



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

Name and Address of Agent/Applicant:

Mr Thomas Bode
4th Floor
1 Victoria Square
Paradise Street
Birmingham
B1 1BD

Full Planning Determination

Date Registered: 24th April 2019

Proposal: Use of land as a construction compound incorporating storage area, site offices and car parking

Location: Land At Skimmingdish Lane And Land And Roundabout At, Bicester Road, Launton

Parish(es): Launton

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

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



Robert Jolley

Assistant Director for Planning and Economy

Date of Decision: 23rd September 2019

Checked by: Samantha Taylor

SCHEDULE OF 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. The development and use hereby approved shall cease and be discontinued at the expiration of 5 years from the date of this permission, or upon the completion of the works relating to this section of the EWR2 Project, whichever is the sooner, and the land restored to its former use and condition on or before that date.

Reason - In order to safeguard the character of the area in accordance with policies ESD13 and ESd15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

3. 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: Location Plan 133735-2A-EWR-OXD-XX-DR-L-019009 Rev A01; Arboricultural Impact assessment and drawing number 133735-2A-EWR-OXD-XX-DR-L-019001 Rev A01; Site Design 133735-2A-EWR-OXD-XX-DR-L-019011 Rev A01; Modular Office elevations and floor plans; Transport Statement and drawing numbers 133735-RW-EWR-XX-XX-DR-LE-010803 Rev P01, 010690 Rev P01, 010691 Rev P01; 010692 Rev P01; 010693 Rev P01; 010694 Rev P01; 010696 Rev P01; 010697 Rev P01; 010698 Rev P01; 010699 Rev P01; 010700 Rev P01 and 0107001 RevP01; Flood Risk assessment and drawing numbers 133735-2A-EWR-OXD-XX-DR-L-019010 Rev A01 and 019011 Rev A01; Additional Drainage Strategy Information dated July 2019 and received 4 September 2019; Ecological Impact Assessment; Planning Statement; Construction Travel Plans and drawing numbers: 133735-2A-EWR-OXD-CC-A1-DR-CH-002003 Rev B02; 002004 Rev B02; 002007 Rev B02; 002008 Rev B02; 002010 Rev B02; 012001 Rev P01 and additional visibility zone plans relating to the emergency access received 22 August 2019.

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.

4. Prior to the installation of any external lighting on the site, full details of the design, height, location and finished appearance of the external lighting, including the timings for its use shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed and operated in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the area, safeguard the area, and in the interests of ecological protection and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

5. Prior to the first use of the development hereby permitted, means of enclosure along all boundaries of the site shall be erected and maintained for the lifetime of the development in accordance with the approved plans.

Reason - To ensure the satisfactory appearance of the completed development, to protect vision displays and to comply with Policy ESD15 of the Cherwell local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

6. Upon the cessation of the use of the compound hereby approved, all material, buildings, hardstanding, fencing or any other structures shall be removed from the site and the site re-instated in accordance with a detailed scheme which shall also include timescales for the restoration works, which shall have been previously agreed in writing by the Local planning Authority. The re-instatement works shall be completed in accordance with the approved scheme.

Reason - In the interests of the visual amenities of the area, to ensure the site is reinstated appropriately in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and government guidance within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, an Arboricultural Method statement (AMS) undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, which shall also include an exclusion zone around the existing trees within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area and to comply with Policy ESD10 of the adopted Cherwell local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the Arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details:
 - a) written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues
 - b) the relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
 - c) the timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist
 - d) the procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and Arboricultural incidents
 - e) details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason - To ensure the continued health of retained trees/hedgerows and to ensure that they are

not adversely affected by the construction works, in the interests of the visual amenities of the area and to comply with Policy ESd10 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

9. The site shall only be used for the purpose of a construction compound in conjunction with EWR2 and for no other purpose whatsoever.

Reason - The impact on the character and visual amenities of the area is only acceptable given the need for the development, and to comply with Policies ESd10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

10. Prior to, and within two months of the commencement of the development, the site shall be thoroughly checked 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.

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

11. No removal of hedgerows, trees or shrubs, nor works to, or demolition of buildings or structures that may be used for breeding birds, shall take place between 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on the site, together with details of measures to protect the nesting bird interest in the site.

Reason - To ensure the development does not cause harm to any protected species or their habitats in accordance with Policy ESd10 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

12. Notwithstanding the submission, and prior to the commencement of the development hereby approved, a revised Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority which shall include the following:
- a firm commitment to always using the construction traffic routes set out in the Environmental Statement for the EWR2 Scheme
 - Precluding any access to the site by HGV or LGV via Launton village; and
 - a commitment to carrying out a pre-condition survey of the route and making good any damage

Thereafter the development shall be carried out in accordance with the approved CTMP.

Reason - In the interests of highway safety and to safeguard the amenities of residents during the construction period and to comply with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the national Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, full details of the means of access between the strategic compound and the highway, including position, layout, construction, drainage, pedestrian access, gates, signage, lighting and vision splays shall be submitted to and approved in writing by the Local Planning Authority, together with details of and a timetable for its reinstatement at the end of the East West Rail Phase 2 project. Thereafter, the means of access shall be constructed prior to the opening of the strategic compound, retained in accordance with the approved details during the operation of the compound, and reinstated in accordance with the approved details and timetable.

Reason - In the interests of highway safety and to accord with Government guidance within the National Planning Policy Framework.

14. The approved vision splays shall be kept clear of any object, structure, planting or other material of a height that would obstruct vision of any road user exiting the site.

Reason - To ensure that adequate visibility is retained in the interest of highway safety and Government guidance within the National Planning Policy Framework.

15. Prior to any demolition and commencement of the development, a professional archaeological organisation acceptable to the local planning authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local planning Authority.

Reason - To safeguard the recording of archaeological matters within the site and to comply with Government guidance within the National Planning Policy Framework.

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, and prior to any demolition on the site and the commencement of the development (other than in accordance with the Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance within The National Planning Policy Framework.

17. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local planning authority, as per the proposed strategy; 133735-2A-EWR-OXD-CC-A1-RP-DH-000001 (Projectwise no.) 133735-EWR-REP-EDR-000022 (eB no.) Rev B01. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the development commencing.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

18. No building hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the details approved under condition 17. The sustainable drainage scheme shall be managed thereafter in accordance with the agreed management and maintenance plan.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the

development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

PLANNING NOTES

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

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

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

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

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

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

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>



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NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply:

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 (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.