



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

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

Full Planning Determination

Date Registered: 20th March 2019

Proposal: Erection of up to 57 residential units (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of vehicular and pedestrian accesses, public open space, landscaping, infrastructure and site clearance.

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 – Planning and Development

Date of Decision: 24th December 2019

Checked by: Alex Keen

SCHEDULE OF CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from 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 application shall be carried out strictly in accordance with the following documents:

PHASE 5D

- Design and Access Statement –Phase 5D 0521-PH5C. 18th February 2019. Focus on Design
- Flood Risk Assessment Compliance – Phase 5C Version 2. January 2019.16871/B4. Woods Hardwick
- Topographical Survey 0521-PH5C-5D-5(R)-100 Rev.A
- Location Plan 0521-PH5-101 Rev.A
- Planning Layout 0521-PH5D-102 Rev.B.
- Street Scene 0521-PH5C-5D-5(R)-103
- External Works Layout 0521-PH5C-5D-5(R)-104
- Vehicle Tracking Layout 0521-PH5C-5D-5(R)-105
- External Detailing 0521-PH5C-5D-5(R)-106
- Adoption Plan 0521-PH5C-5D-5(R)-107 Rev.B
- Material Layout 0521-PH5C-5D-5(R)-108
- Garages, Bins & Cycle Store 0521-PH5C-5D-5(R)-109
- Refuse Plan 0521-PH5C-5D-5(R)-111 Rev.B
- Housetype Booklet 0521-PH5C-5D-5(R)-HTB Issue 2
- Detailed Planting Proposals 1619 A8 5C 01 Rev.H
- Parking Matrix Issue 1 0521-PH5C-5D-5(R)
- Electric Vehicle Charging Plan 0521-PH5C-1001

PHASE 8C

- Design and Access Statement –Phase 8C 0521-PH8C. 18th February 2019. Focus on Design
- Flood Risk Assessment Compliance – Phase 8 – Rev.5 January 2019.16871/B4. Woods Hardwick
- Topographical Survey 0521-PH8A-8C-100
- Planning Layout 0521-PH8C-102 Rev.A
- Street Scene 0521-PH8A-8C-103
- External Works Layout 0521-PH8A-8C-104 Rev.A
- Vehicle Tracking Layout 0521-PH8A-8C-105 Rev.A
- External Detailing 0521-PH8A-8C-106
- Material Layout 0521-PH8A-8C-108 Rev.A
- Refuse Plan 0521-PH8A-8C-111 Rev.A
- Character Areas 0521-PH8C-112
- Storey Heights 0521-PH8C-113
- Density Plan 0521-PH8C-114
- Service Easements 0521-PH8A-8C-115 Rev.A
- House type Booklet 0521-PH8C-HTB Issue 2
- Detailed Planting Proposals 1619 A5 06 Rev.C 8A Sheet 1 of 2
- Detailed Planting Proposals 1619 A5 07 Rev.C 8A Sheet 2 of 2
- Parking Matrix Issue 1 0521-PH8A-8C
- Electric Vehicle Charging Plan 0521-PH8A-1001

TRENCHARD CIRCLE

- Design and Access Statement – Phase Trenchard Replan 0521-TR. 31st January 2019. Focus on Design
- Flood Risk Assessment – Trenchard Circle – Version 6. January 2019.16871/B4. Woods Hardwick
- Topographical Survey 0521-TR-1000
- Planning Layout 0521-TR-1002 Rev.B
- Street Scene 0521-TR-1003
- External Works Layout 0521-TR-1004 Rev.B
- Vehicle Tracking Layout (Sheet 1 of 2) 0521-TR-1005-1 Rev.A
- Vehicle Tracking Layout (Sheet 2 of 2) 0521-TR-1005-2 Rev.A
- External Detailing 0521-TR-1006
- Adoption Plan 0521-TR-1007 Rev.A
- Material Layout 0521-TR-1008
- Garages 0521-TR-1009
- Refuse Plan 0521-TR-1011
- Housetype Booklet 0521-TR-HTB Issue 4
- Detailed Planting Proposals 1619 A4 01 Rev.M Sheet 1 of 3
- Detailed Planting Proposals 1619 A4 02 Rev.M Sheet 2 of 3
- Detailed Planting Proposals 1619 A4 03 Rev.D Sheet 3 of 3
- Cat and Dog Fence D.0340_10 Rev.C
- Trenchard Circle Tracking HEYF-5-907 Rev.A
- Parking Matrix Issue 1 0521-TR
- Electric Vehicle Charging Plan 0521-TR-1012

