

Application No: 11/00565/CDC	Ward: Ambrosden & Chesterton	Date Valid: 20/04/11
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Applicant:	Cherwell District Council
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Site Address:	Land at Whitelands Farm, South West of Bicester. Adjoining Oxford Road and Middleton Stoney Road, Bicester
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Proposal: Construction of Winter Games Pitches, Cricket Outfield and Cycle Track at South West Bicester Sports Village.

1. Site Description and Proposal

- 1.1 The Sports Village site comprises 17 hectares, within the wider 116 ha South West Bicester mixed use development, which was granted outline planning consent including 1585 new houses in 2008 under application number 06/00967/OUT refers. It is located at the southern edge of the site and is bounded by the perimeter road to the south and Whitelands Farm open space to the north.
- 1.2 The Sports Village development has been divided into three phases, this being the first, with the pavilion and car park as the second phase and the all weather pitches and sports track on the secondary school site being phase three. Phase 1, this application, seeks consent for the laying out of the sports pitches, these being 3 No. football pitches, 3 No. rugby pitches, cricket square and outfield, and a graded platform for the future provision of tennis courts. A 3m cycle track is also shown around the outside of the pitches with a link through into the remainder of the South West Bicester development through the Whitelands Farm open space and onto the new perimeter road adjacent. Further applications relating to phases 2 and 3 of the village will be submitted at a later date.
- 1.3 The site is rectangular and the terrain falls south west to north east with 2 hedgerows and drainage ditches crossing the site. This application does not include the vehicular access to the spine road, the pavilion and the car park as these will be provided as part of phase 2. This phase 1 application has been submitted in advance of the car park and pavilion application to enable the preparation works on the sports pitches to begin allowing them to mature so that they are available for use in September 2014.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice and an advert in the local press. The final date for comment was 3 June 2011 and at the time of writing the report, no letters of objection have been received as a result.

3. Consultations

- 3.1 Bicester Town Council welcomes this much needed addition to sports pitches and sporting facilities for the town which will make up the current shortfall for the present

population. They see no problem with the removal of the hedgerows thus allowing for maximum use of the space available, provided that the minimum necessary is removed and adequate mitigating planting is provided, thus lessening the impact of the natural habitat of local species. The Town Council are keen that the work to provide these facilities is begun as soon as possible.

- 3.2 Chesterton Parish Council raise no objections but comments that there appears to be no mention of a pavilion nor changing facilities and the existing footpath on the edge of the site, which it is assumed will be retained but is not mentioned in this application.
- 3.3 Oxfordshire County Council as Highway Authority advise that the application as originally submitted lacked information regarding the provision of the car park and pavilion, no access details relating to construction or future use, connection of the cycle route with the overall development. The proposed new cycle entrance onto the perimeter road footway, floodlighting details and a Construction Travel Plan.
- 3.4 In the absence of the information referred to above a holding objection is imposed. Further details in respect of the above are awaited.
- 3.5 Environment Agency object. The infilling of water courses and ditches will lead to an increased flood risk and the proposal is therefore contrary to the advice in PPS25 (Flood Risk) and would also have a damaging impact on Nature conservation contrary to PPS9 (Biodiversity).
- 3.6 The proposal shows extensive land drainage into Whitelands Farm ditch which will significantly increase the rate and volumes of surface water drainage entering the ditch and draining to the southern attenuation ponds. No calculations have been made to demonstrate that the ditch and attenuation ponds are sufficient to convey and attenuate these increased rates and volumes. The objection in relation to flood risk and nature conservation can only be removed if the proposed infilling of the ditches is removed from the application thereby maintaining a continuous river corridor and provide for the movement of wildlife. Discussions are continuing with the Environment Agency in an attempt to overcome the objection.
- 3.7 Cherwell District Council's Public Rights of Way Officer advises that Chesterton Footpath 2 is outside the red line area so no public footpath order will be necessary. However it is very close to the development and construction traffic will be crossing the footpath to access and exit the site. The applicant must ensure therefore that the footpath remains unobstructed by plant and materials and that no member of the public is endangered or prevented from exercising their right of way.
- 3.8 Cherwell District Council's Landscape Architect advises that in respect of the proposed landscaping the proposal is acceptable.
- 3.9 Cherwell District Council's Ecology Officer, advises that the surveys carried out for bat roosting and foraging activity are sufficient and the recommendations within are appropriate. The removal of the mature oak tree should be carried out outside of the bird breeding season and where possible some or all of the wood should be kept on site for invertebrate interest. New and retained hedgerows should be managed for wildlife in terms of cutting regimes and a 3m buffer to the hedgerows should be maintained to retain their wildlife value. There is no indication on the

plans re: lighting. This would be likely to have a detrimental impact on bats roosting and foraging in the area.

