritage
- 13) Summary and Conclusions
- 14) Glossary and Acronyms

Plans

Planning Layout 0521-PH9-102 Rev. G
External Works Layout (Sheet 1 of 4) B 0521-PH9-104-1 Rev.D
External Works Layout (Sheet 2 of 4) 0521-PH9-104-2 Rev.D
External Works Layout (Sheet 3 of 4) 0521-PH9-104-3 Rev.D
External Works Layout (Sheet 4 of 4) 0521-PH9-104-4 Rev.D
Vehicle Tracking Layout - Refuse Vehicle 0521-PH9-105-1 Rev.C
Vehicle Tracking Layout - Estate Car 0521-PH9-105-2 Rev.C
Vehicle Tracking Layout - Bus 0521-PH9-105-3
External Detailing 0521-PH9-106 Rev.A
Adoption Plan 0521-PH9-107 Rev.C
Materials Layout 0521-PH9-108 Rev.D
Garages 0521-PH9-109-Rev.A
Refuse Plan 0521-PH9-111 Rev.C
Composite Footway /Cycleway Movement Plan 0521-CMP05 Rev.B
Road Longitudinal Sections (Sheet 1 of 3) 0521-PH9-302-1- Rev.A
Road Longitudinal Sections (Sheet 2 of 3) 0521-PH9-302 -2 Rev.A
Road Longitudinal Sections (Sheet 3 of 3) 0521-PH9-302 -3 Rev.A
Drainage Strategy Plan 0521-PH9-320 Rev.E

Detailed Tree Planting Proposal 1619 A6 03 Rev.G
Rain Gardens Detailed Tree Planting Proposal 1619 A6 04 Rev.E
Eastern POS Detailed Proposal 1619 A6 05 Rev.D
Trim Trail Proposal 1619 A6 06 Rev.B 1619 A6 06 Rev.D
South Eastern LAP Proposal 1619 A6 07 Rev.D
South Western LEAP Proposal 1619 A6 08 Rev.E
Western LAP 2 Proposal 1619 A6 09 Rev.D
Central LAP Proposal 1619 A6 11 Rev.E
Detailed Planting Proposal (Sheet 1 of 7) 1619 A6 12 Rev.F
Detailed Planting Proposal (Sheet 2 of 7) 1619 A6 13 Rev.D
Detailed Planting Proposal (Sheet 3 of 7) 1619 A6 14 Rev.F
Detailed Planting Proposal (Sheet 4 of 7) 1619 A6 15 Rev.G
Detailed Planting Proposal (Sheet 5 of 7) 1619 A6 16 Rev.E
Detailed Planting Proposal (Sheet 6 of 7) 1619 A6 17 Rev.E
Detailed Planting Proposal (Sheet 7 of 7) 1619 A6 18 Rev.E
Road Longitudinal Sections (Sheet 1 of 3) 0521-PH9-302-1 Rev A
Road Longitudinal Sections (Sheet 2 of 3) 0521-PH9-302-2 Rev A
Road Longitudinal Sections (Sheet 3 of 3) 0521-PH9-302-3 Rev A
Parking Matrix Issue 4 0521-PH9 Issue 4
Street Scenes 0521-PH9-103 Rev B
Housetype Booklet 0521-PH9-HTB Issue 3
Close Coupled Sub-Station GTC-E-SS-0010_R1-7. 1 of 1.

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.

Pre-Commencement Conditions (site wide)

3. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan.

Reason – To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies ESD15 and Villages 5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

4. No development shall take place, including any demolition and any works of site clearance, until a mitigation strategy for bats, which shall include timing of works, and the location, design and timing of any alternative roosts to be provided, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Except for works relating to demolition, site clearance and infrastructure, no development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include 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. Thereafter the LEMP shall be carried out in accordance with the approved details.

Reason - In the interests of the visual amenities of the area and the protection and enhancement of ecology, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

6. No development shall take place until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason – To ensure the amenities of the surrounding environment are protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. No development shall take place until such time as a detailed Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Local Planning Authority. It shall cover all construction phases including a timetable for its implementation, routing agreement, details of the measures to be taken to ensure construction traffic does not adversely affect residential properties, together with details of consultation and communication to be carried out with local residents. Thereafter the development shall be carried out in accordance with approved CTMP.

Reason - In the interests of sustainability and highway safety, to ensure a satisfactory form of development, to minimise impact on the amenity of local residents and to comply with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Except for works relating to demolition and site clearance, no development shall take place until full details of the main access vision splays, including layout and construction, have been submitted to and approved in writing by the Local Planning Authority. The vision splays shall be constructed and provided in accordance with the approved details prior to the first occupation of any residential units served from the main access and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 1m above carriageway level thereafter.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

9. Except for works relating to demolition, site clearance and infrastructure, no development shall take place until details have been submitted to, and approved in writing by, the Local Planning Authority of cross-sections through the rain garden and attenuation pond showing in particular the depth and variable bank profiles of the swale. Details of head walls should be included. Thereafter the development shall be carried out in accordance with the approved details.

Reason - For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to comply with Government guidance contained within the National Planning Policy Framework.

