



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 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

### Hybrid Planning Determination

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**Date Registered:** 11th May 2018

**Proposal:**

A hybrid planning application consisting of:

- demolition of buildings and structures as listed in Schedule 1;
- outline planning permission for up to:
  - > 1,175 new dwellings (Class C3);
  - > 60 close care dwellings (Class C2/C3);
  - > 929m<sup>2</sup> of retail (Class A1);
  - > 670m<sup>2</sup> comprising a new medical centre (Class D1);
  - > 35,175m<sup>2</sup> of new employment buildings, (comprising up to 6,330m<sup>2</sup> Class B1a, 13,635m<sup>2</sup> B1b/c, 9,250m<sup>2</sup> Class B2, and 5,960m<sup>2</sup> B8);
  - > new primary school building on 2.33ha site (Class D1);
  - > 925m<sup>2</sup> of community use buildings (Class D2); and 515m<sup>2</sup> of indoor sports, if provided on-site (Class D2);
  - > 30m in height observation tower with zip-wire with ancillary visitor facilities of up of 100m<sup>2</sup> (Class D1/A1/A3);
  - > 1,000m<sup>2</sup> energy facility/infrastructure (sui generis);
  - > 2,520m<sup>2</sup> additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use (Class D1);
  - > creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure.
- the change of use of the following buildings and areas:
  - > Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Class B1b/c, B2, B8);
  - > Buildings 217, 3052, 3053, 3054, 3055, 3102, and 3136 for employment use (Class B8);
  - > Buildings 2010 and 3009 for filming and heritage activities (Sui Generis/Class D1);
  - > Buildings 73 and 2004 (Class D1);

- > Buildings 391, 1368, 1443, 2005, 2006, 2007, 2008 and 2009 (Class D1/D2 with ancillary A1-A5 use);
  - > Building 340 (Class D1, D2, A3);
  - > 20.3ha of hardstanding for car processing (Sui Generis); and
  - > 76.6ha for filming activities, including 2.1ha for filming set construction and event parking (Sui Generis);
- the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, as specified in Schedule 2.
  - associated infrastructure works, including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road.

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

**Parish(es):** Heyford Park, Somerton, Middleton Stoney

### 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  
OX15 4AA



David Peckford  
Assistant Director – Planning and Development

**Date of Decision: 9th September 2022**

**Checked by: Andy Bateson**

## SCHEDULE OF CONDITIONS

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: 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 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

2. No development shall commence on any phase identified within an approved phasing plan as approved under condition 5 until full details of the layout, scale, appearance, access and landscaping] (hereafter referred to as reserved matters) for that phase of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: 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 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

3. The changes of use to which this permission relates shall be begun not later than the expiration of ten 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.

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

### Plans:

- P16-0631\_33 rev P Pegasus Application Boundary (submitted 12th March 2020);
- P16-0631\_94 rev A Pegasus Existing Site Plan (original submission);
- P16-0631\_34 rev Demolition & Change of Use Plan Q Pegasus (submitted 12th March 2020);
- P16-0631\_65 rev G Pegasus Existing & Proposed Fence Plan (submitted 30th July 2020);
- P16-0631\_08 Sheet No. 02 rev J Pegasus Building Heights Parameter Plan (submitted 1st July 2020);
- P16-0631\_08 Sheet No. 01 rev AM Pegasus Composite Parameter Plan (submitted 8th September 2020);
- P16-0631\_113-01 Filming Areas Plan;

### Documents:

- Environmental Statement (with Arboricultural survey, Transport Assessment and Flood Risk Assessment); April 2018;
- Environmental Statement Supplementary Environmental Information (standalone document) March 2020;
- Environmental Statement Non-Technical Summary -(standalone document) P16-0631\_97B-March 2020;

- Odour Assessment Avon Water Consulting Ltd – Version 2.1 – 26th January 2018;
- Sustainability and Energy Statement PBA – Version 2 – 12th April 2018;
- Report of Community Engagement– April 2018;
- Planning Application Summary Pegasus Group – P16- 0631\_96A. May 2018;
- Biodiversity Technical Note-15.07.2020;
- Planning Statement (incl. Affordable Housing and S.106 Heads of Terms) March 2020;
- Heritage Impact Assessment;
- Heritage Impact Assessments 10.03.2020;
- The Heritage Offer at Heyford Park Dorchester Living Revision B -March 2020;
- Heritage Management Plan Pegasus Group Version 2.1 22nd July 2022;
- Filming Management Plan Version 1.0, 05.03.2020;
- Design and Access Statement (standalone document) P16-0631\_81G- March 2020;
- Green Infrastructure Strategy (standalone document) P16-0631\_83A, March 2020.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