COMPOSITE PLAN and REPORTS

- Location Plan 0521-PH5D-8C-TR-101 for Phase 8C and Trenchard OnlyArboricultural Statement 11th February 2019. LANDARB Solutions
- Dorchester Living Construction Specification Revision 17
- Extended Phase 1 Habitat and Preliminary Bat Survey Issue 1. 3rd March 2016.- 4 Acre Ecology
- Extended Phase 1 Habitat Survey Update 1. 28th February 2019.- 4 Acre Ecology
- Planning, Heritage and Affordable Housing Statement (incorporating draft S106 Heads of Terms) February 2019 –Pegasus Group
- Planning Statement Addendum July 2019 –Pegasus Group
- Transport Statement Ref: 39304. February 2019 –PBA/Stantec
- Phase 2 Environmental Risk Assessment - Trenchard Circle, Upper Heyford – (Conlon Limited Ref: 163408/ERA/001 dated December 2016)
- Preliminary Ground Investigation - New Settlement Area, Heyford Park - (Waterman Energy, Environment & Design Limited Ref: EED 10658-13.2.1_FA May 2012)
- Remediation Strategy – Upper Heyford, New Settlement Area – (Urban Regen Ltd Ref: R1742-R01-v3. April 2013)

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

3. (a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which

shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

4. No development approved by this planning permission shall commence within any phase or sub-phase until a remediation strategy to deal with the risks associated with contamination of the phase or sub-phase in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 - The results of a site investigation and detailed risk assessment 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.
 - 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 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.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

5. Prior to the commencement of the development within any phase or sub-phase, a Construction Environment Management Plan (CEMP) for that phase, 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 shall be 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 environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development within a phase or sub-phase hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas to serve the dwelling(s) within that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any residential unit, the parking and manoeuvring areas necessary to serve that unit shall be provided on the site 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 the provision of adequate off-street car parking [and turning/loading/unloading] to comply with Government guidance in Section 12 of the National Planning Policy Framework.

7. No materials other than those as shown on the approved materials plans are to be used in the new development. There shall be no variation of these materials without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the

approved schedule.

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 and 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

8. No occupation of any phase or sub-phase of the permitted development shall take place until a verification report for that phase or sub-phase, demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been 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 ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

9. Prior to the first occupation of any phase or sub-phase of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details for that phase or sub-phase.

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.

10. Prior to the first occupation of any dwellings within a phase or sub-phase hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) necessary to serve the dwelling(s) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

11. Electric vehicle charging points and ducting shall be provided in accordance with the approved plans, prior to the occupation of the units to which such provision relates.

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

12. Prior to the first use or occupation of any phase or sub-phase of the development hereby permitted, 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 promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

13. Prior to the first occupation of any dwelling within a phase or sub-phase of the development hereby approved, a Residential Travel Plan for that phase or sub-phase, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments and a Travel Plan Statement setting out how this phase will contribute to the overall site wide Residential Travel Plan, 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, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

14. Prior to first occupation of any dwelling hereby approved, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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.

15. All enclosures along all boundaries of the site shall be as shown on the approved plans and such means of enclosure shall be erected prior to the occupation of any dwelling to which it relates.

Reason : To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development to which it relates, 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 : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Until the contaminative status of this parcel of land is established, the surface water drainage plans for this site should not include the use of soakaways. This condition is necessary to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of 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 dated 24 December 2019 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. **Superfast Broadband** - The developer is encouraged to register the development site with Openreach in a timely fashion to ensure the development benefits from superfast (FTTP - Fibre to the Premise) broadband installed during the build. Please be aware you may need to register your site at least nine months before the date that you want Openreach to provide service to the first new property, or if you're installing a lift, at least nine months before the lift commissioning date. This must be at least eight weeks before you actually start on the site construction. Developers building sites of 30+ new premises may qualify to get FTTP superfast broadband installed in their site for free during the build of the development as long as they register in a timely fashion. Please refer to: <https://www.ournetwork.openreach.co.uk/property-developers/site-registration.aspx> for further information and guidance on how to register.

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?CIId=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.