3.10 Cherwell District Council's Arboricultural Officer advises that;

Chestnut pale fencing is not sufficient to protect the existing trees highlighted for retention during construction. Prior to commencing any operations the protective fencing, type and location should be agreed in writing.

It is likely that the area of tree planting W2 will be reduced to enable the pavilion and car park to be constructed.

Outside the 'W' planting areas there is very little additional tree planting specified. Further specimen standard trees should be planted toward and parallel to the northern and southern boundary. No trees should be planted within 2m of the adjacent cycle track or proposed fitness trails, to avoid surface root ground disturbance.

New hedge planting is shown along the southern boundary, but the extent of this is unclear as significant proportions appear to be outside the red line site boundary.

Whilst the new hedge planting will go some way to mitigating the loss of existing hedgerows there should be more tree planting within them to provide a visual balance to the agreed planting on the opposite side of the road and to provide a more substantial green corridor in connecting CO2 and W3.

3.11 Countryside Properties, the developers for South West Bicester have also commented on the application as submitted, as follows:-

- Could the western pitch be moved further away from the Whitelands Farmhouse?
- Assume no floodlighting is proposed?
- No objection to removal of hedgerows provided there is adequate/appropriate replacement.
- No objection to the drainage arrangements provided they do not prejudice the drainage strategy and have EA approval.
- No objections to the cycleway/access links shown.

4. Relevant Planning Policies

South East Plan 2009 -

Policies

CC1, CC2, CC4 and CC8 are relevant in seeking to ensure sustainable development, avoid flood risk, increased biodiversity and providing increased green infrastructure to serve the population. NRM 4 relates to Flood Risk NRM 5 relates to conservation and improved biodiversity.

Adopted Cherwell Local Plan Saved Policies
1996

R12 seeks the provision of open space to serve new development.
Policy C14 seeks to promote additional tree planting and protect the ecological value of a site.
Policy C28 seeks to exercise control over all new development to ensure standards of design are sympathetic to the character of its context.

Non-Statutory Cherwell Local Policies
Plan 2011

Policy H13 identifies this site as part of the South West Bicester Urban extension.
Policy EN37 seeks to retain important trees and hedgerows and to protect and enhance the ecological values of a site.

National Planning Policy
Statements

PPS1 'Delivering Sustainable Development'
PPS9 'Biodiversity'
PPG17 'Planning for Open Space, Sport & Recreation'
PPS25 'Flood Risk and Sustainable Drainage'.

5. Appraisal

5.1 The main issues for consideration include the principle for the development, access and traffic, flood risk, ecology and compliance with the Design Code.

5.2 Principle of Development

As previously stated, this is part of the original development proposed for South West Bicester which was granted outline planning consent in June 2008 under application number 06/00967/OUT. The proposal is therefore included within the allocation of the site for development within Policy H13 of the Non-Statutory Cherwell Local Plan, although the precise location of the sports pitches and recreation facility has changed from that originally envisaged. The development of this site is reliant upon the wider South West Bicester development being progressed to provide the necessary access network and drainage.

The application site is identified as the formal open space or recreation land within the Proposals Plan and Design Code approved following approval of the outline application. The Section 106 Agreement accompanying the outline consent requires the Developers to transfer the land to the District Council 12 months from the commencement of development on the site. Following the commencement of development in June 2010, the site is now due to be transferred.

The area proposed for sport exceeds that necessary to meet the needs of the South West Bicester development and seeks to address, in addition, town wide recreational needs. Its principle objective is to provide a high quality outdoor sports facility and is a priority scheme promoted by both Cherwell District Council and Bicester Town Council.

In 2006 Cherwell District Council in accordance with PPG17 carried out a study on the existing sports provision across the District, and recommended that the shortfall in outdoor sports pitches for Bicester should be addressed. The playing pitch strategy produced in 2008 identified the shortfall in Bicester and advised that some of this shortfall should be met by this site at South West Bicester.