Pre-Commencement Conditions (phased)

10. No development shall take place within a phase or sub-phase hereby approved until a remediation strategy that includes the following components to deal with the risks associated with contamination of that phase or sub-phase has been submitted to and approved, in writing, by the Local Planning Authority:
- a) A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination affecting that phase or sub-phase
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of groundwater from potential pollutants associated with current and previous land uses in line with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

11. Except for works relating to demolition and site clearance, no development shall take place within a phase or sub-phase hereby approved until a surface water drainage scheme for that phase or sub-phase, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development within the relevant phase or sub-phase is first occupied. The scheme shall include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing
- No private drainage into the existing public highway drainage system
- No private drainage into the adoptable highway drainage system

Reason: In the interests of highway safety and sustainable drainage, to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Except for works relating to demolition and site clearance, no development shall take place within a phase or sub-phase hereby approved until such time as a scheme to dispose of surface water that ensures that soakaways are not constructed into contaminated land has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved, prior to the occupation of the relevant phase or sub-phase to which it relates.

Reason: To protect the groundwater aquifer from mobilisation of contamination due to the use of soakaways to comply with Policies ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Except for works relating to demolition and site clearance, no development shall take place within a phase or sub-phase hereby approved until a scheme for the improvement and extension of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. This includes work to reduce levels of infiltration into the existing sewer system. The scheme shall be implemented as approved. No occupation of dwellings with the relevant phase or sub-phase shall occur until the scheme for improvement and extension of the existing sewerage system has been completed.

Reasons: To ensure development is phased in line with sewer improvements in order to prevent deterioration to receiving water bodies, to comply with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Except for works relating to demolition and site clearance, no development shall take place within a phase or sub-phase hereby approved until full specification details of the roads, footpaths and cycle paths including construction, surfacing, layout, drainage, lighting and road markings within that phase or sub-phase, have been submitted to and approved in writing by the Local Planning Authority. Thereafter each residential unit within that phase or sub-phase, shall be provided with the approved highway infrastructure in accordance with the approved specification details, prior to its first occupation.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policies SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

15. Except for works relating to demolition and site clearance, no development shall take place within a phase or sub-phase hereby approved until full specification details of the vehicular accesses, driveways, parking spaces and turning areas to serve the dwellings within that phase or sub-phase, which shall include construction, layout, surfacing and drainage, have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any residential unit, the accesses, driveways, parking spaces and turning areas necessary to serve that residential unit shall be constructed in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

16. Except for works relating to demolition and site clearance, no development shall take place within a phase or sub-phase hereby approved until a scheme for the provision of ducting to facilitate the future installation of electric charging points to serve the residential units with on plot parking provision within that phase or sub-phase, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to the occupation of the residential unit(s) to which it relates.

Reason: In the interests of sustainability, to ensure a satisfactory form of development, to comply with policies SLE4, ESD1 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and to comply with Government guidance contained within the National Planning Policy Framework.

17. Except for works relating to demolition, site clearance and infrastructure, no development shall take place within a phase or sub-phase hereby approved until full details of the fire hydrants to be provided or enhanced within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

18. Except for works relating to demolition, site clearance and infrastructure, no development shall take place within a phase or sub-phase hereby approved until a schedule of materials and finishes for the external walls and roof(s) for that phase or sub-phase together with samples of all bricks, render, paviors and slates to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule and samples.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Conditions Requiring Approval or Compliance Before Specific Construction Stages

19. If, during development, contamination not previously identified is found to be present, no further development shall take place until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. Prior to bringing into use any part or section of the proposed western Portway bridleway and circular footpath network, the part(s) or section(s) to be brought into use shall have been formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details and a timetable previously submitted to and approved in writing by the Local Planning Authority. The details of the Portway bridleway crossing over Camp Road shall include visibility splays and an assessment of the need for any proposed barriers.

Reason: In the interests of highway safety and public amenity and to comply with Policies ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. 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 first occupation of the building(s) or on the completion of the phase or sub-phase 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 Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the adopted Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

Conditions Requiring Approval or Compliance Before Occupation

22. Prior to the first use or occupation of any phase or sub-phase of the development hereby approved, a verification report for that phase or sub-phase, demonstrating completion of works set

out in the remediation strategy approved under condition 10 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of groundwater from potential pollutants associated with current and previous land uses in line with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and National Planning Policy Framework (NPPF), paragraphs 170, 180, 178.

23. Prior to the first use or occupation of the development hereby approved, a Residential Travel Plan, prepared in accordance with Oxfordshire County Council's approved Travel Plan guidance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

24. Prior to the first use or occupation of any phase or sub-phase of the development hereby approved, covered cycle parking facilities shall be provided within that phase or sub-phase in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be provided prior to the occupation of the residential unit to which they relate and permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

PLANNING NOTES

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee

is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.
3. **Legal Agreement** – Attention is drawn to a Legal Agreement related to this development or land dated 6th April 2020 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.
4. **EIA** – With regard to the requirements of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), the main reasons and considerations on which the decision is based including information about the participation of the public - along with the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development – is contained within the Officer's report to Planning Committee dated 20th September 2018.
5. **Roads Adoption** – 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. **S278 Required** – Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for any highway works under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk
7. **Condition 17** – With regard to the requirements of condition 17, Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems
8. **Hedgerow Management** – When considering the importance of the existing approximately 4.0m high western boundary hedge in mitigating the visual impact of the development on the landscape to the west it is important to remember that in order for this hedgerow to be retained as a hedge it must be managed which will involve periodic reduction in width and height to maintain its density. This will periodically also lessen its screening value.
9. **Protected Species** – Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

10. **Third Party Interests** – Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
11. **Construction Sites** – The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
12. **Archaeology** – The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).
13. **Minimum Water Pressure** – Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
14. **Environmental permit – Foul drainage:** The foul drainage and contaminated surface water associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. This is a separate consent from planning permission. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via their main website (<http://www.environment-agency.gov.uk>).

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively 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 is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

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 (as amended), 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, 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 their 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 whichever 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 them 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 them.

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 they 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 District Council to purchase their 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 them.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.