5. No reserved matters applications shall be determined pursuant to the outline application until such time as a phasing plan covering the entire application site has first been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include:
- a. Demolitions;
  - b. The provision, laying out, landscaping and treatment of proposed and retained (existing), open space/play space/amenity areas in accordance with the green infrastructure strategy;
  - c. An access phasing strategy, including a phased approach to the closure of access points. The provision and closure of accesses shall be carried out in accordance with the approved details and access proposals; and
  - d. An infrastructure phasing strategy to include the Camp Road corridor.

Thereafter, the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

6. Where any reserved matters submission would not accord with the design principles set down in the Proctor Matthews Upper Heyford (Design) Strategy Document – June 2020, no reserved matters applications shall be determined for any phase of residential development until a new Design Code for that phase of the residential development, as identified in Condition 5 (reserved matters) above, has been submitted to and approved in writing by the Local Planning Authority.

The Design Code shall comprise:

- I. Land use, density, layout of streets and public spaces and character areas;
- II. Landscape, including for the immediate setting of the new settlement, to include retained trees and vegetation, new planting, public open space, amenity space, children's' play areas, sports facilities, footpaths, public spaces, together with adoption arrangements and extent;

- III. Surface water control, including design standards and methodology for sustainable drainage systems, details of specific features, including appropriate options for Sustainable Urban Drainage, swales, together with adoption arrangements and extent; iv) Public realm, including hierarchy of streets and public spaces, characteristics, dimensions, building line and or set backs, materials, means of enclosure, street furniture, including street lighting, and car parking, methods to control traffic speeds and create legibility, together with adoption arrangements and extent;
- IV. Built form, including scale, materials, roof treatment, elevational treatment, treatment of landmark and marker buildings, key frontages and gateways;
- V. Sustainable design, including the measures to be incorporated to ensure that the development complies with at least the minimum Code Level required by the Building Regulations in the Code for Sustainable Homes and to assess the impact this would have on appearance;
- VI. Car and cycle parking, including standards of provision by land use and dwelling type; and
- VII. Waste recycling, including how the Councils standards for individual householders' waste and recycling bins are to be accommodated within the dwelling curtilage and refuse vehicle access to these obtained.

Parcels 12, 21 and 23 in particular shall accord with the design principles set down in the Proctor Matthews Upper Heyford (Design) Strategy Document - June 2020.

The development shall thereafter be carried out in accordance with the approved Design Codes.

Reason: Design Codes, together with the Approved Master Plan, are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as out in the Environmental Statement, Policy Villages 5 of the Cherwell Local Plan 2031 Part 1 and in accordance with the Government guidance contained within the National Planning Policy Framework.

7. No new-build development within a phase agreed under Condition 5 shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings specific to that phase have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. No development within any phase shall take place, save for existing uses already in occupation at the time planning permission is granted, until there has first been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for that phase which 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 existing trees and hedgerows to be retained 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, pavements, pedestrian areas, crossing points and steps;
- c) Details of the soft landscaping, hard surfaced areas, pavements, pedestrian areas, crossing points and steps;
- d) Details of laying out of Public Open Space;
- e) Details of boundary treatments to each phase where appropriate (including retained security fencing).

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 Villages 5 of the Cherwell Local Plan.2031 Part 1.

9. No works or development shall take place in connection with each phase or sub phase of the development until a scheme for the protection of the existing trees, hedgerows or such other landscape features as may exist that are identified for retention under Condition 10 has been agreed in writing with the Local Planning Authority. This scheme shall include:
- a) A plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree within that phase or sub-phase and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan;
  - b) The details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule;
  - c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work;
  - d) Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works;
  - e) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837);
  - f) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each development phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase;
  - g) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837);
  - h) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837);
  - i) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground;
  - j) The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing) The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees;

- l) The details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction;
- m) The details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site;
- n) The details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity;
- o) The details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837);
- p) The details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837);
- q) The timing of the various phases of the works or development in the context of the tree protection measures. Implementation shall be in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued health of retained trees and 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 and to comply with Policy Villages 5 of the Cherwell Local Plan 2031 Part 1 and Policy C28 of the Cherwell Local Plan 1996.

