

Planning and Development



David Peckford, Assistant Director – Planning and Development

Cllr Diane Bratt
cc adderburypc@hotmail.com

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA
www.cherwell.gov.uk

Please ask for:	Sean Tilbury	Direct Dial:	01295 221503
Email:	sean.tilbury@cherwell-dc.gov.uk	Our Ref:	20/00169/ENF

19th June 2020

Dear Cllr Bratt

Planning Enforcement

Contravention No.: 20/00169/ENF

Reported Breach of Planning Control: Monitoring - 19/02796/F and 18/00220/F

Location: Land North Of Milton Road, Adderbury, Oxfordshire

I write regarding alleged breaches of planning control at the above site. Thank you for your recent emails aiming to clarify the changes in levels, potential impact on archaeological remains and vegetation removal. The investigation has now been concluded and whilst breaches of planning control were noted, they were deemed to be minor and it would not be expedient to take further action. The enforcement case has now been closed but the Council will continue to monitor the development and wishes to make a few recommendations in order to help secure compliance going forward.

The redistribution of soil, with the removal of up to 200mm in some areas and the addition of up to 100mm in others has resulted in changes to the levels of the site in breach of condition 8 of 18/00220/F. The Council does not consider it expedient to take action given the limited extent of these level changes, however would caution that the condition must be discharged prior to any further changes in levelling. Given your clarification, the removal of 200mm of soil within the area demarcated for additional archaeological investigation is not considered to be harmful to archaeological remains given the depth of these works.

The removal of vegetation (grassland) was carried out inside the bird nesting season and was therefore in breach of condition 18 of 18/00220/F. The Council is satisfied by the evidence received that the existing habitat was unlikely to be suitable for ground nesting birds, therefore the harm of this breach was minor. The wording of the planning condition does not technically permit any removal works within the nesting season, regardless of whether the Local Planning Authority agrees to it. Were further removal is required you can apply to vary the wording of the condition and at the you should notify the Council beforehand so that it can advise you accordingly, regardless of whether the proposed removals are considered to be non-harmful to local wildlife. I also wish to highlight the findings of the November 2019 Ecology Report which states that the trees and hedgerows are good nesting habitats and the removal of these should be done outside of bird nesting season.

Concerns were raised regarding flooding, although this is not a breach of planning control. Nevertheless a Drainage Engineer has visited the site and does not perceive an increased risk of flooding. I understand that the pitch drainage works are to proceed, which they may do so given the approval of the relevant planning condition. Whilst there is no stipulation relating to the order of which the drainage system is to be constructed, the Council does not recommend the pitch drainage system to be completed until the infiltration basin is also operational to ensure that surface water run-off is not concentrated in a singular location.

For your information, annexed below is a full list of conditions requiring further details to be submitted with their respective timescales.

Yours Sincerely

Sean Tilbury
Development Monitoring Officer

Appendix – List of conditions to be discharged

18/00220/F - Change of use of agricultural land to sport/recreation and community use

Prior to altering the site levels

Condition 8 Site levels

Prior to laying out the development

Condition 6 Revised layout
Condition 7 Landscaping
Condition 9 Surface water drainage (non-pitch)
Condition 10 Means of access
Condition 11 Parking and turning areas

Prior to the first use of the pitch

Condition 12 Enclosures
Condition 14 Public footpath
Condition 15 Covered cycle parking
Condition 21 Sports Management Plan

19/02796/F - Erection of sports & community pavilion with associated carpark and sport facilities (outdoor pitches and MUGA) following planning consent for change of use of agricultural land to sport/recreation and community use (18/00220/F)

Prior to the alteration of site levels

Condition 19 Levels

Prior to the commencement of the development

Condition 3 Secured by Design
Condition 4 Means of access
Condition 5 Vision splays
Condition 6 Parking and turning areas
Condition 8 Construction and Environment Management Plan
Condition 9 Surface water drainage
Condition 10 Drainage management
Condition 12 Written Scheme of Investigation
Condition 14 Construction and Environment Management Plan
Condition 17 Landscaping

Prior to building above slab level

Condition 7 Biodiversity
Condition 15 Stone samples
Condition 16 Cladding samples

Prior to the installation of any external lighting

Condition 31 External lighting scheme

Prior to occupying the site

Condition 21 Covered cycle parking
Condition 22 Electric Vehicle Charging
Condition 30 Solar PV

Prior to the first use of the pitch

Condition 27 Management plan

Prior to the first use of any new public footpath

Condition 20 Footpath

