

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND)
ORDER 2010

To: Mr Finlay Scott,
C/o Agent

CONDITIONAL PLANNING PERMISSION

Change of use for the open storage within class B8 at Hornton Grounds,
Hornton, Banbury, OX15 6HH

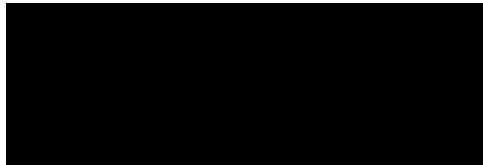
The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority
hereby GRANT PLANNING PERMISSION for this development SUBJECT TO
the conditions set out in the attached Schedule 1.

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

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

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

Dated: 12 March 2015



On behalf of Director for Environment & Economy

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Schedule 1 - Conditions

Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise the application form, Planning Statement dated June 2014, Preliminary Ecological Appraisal dated 29th September 2014, Plan no PF/8930.01 and plan number ASC.06.096.

Reason: To ensure that the development is carried out as proposed.

2. 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. The date of commencement of development shall be notified to the Minerals Planning Authority within 7 days of commencement.

Reason: In accordance with Section 91 to 95 of the Town and County Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

No such operations shall take place on Sundays or recognised public and bank holidays or on Saturdays immediately following Bank Holiday Fridays.

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

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

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

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

Reason: In the interests of nature conservation. (Policy C1 of the CLP)

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

trees or bushes of the same size and species, in the planting season immediately following such occurrences.

Reason: In the interests of nature conservation. (Policy C1 of the CLP)

7. The number of lorry movements shall be no more than 10 (5 in, 5 out) per day.

Reason: To ensure that the development does not generate frequent heavy goods vehicle movements. (Policy TR10 of the CLP)

8. No use other than stone storage shall be carried out on the site until details of the surfacing and drainage of the site have been submitted to and approved in writing by the Mineral Planning Authority.

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

9. Nothing shall be stored on the bunds as shown on plan ASC.06.096 and nothing shall be stored at a height greater than 3m.

Reason: To ensure that the storage does not have an unacceptable visual impact on the landscape. (Policy C13 of the CLP)

Informatives

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

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

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

Any rabbits and other mammals on the site must be treated humanely (as must any other mammals) in line with the Wild Mammals Protection Act 1996. This includes where rabbits may be in burrows and affected by removal of habitat.

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

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

European Protected Species (to include in reports as an Annex)

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

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Schedule 2 - Relevant Development Plan Policies:

Cherwell Local Plan Saved Policies (CLP): EMP4, TR7, TR10, C1, C13 and ENV1.

Schedule 3 - Reasons for Approval

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