10. All planting, seeding or turfing comprised in the approved details of landscaping for each phase of the development hereby approved comprising new building shall be carried out in the first planting and seeding seasons following the occupation of the final new building of that phase; and that any trees and shrubs which within a period of five years from the completion of the phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation

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 Villages 5 of the Cherwell Local Plan 2031 Part 1 and Policy C28 of the adopted Cherwell Local Plan.

11. A landscape and ecology management plan (LEMP) for each phase of the development shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development of each phase. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organization responsible for implementation of the plan;
  - h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

12. No development shall take place within any phase as approved in the Phasing Plan (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority for that phase of development. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning sign.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period for the relevant phase strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development of a phase as it is fundamental to the acceptability of the scheme.

13. Prior to the commencement of any phase of the development, the site subject to that phase shall be assessed by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

If the development or a specified phase of development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured through shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i) establish if there have been any changes in the presence and/or abundance of bats, badgers and great crested newts; and
- ii) identify any likely new ecological impacts that might arise from any changes.



Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for bats, badgers and great crested newts shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

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 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. No operational development shall be undertaken on any phase within the site, until such time as a scheme for the provision, maintenance and phasing for the delivery of the cat proof and dog proof fencing, including details of the specification, height, position and extent of fencing along the boundary of the new settlement and the Flying Field has been submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details prior to the first occupancy of the new housing.

Reason: To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of Policy Villages 5 of the Cherwell Local Plan 2031 Part 1 and guidance contained within the NPPF.

15. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

16. Full details of a scheme for the location of bat, bird, owl and invertebrate boxes on each phase of development not in use at the time of the permission shall be submitted to and approved in writing by the Local Planning Authority for each phase. Thereafter and prior to the occupation of any building on that phase of the development, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan– 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

17. No works of demolition hereby authorised shall be carried out before a contract for carrying of the works of redevelopment of the relevant parts of the site has been entered into and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that demolition does not result in an unsightly site which would detract from the character and appearance of the conservation area and to accord with and to comply with Government guidance contained within Section 16 of the National Planning Policy Framework.

18. Prior to demolition of any building or structure as shown on Plan Ref: P16-0631\_34 Q, a scheme of demolition for those buildings or structures to be removed shall have been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:
- a) the demolition techniques to be employed in respect of each building or structure to be removed;
  - b) proposed hours of operation in respect of the proposed demolition works and demolition material processing/treatment;
  - c) dust and noise mitigation measures to be employed in respect of the demolition;
  - d) details of the treatment of the demolition material including whether it is to be removed from the site or re-used in connection with the development;
  - e) If demolition spoil is to be processed on site details of the method of processing shall be submitted, including dust and noise mitigation measures to be employed;
- and any demolition shall be implemented in accordance with such approved details.

Reason: To ensure that demolition does not result in an unsightly site which would detract from the character and appearance of the conservation area and to accord with and to comply with Government guidance contained within Section 16 of the National Planning Policy Framework.

19. During the course of building operations or construction works on the site and at all reasonable times, the developer shall afford access to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds.

Reason: In the interests of archaeological investigation or recording and to comply with Government advice in the NPPF.

20. No development or demolition, including removal of concrete taxiways, shall commence on the school site (parcel 31) identified on the approved composite parameter plan until full details of the layout, scale, appearance, access, landscaping, parking, lighting, boundary treatment, surface treatment, playground/sports pitches (reserved matters) and a strategy for the use and maintenance of the aircraft hangar have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the and Cherwell Local Plan 2031 Part 1.

21. Prior to the implementation of any change of use or any operational development to construct any non-residential building, a parking strategy shall be provided for vehicles operating in association with the use of the non-residential buildings. A plan showing car parking provision for vehicles to be accommodated within the site together with any areas for manoeuvring, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of the permission and such parking and manoeuvring facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan prior to occupation of any non-residential building. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of satisfactory car parking, to ensure the development is in keeping with and conserves the special character of this part of the Conservation Area in accordance with saved policies C23 and C28 of the Cherwell Local Plan 1996, Policy Villages 5 of the Cherwell Local Plan 2031 Part 1 and to comply with Government advice in NPPF.