The Sports Village development has been divided into 3 separate phases. This application for phase 1 seeks consent for the position of the proposed sports pitches, the levelling of the land, the drainage of those areas and the landscaping and planting proposals. Future applications for phase 2 will include the car park, access and sports pavilion, and phase 3 for the all weather facilities.

The 3m wide cycle track around the outside of the proposed pitches seeks to replace the informal path which was envisaged within the Design Code but seeks to retain the trim trail element which will include outdoor exercise equipment situated at points around the route. It is envisaged that the track will also provide a facility for wheelchair athletes and provide access for emergency vehicles should the need arise.

The use of this site for recreational purposes/sports pitches has been approved in principle under the outline consent relating to the South West Bicester mixed use development, and subject to all other material planning considerations as specified as follows, the proposal is considered acceptable in principle.

5.3 Access and Traffic

As this application merely seeks consent for the phase 1 of the sports pitch development and does not include the access to the site with car parking and pavilion, the main highway considerations at this time relate to construction traffic, maintenance vehicles and the principle of the footpath/cycle way onto the perimeter road from the site and the impact of the facilities in terms of the proximity of the pitches to the adjacent perimeter road.

The application as originally submitted indicated that construction vehicles would access the site from the new A41 roundabout and perimeter road. However this has now been amended to show construction traffic from the A41 adjacent to the Esso petrol station and through the site across the existing public footpath, down the proposed Greenway and around Whitelands Farmhouse and into the application site at the western end. Comments in respect of this route are awaited from Oxfordshire County Council as Highway Authority and the Council's Right of Way Officer.

The application as submitted indicates links though to the remainder of the development also onto the perimeter road from the cycle track proposed but no details have been submitted. These details will be required prior to constructing the cycle path and the links.

5.4 Flood Risk

The surface water strategy submitted and approved for the southern part of the South West Bicester development indicates the creation of a new drainage ditch from the existing Whitelands Farm ditch and the retention of the ditches which cross this site to drain onto the new attenuation ponds which have been constructed to serve the development. This application however seeks to infill the two drainage ditches crossing the site to enable the pitches to be accommodated and to drain the site into the Whitelands Farm ditch and into the attenuation ponds.

The Environment Agency have objected to the infilling of the ditches which form part of the surface water drainage for the development, as this will increase flood risk and is therefore contrary to the advice in PPS25. Approved drainage drawings for the South West Bicester development demonstrate that both ditches have an upstream catchment and also form part of the surface water drainage system, conveying water from highway swales to the Whitelands Farm ditch.

Furthermore, the proposed finished levels and drainage layout drawing submitted with this application shows extensive land drainage over this large area of land draining into the Whitelands Farm ditch. This will significantly increase the rate and volumes of surface water drainage entering the ditch and drainage to the southern attenuation ponds. No calculations have been made to demonstrate that the ditch and attenuation ponds are sufficient to convey and attenuate these increased rates and volumes in accordance with the standards agreed through the Flood Risk Assessment and the discharge of Condition 49 of the outline planning consent. Furthermore, before surface water discharge to the ditch is considered, the Environment Agency advise that investigations should be made as to whether infiltration is feasible which should be favoured to discharge to a watercourse in accordance with PPS25. As submitted therefore the application is not acceptable in respect of drainage and flood risk.

Discussions are currently being held with the Environment Agency to seek to overcome the above concerns. Revised plans and details are awaited.

5.5 Ecology

In order to accommodate the pitches as shown, it is proposed to remove the two hedgerows which cross the site and run parallel to the two ditches mentioned above. An ecological appraisal in respect of those two hedgerows has been submitted as part of this application.

Hedgerow 1 is located to the west of the sports field. It is a mature hedgerow consisting largely of hawthorn with occasional blackthorn and deciduous trees interspersed, including oak and ash. There is a significant amount of bramble present throughout its length and a ditch runs along the eastern side to a depth of around 2m. Although not an ancient hedgerow it is well consolidated, offering significant potential for nesting birds and acting as an ecological corridor for birds, insects and small mammals linking to other areas of the site.

Hedgerow 2 is very similar to hedgerow 1 with hawthorn dominating, occasional blackthorn and deciduous trees dominated by oak and ash. A ditch runs the entire

length of the hedgerow and there are opportunities for nesting birds. This hedgerow runs along the northern boundary with the Whitelands Farm open space and with the exception of providing a cycle route link through it is to be retained. There are a number of existing gaps within it which should be bolstered with hawthorn.