22. No development shall take place, including any works of demolition for a phase until a Construction Method Statement for that phase has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide as a minimum the following details:
- a) The parking of vehicles of site operatives and visitors;
  - b) The routing of HGVs to and from the site;
  - c) Loading and unloading of plant and materials;
  - d) The creation of storage compounds, or any storage of plant and materials used in constructing the development, including a scheme for their subsequent removal and restoration of the land;
  - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
  - g) Measures to control the emission of dust and dirt during construction;
  - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
  - i) Delivery, demolition and construction working hours;
  - j) The mitigation measures recommended in the submitted Environmental Statement dated April 2018 amended in March 2020.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

23. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays. Any construction work outside of these hours shall be subject to the prior approval of the Local Planning Authority.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996.

24. For each phase or sub phase comprising of the residential development, no works shall be undertaken until such times as a detailed scheme of noise assessment and possible sound insulation measures for the residential units (including a timetable for its implementation) has first been submitted to and approved in writing by the Local Planning Authority. That scheme shall be implemented in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policies C30 and ENV1 of the Cherwell Local Plan 1996 and guidance in the NPPF.

25. Before the change of use of any non-residential building is implemented, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the building or its adjacent service area. In the case of uses that would be implemented on grant of this permission such a scheme shall be submitted to the Local Planning Authority within 6 months of the date of the permission.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policies C30 and ENV1 of the Cherwell Local Plan 1996 and guidance in the NPPF.

26. Prior to the implementation of any non-residential change of use or operational development to construct any non-residential building, a lighting strategy for the relevant building shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the details as approved.

Reason: In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the and Cherwell Local Plan 2031 Part 1.

27. Prior to the implementation of any change of use of or operational development to construct any non-residential building, a waste management strategy shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the details as approved.

Reason: In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the and Cherwell Local Plan 2031 Part 1.

28. That no goods, materials, plant or machinery shall be stored repaired, operated or displayed on the Flying Field without the prior express planning consent of the Local Planning Authority.

Reason: In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the and Cherwell Local Plan 2031 Part 1.

29. All new plant, machinery, mechanical ventilation equipment and ducting shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of visual and residential amenity and in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the Cherwell Local Plan 2031 Part 1.

30. Prior to the approval of any phase specific reserved matters, a detailed Surface Water Management Scheme for that phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme).

Heyford Masterplan description of development FINAL 30.06.2020 (3)  
HPH-HYD-XXX-XX-RP-D-0001\_P2-S2 Drainage Response  
HPH-HYD-XXX-XX-RP-D-5001\_P5-S2 Full

The following information is required to enable the LLFA to undertake a full technical assessment of the sustainable surface water drainage strategy:

- a) The SuDS hierarchy for discharging surface water drainage should be followed and demonstrated thoroughly;
- b) Permeability testing to BRE365 to be carried out, to determine the soakage potential for SuDS for the proposed development. Where this methodology is not used, full justification must be provided as to why this is;
- c) Should infiltration be found unfeasible for SuDS purposes, surface water should be attenuated and discharged to Greenfield run-off rates. Evidence that the proposed flows from the site will be restricted to 4.5l/s/ha for all events up to and including the 1% AEP + 40% climate change event, to be demonstrated as Greenfield run-off rate in Qmed, l/s, for each parcel;
- d) The submission of evidence relating to accepted outfalls from the site, particularly from any third-party network owners and sequencing for implementation;
- e) Design calculations for the proposed SuDS features, for all relevant return periods, including the 1 in 1 year, 1 in 30 year and 1 in 100 year +40% (climate change) storm events, demonstrating the critical duration used for design. Calculations should use the FEH methodology;
- f) Details of how the drainage scheme has been designed to incorporate SuDS techniques to manage water quantity and maintain water quality as set out in the FRA, and in accordance with adopted policy and best practice guidance including the SuDS Manual C753;
- g) Detailed drainage plan showing the location of the proposed SuDS features, catchment areas for each SuDS feature, pipework with direction of the flow, pipe sizes, manholes and other drainage accessories (including the specification and size) and the red line boundary;
- h) Detailed cross sections and construction details of the proposed SuDS features and other drainage items;
- i) Details of how water quality shall be maintained during and after construction;
- j) Details of the future maintenance and management plan of all SuDS features in accordance with the SuDS Manual C753, to be prepared and submitted as a stand-alone document;
- k) Information on overland flood flow paths and their maintenance should be demonstrated. An exceedance flow route plan for the entire site should be provided with levels to indicate that all surface water falls away from buildings and that exceedance flows are contained within the site boundary;

The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter. And to ensure the SuDS drainage features have been constructed in accordance with the approved plans.