Hedgerow 3 runs parallel to hedgerow 1 and is proposed to be removed as part of this proposal to enable the number of pitches to be accommodated. It is very similar in species composition to hedgerows 1 and 2 and there was clear evidence when it was surveyed that nesting birds had been using this hedgerow during the 2010 season. The report submitted with this application advises that providing appropriate steps are taken to ensure nesting birds are not present within it when it is removed, this section of hedgerow can be compensated for by the introduction of new hedgerow planting elsewhere on the site. The aging oak to the northern end of this hedgerow is proposed to be retained, however it is shown very close to the edge of the proposed rugby pitches. Due to the age of this tree there is clear evidence of decay and there may be significant loss of debris over future years from time to time. A buffer zone around this tree has therefore been recommended by the consultant which would also incorporate additional tree planting in order to keep the general public away from any potential hazard this may pose.

Bats are also an important consideration with regard to hedgerow removal as bats navigate using sonar and hedgerows are frequently used as common navigation routes. As a result a further bat emergence and activity survey was carried out in May 2011. The results of the survey revealed that the mature oak tree within hedgerow 1 which it is proposed to remove as part of this proposal was the main focus of the activity and emergence although it was calculated that there were no bat roosts within this tree and that neither was this hedge being used as a foraging route. There is therefore no objection to the removal of this hedge on ecological grounds.

It was also concluded that hedgerow 3 which it is also proposed to remove was not being used as a foraging habitat although this is likely to be due to the significant reduction in its size which had occurred in March to avoid birds nesting within it and therefore to facilitate its removal prior to September.

In conclusion the report states that the planting of new hedgerows in line with the landscape planting regime outlined for the development site is vital mitigation for the loss of hedgerow 1 and 3. Although not used as foraging routes during the assessment period (most likely because of the management works undertaken) interconnecting hedgerows such as this are vital dispersal and foraging corridors for bats and it is crucial that the planting regimes earmarked for the site come to fruition in order to maintain full access links for bats across this site.

In respect of the infilling of the ditches the Environment Agency are opposed to the culverting of watercourses because it involves the destruction of river and bankside habitat and the interruption of a wildlife corridor, thereby acting as a barrier to the movement of wildlife. PPS9 establishes the value of such corridors and requires the planning system to avoid damage to biodiversity. In this instance the Environment Agency consider the proposed culverting would close down a wildlife corridor, reduce the breeding habitat for amphibians and result in the loss of valuable habitat for a range of invertebrates and other species.

PPS9 places a duty upon local planning authorities to ensure that a protected species survey is undertaken prior to the determination of a planning application. The presence of a protected species is a material consideration when considering a development proposal. PPS9 states that 'it is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.

Given the fact that existing hedgerows are proposed to be removed and existing ditches infilled an ecological survey and bat emergence and activity survey as specified above have been carried out as part of this submission. These surveys have not found any protected species to be present within the site but recommend that replacement hedge planting is carried out as proposed to mitigate the loss of those being removed and to ensure that access links for bats and other wildlife are maintained across the site.

Following discussions with the Environment Agency revised proposals are anticipated which seek to overcome the objection in respect of the infilling of the ditches. The revised details are awaited.

5.6 Compliance with the Design code

The Design Code which was approved in July 2008 and relates to the development of the South West Bicester site, sets out the key issues to be addressed by developers. The Design Code seeks to ensure consistency throughout the development and to ensure that specific requirements are adhered to. The Design Code is therefore a material consideration when considering reserved matters proposals such as this application relating to the sports village. Many items within the Design Code are mandatory and therefore must be adhered to unless there are exceptional circumstances for not doing so.

The Design Code states that over 17 hectares is given over to formal public sports pitches. Located at the southern gateway to the site, this will be managed by the local authorities and will provide for football, rugby, cricket, athletics and other sports that is now proposed by the submission of this application. The mandatory elements of the Design Code in respect of this proposal relates to the position of the sports pitches relative to the remainder of the development, the retention of the hedgerows 1 and 3 which run across the site and the position of the pavilion together with a pedestrian access point from the sports pitches onto the perimeter road footpath. The application as submitted does not comply with the mandatory elements of the Design Code in that it seeks the removal of 2 hedgerows.