31. Prior to occupation within a phase (save for existing uses already in occupation at the time planning permission granted), a record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:
  - i. As built plans in both .pdf and .shp file format;
  - ii. Photographs to document each key stage of the drainage system when installed on site;
  - iii. Photographs to document the completed installation of the drainage structures on site.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010.

32. No operational development hereby approved shall commence in a phase of development until a remediation strategy to address the risks associated with contamination of that phase has been submitted to, and approved in writing by, the Local Planning Authority. This strategy shall include the following components:
- i. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  - ii. The results of the site investigation and the detailed risk assessment referred to in (2) 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;
  - iii. 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 (3) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

(Note: The Environment Agency has reviewed the Hydrock Ground Conditions Desk Study for Heyford Masterplan, Heyford Park, Oxfordshire dated March 2018; Chapters 10 Hydrology and Flood Risk and 11 Ground Conditions and Geology from the Environmental Statement and the Hydrock Flood Risk Assessment and Drainage Strategy for Heyford Park, Upper Heyford dated September 2017 and is satisfied that part 1 of this condition has been fulfilled.)

Reason: This former RAF base is located over the White Limestone (Great Oolite) that is classified as a Principal Aquifer. Due to the potential for disturbance of historic contamination to impact on groundwater quality, this Principal Aquifer needs to be protected during development of this site.

33. Prior to any operational development within a phase or sub-phase being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy approved under Condition 32 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.

Reason: This site is located over a Principal Aquifer (Great Oolite White Limestone) and there is the potential for contamination to be present in the soils from previous use of this site as an RAF Air Base. Demolition and construction might result in disturbance of petroleum hydrocarbons that could impact on the groundwater quality of the Principal Aquifer.

34. No infiltration of surface water drainage is permitted into the ground at Heyford Park, Camp Road, Upper Heyford OX25 5HD (in areas that coincide with Petrol Oil Lubricants stations or historic landfill) other than with the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with any details approved.

Reason: Infiltration drainage should be avoided in areas where contamination has been identified or in areas of historic use where there is the potential for contamination to be present in soils.

35. Prior to the commencement of development on a phase or sub-phase of development, a foul water drainage scheme must be submitted to and approved in writing by the local planning authority. The foul drainage strategy should include a sewer infiltration reduction plan, proposed phasing of required network and STW upgrades in line with the phasing of the developments proposing to drain to the on-site STW, further information on the proposal to offer the network and STW for adoption by either the incumbent sewerage undertaker or a sewerage undertaker appointed by Ofwat under a New Appointment or Variation (NAV).

The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: This development site at the former RAF base at Upper Heyford is directly over the White Limestone (Great Oolite) which is a Principal Aquifer. The proposal is to discharge foul effluent to the existing sewage works 'that is to be refurbished to address issues of capacity, reliability and monitoring following re-development of the site'. The upgrade for this development should be of sufficient capacity to serve both existing, approved and proposed developments. If required upgrades in the network and STW are not in place prior to the occupation of the dwellings this poses a risk to the receiving water environment and Water Framework Directive (WFD) status. The cumulative impact from this site and its neighbours is likely to exceed the permitted flow limit at the on-site STW. Due to infiltration into the sewer in addition to the cumulative impact of growth within the STW catchment, there are concerns with the ability of the current drainage to cope. This could lead to sewage spills or reduced treatment efficiency at the STW during times of high infiltration.

36. No construction shall take place within 5m of a water main. Prior to any proposed diversions of water mains, information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

37. No piling shall take place unless or until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has first been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

38. Strategies for the following matters shall be submitted to the Local Planning Authority for approval in writing and thereafter to be implemented across the Flying Field as follows:
- (i) the submission for approval of a Parking Strategy for the whole Flying Field within 6 months of the date of this permission. The strategy as approved shall be implemented:
    - a) in respect of any building which was not occupied on the date of this permission before any part of that building is occupied; and
    - b) in respect of all existing occupied buildings within 9 months of the date of this permission;
  - (ii) the submission for approval of an overall Lighting Strategy within 3 months of the date of this permission. The strategy as approved shall be implemented:
    - a) in respect of any building which was not occupied on the date of this planning permission before any part of that building is occupied; and
    - b) in respect of all existing occupied buildings within 9 months of the date of the approval of the Lighting Strategy;
  - (iii) the submission for approval of an overall Signage Strategy within 3 months of the date of this permission. The strategy as approved shall be implemented:
    - a) in respect of any building which was not occupied on the date of this planning permission before any part of that building is occupied; and
    - b) in respect of all existing occupied buildings within 9 months of the date of the approval of the Signage Strategy;
  - (iv) the submission for approval of an overall Waste Management Strategy within 3 months of the date of this permission. The strategy as approved shall be implemented:
    - a) in respect of any building which was not occupied on the date of this planning permission before any part of that building is occupied; and
    - b) in respect of all existing occupied buildings within 9 months of the date of the approval of the Waste Management Strategy;
  - (v) the submission for approval of an overall Fencing Strategy within 6 months of the date of this permission. The Strategy shall thereafter be implemented within 18 months for fencing on the periphery of the Flying Field and thereafter prior to occupation of individual buildings on the Flying Field;
  - (vi) the submission for approval of an overall Air Conditioning Strategy within 3 months of the date of this permission. The strategy as approved shall be implemented:
    - a) in respect of any building which was not occupied on the date of this planning permission before any part of that building is occupied; and
    - b) in respect of all existing occupied buildings within 9 months of the date of the approval of the Air Conditioning Strategy;
  - (vii) the submission for approval of an overall Alarms Strategy within 3 months of the date of this permission. The strategy as approved shall be implemented:
    - a) in respect of any building which was not occupied on the date of this planning permission before any part of that building is occupied; and
    - b) in respect of all existing occupied buildings within 9 months of the date of the approval of the Signage Strategy.

In respect of any of the above Strategies, if such approval is withheld or an approved scheme is not implemented within the relevant above timescale, the use of any building otherwise permitted by this permission shall cease within 12 months of the date of refusal or the end of the time period for implementation.

Reason: In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the and Cherwell Local Plan 2031 Part 1.



39. No use of or operation on the runways/taxiways shall take place unless for the purpose of access, including emergency access and heritage tours, or for a specified use within the permission, hereby or otherwise approved.

Reason: In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the and Cherwell Local Plan 2031 Part 1.

40. The area shown on the approved Parameter Plan comprising open hardstanding identified for change of use to car processing as shown on Drawing P16-0631\_08 Sheet No. 01 rev AL Pegasus-the composite parameter plan (defined so as to comprise the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time) shall only be used for activity which is related to car processing, and specifically shall not be used for car sales or rental or the parking of any other vehicle associated with any other use or activity present on the application site.

Reason: In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the and Cherwell Local Plan 2031 Part 1.

41. Prior to the use of the new car processing area shown on the approved composite parameters plan commencing, a scheme shall be agreed in writing with the Local Planning Authority for access, parking and loading/unloading by HGV Car Transporters The development shall be undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety, to ensure the provision of satisfactory car parking, to ensure the is in keeping with and conserves the special character of this part of the Conservation Area in accordance with saved policies C23 and C28 of the Cherwell Local Plan 1996, Policy Villages 5 of the Cherwell Local Plan 2031 Part 1 and to comply with Government advice in NPPF.

42. Prior to the use of the new car processing area commencing a scheme and programme for the provision of screening and security for the approved car processing area shall be submitted to and approved in writing by the Local Planning Authority Thereafter the approved scheme shall be implemented in accordance with the approved programme and details.

Reason: In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with saved Policies C23 and C28 of the Cherwell Local Plan 1996 and Policy Villages 5 of the and Cherwell Local Plan 2031 Part 1.

## 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](mailto: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.

## INFORMATIVES

1. Environmental Impact Assessment

In accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.

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. In relation to those buildings on site that are listed or scheduled, this permission authorises and relates to a change of use only and does not authorise any internal or external alterations to the building that may be necessary as a result of this change of use, for which separate listed building or scheduled monument consent will be required from the Local Planning Authority.

4. In the submission of reserved matter details for approval, a particularly high standard of architectural design in the external appearance of all buildings is expected in view of the prominence and heritage value of the site.

5. 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.

6. 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.

7. Sports England:

The applicant should ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical design guidance note entitled Natural Turf for Sport and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the England & Wales Cricket Board. It is recommended that the drainage assessment and improvement scheme for the sports pitches is undertaken by a specialist turf grass consultant.