The Planning Statement accompanying the application states that in order to help meet the shortfall in sports pitches in Bicester as identified in the Cherwell Playing Pitch Strategy, that the two hedgerows should be removed to enable the number of pitches proposed, these being 3 x football, 3 x rugby, a cricket square and tennis courts to be accommodated on the site. To help mitigate the loss of these 2 hedgerows the proposed landscaping scheme provides considerably more hedge and tree planting than is being removed as well as providing more native planting around the pitches thereby improving the ecological value of the site. It further states that without the removal of the hedgerow sections the site would only

accommodate a much reduced pitch scheme and would not address some of the identified deficiency of sport pitches in the town which were identified within the PPG 17 Study.

As a full application it is not essential for the scheme to comply with the design code and provided that the adverse impacts from the removal of the hedge and ditches is mitigated the application is considered acceptable.

5.7 Conclusion

Having regard to the above assessment, the proposed development is acceptable in principle, provided that the objections raised by the Highway Authority and the Environment Agency can be satisfactorily overcome.

6. Recommendation		
Approve: Subject to the objections raised by the Highway Authority and the Environment Agency being overcome to the satisfaction of the Local Planning Authority and the imposition of the following conditions:		
1.	SC1.4	Standard Time Limit
2.	SC3.1A	<p>That all planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing No. DE 108 24 007 and the supporting information dated May 2011 and submitted by STR1 shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p> <p>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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
3.	SC3.3AA	<p>No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:</p> <p>a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be</p>

		<p>removed shall be indicated on this plan.</p> <p>b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.</p> <p>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.</p> <p>d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.</p> <p>e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).</p> <p>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 construction 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.</p> <p>g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).</p> <p>h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).</p> <p>i) 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.</p> <p>j) 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.</p> <p>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 in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
4.	SC8.18	No external lights/floodlights shall be erected on the land without the

		<p>prior express consent of the Local Planning Authority.</p> <p>Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan.</p>
5.	SC9.4A	<p>The development hereby permitted shall be carried out in accordance with the recommendations set out in ecological appraisal and bat emergence of the activity survey by STRI dated 10 March 2011 and 13 May 2011 and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.</p>
6.		<p>That a 3m buffer zone shall be provided and thereafter maintained to the existing and new hedgerows to be planted within the development in accordance with Condition 1 above.</p> <p>Reason – To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS9 'Planning and biodiversity' Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.</p>
7.		<p>That prior to the construction of the footpath/cycle way, full details of the proposed fitness trail and equipment shall be submitted to and approved in writing by the Local Planning Authority. The fitness trail shall be constructed and completed and ready for use prior to the first use of the sports pitches hereby approved. The trail shall be thereafter maintained and retained in accordance with this condition.</p> <p>Reason – To ensure the provision of appropriate fitness facilities to serve the development.</p>
8.		<p>That prior to the commencement of any development on the site, full details of the proposed footpath/cycle links from Whitelands open space and the perimeter road shall be submitted to and approved in writing by the Local Planning Authority. The footpath/cycleway and links shall be provided in accordance with the details prior to the first use of the sports pitches. The footpath/cycleway shall thereafter be maintained and retained in accordance with this condition.</p> <p>Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in PPG13: Transport.</p>
9.		<p>That the sports pitches hereby approved shall not be brought into use until such time as the vehicular access and car parking to serve the pitches (otherwise known as Phase 2) have been constructed and are operational.</p>

		Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in PPG13: Transport and Policy T4 of the South East Plan 2009.
10.		<p>Prior to the commencement of any development on the site, the type and precise location of any protective fencing around existing trees and hedgerows to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected prior to the commencement of the construction works and thereafter maintained during construction in accordance with those details.</p> <p>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 in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
11.		<p>That prior to the commencement of any development on the site full detailed drawings to scale of 1:200 showing the proposed new hedge and tree planting along the southern boundary adjacent to the perimeter road shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out in accordance with those details, within 12 months of the construction of the pitches hereby approved.</p> <p>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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
<u>Planning Notes</u>		
SI		The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The Planning Department must be immediately advised of any proposed variation from the approved documents and the prior approval of this Council obtained before any works are carried out on the site. This may required the submission of a further application. Failure to comply with this advice may render those responsible liable to enforcement proceedings which may involve alterations and/or demolition of any unauthorised building or structures and may also subsequently lead to prosecution.
U1		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.
X1	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.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the layout proposed is acceptable in design terms and the visual amenities of the locality. As such the proposal is in accordance with Policies CC1, CC4 and CC6 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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