8. Before the control tower can come into use, a full listed building consent application will be required which assesses the significance of the Control Tower and puts forward a comprehensive programme for the refurbishment and conversion of the building which retains the core significance. A key consideration will be the provision of a staircase to provide public access to the upper floor. A listed Control Tower at Greenham Common has been converted to a café and event space and this may set a useful precedent. Careful consideration will need to be given to the landscaping around the Control Tower with particular reference to parking and lighting. Also need to consider how to address the blast wall that is currently in place.
9. 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).
10. 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.
11. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
12. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken.
13. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
14. Should you require further information please contact Thames Water.  
Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
15. Item 5.2 Proposed Surface Water Drainage states that the existing site is served by a traditional gravity surface water network discharging to local watercourses. Our understanding from archive reports is that the flying field had two very large soakaways to collect the surface water run-off from the runways. Disturbance of these may impact on the overall site drainage.

16. It is suggested within the Flood Risk Assessment and Drainage Strategy (September 2017) that an overall strategy plan for the proposed foul drainage is provided in Appendix B. However, this doesn't appear to be visible in the list of consultation documents. It was also raised by the Environment Agency in a previous consultation for the site (ref: 16/02446/F, dated 17 February 2017) for the inclusion of an Infiltration Reduction Plan within the drainage strategy as there were known problems with sewer infiltration in the existing sewer network. There doesn't appear to be any mention on proposals to reduce the level of infiltration into the sewer network.
17. In addition, the Flood Risk Assessment and Drainage Strategy (sept 2017) also suggests that various elements of the sewerage treatment plant are to be refurbished to address issues of capacity, reliability and monitoring following the redevelopment of the site. However, there isn't a clear plan on how this will be completed and phased to ensure the required capacity is in place prior to occupation of the dwellings. Therefore, there are quite a few unknowns at present about the ability of the existing infrastructure to accommodate the flow from the site. It would be useful to have a phasing plan to show at what stage upgrades will be made in-line with when dwellings are planned to be occupied. The Cherwell Local Plan 2011 – 2031 (Part1) suggests an adopted strategy for 2,361 homes at former RAF Upper Heyford. It is very likely that the current flow permit (850m<sup>3</sup>/day MAX) will be exceeded. Therefore, a variation of permit will need to be applied for via the National Permitting Service with likely revisions to the quality permits to ensure no deterioration in water quality in the effluent receiving waters. These tighter quality permits may require large upgrades the on-site STW.
18. Discharges from STWs owned and operated by sewerage undertakers are significantly less likely to cause pollution than discharges from private plants treating domestic sewage or trade effluent. This is because discharges from public sewerage systems are much more likely to meet the standards set in their environmental permit as a result of effluent receiving more comprehensive and reliable treatment. Therefore, further information needs to be provided on the proposed plans to offer the network and STW for adoption. In cases where the proposed discharge from a site will be in excess of 20m<sup>3</sup> per day and from more than one premises developers should explore the option of any proposed sewerage system serving the development being adopted by either the incumbent sewerage undertaker or a sewerage undertaker appointed by Ofwat under a New Appointment or Variation (NAV). It is briefly mentioned in the Flood Risk Assessment and Drainage Strategy (sept 2017) that it may be possible for the new foul network, pumping stations and existing treatment plant to be adopted by an appropriate water authority further down the line via a Section 104 Legal Agreement. However, there isn't any more information provided on when this might occur. For the new pumping station that is being proposed on site, it should be noted that our no deterioration objectives for water quality lead to a presumption against permitting any new storm overflow for new pumping stations, unless part of a wider scheme delivering a net improvement in water quality. If a new discharge from the pumping station is proposed we would not normally permit it, if it is to decrease flooding or to allow existing emergency over-flow to operation under storm conditions. Any excess surface water and infiltration should be kept out of the foul sewer.
19. It is important that the provision for foul sewage discharging to the Gallos Brook is clarified. Should for example another method of treatment (such as package sewage treatment plant) is proposed at a later date, we would object to the discharge of foul effluent to ground.

## 20. Environmental Permit

The foul drainage and contaminated surface water associated with this development may 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 our main website (<https://www.gov.uk/topic/environmental-management/environmental-permits>).

### 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.

### 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 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 01295 227006 or E-mail at [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.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. 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.