



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# NOTICE OF DECISION

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

### Name and Address of Agent/Applicant:

Edgars Limited  
Mr Jon Westerman  
The Old Bank  
39 Market Square  
Witney  
OX28 6AD

### Full Planning Determination

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**Date Registered:** 16th October 2019

**Proposal:** Variation of condition 2 (plans) of 18/01333/F – various minor changes to approved plans including alterations to the fenestration of the buildings, as required to deliver the proposed buildings.

**Location:** Bicester Heritage, Buckingham Road, Bicester, OX26 5HA

**Parish(es):** Launton

### 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: 31<sup>ST</sup> January 2020**

Checked by: Alex Keen

## SCHEDULE OF CONDITIONS

### Approved Plans

1. The development shall not be carried out otherwise than in complete accordance with the approved plans listed below unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended):

- 5002855-RDG-XX-ST-PL-A-0003 Rev N – Proposed Site Plan
- 5002855-RDG-Z1-00-PL-A-0100 Rev E – Building A Proposed Ground Floor Plan
- 5002855-RDG-Z1-M0-PL-A-0110 Rev E – Building A Proposed Mezzanine Level Plan
- 5002855-RDG-Z1-RF-PL-A-0120 Rev D – Building A Proposed Roof Plan
- 5002855-RDG-Z1-XX-EL-A-0130 Rev E – Building A Proposed Elevations
- 5002855-RDG-Z2-00-PL-A-0100 Rev E – Building B Proposed Ground Floor Plan
- 5002855-RDG-Z2-M0-PL-A-0110 Rev E – Building B Proposed Mezzanine Level Plan
- 5002855-RDG-Z2-RF-PL-A-0120 Rev E – Building B Proposed Roof Plan
- 5002855-RDG-Z2-XX-EL-A-0130 Rev E – Building B Proposed Elevations
- 5002855-RDG-Z3-00-PL-A-0100 Rev D – Building C Proposed Ground Floor Plan
- 5002855-RDG-Z3-M0-PL-A-0110 Rev D – Building C Proposed Mezzanine Level Plan
- 5002855-RDG-Z3-RF-PL-A-0120 Rev D – Building C Proposed Roof Plan
- 5002855-RDG-Z3-XX-EL-A-0130 Rev E – Building C Proposed Elevations
- 5002855-RDG-Z4-00-PL-A-0100 Rev D – Building D Proposed Ground Floor Plan
- 5002855-RDG-Z4-M0-PL-A-0110 Rev D – Building D Proposed Mezzanine Level Plan
- 5002855-RDG-Z4-RF-PL-A-0120 Rev D – Building D Proposed Roof Plan
- 5002855-RDG-Z4-XX-EL-A-0130 Rev E – Building D Proposed NW and SE Elevations
- 5002855-RDG-Z4-XX-EL-A-0131 Rev E – Building D Proposed NE and SW Elevations
- 5002855-RDG-Z5-00-PL-A-0100 Rev E – Building E Proposed Ground Floor Plan
- 5002855-RDG-Z5-M0-PL-A-0110 Rev E – Building E Proposed Mezzanine Level Plan
- 5002855-RDG-Z5-RF-PL-A-0120 Rev E – Building E Proposed Roof Plan
- 5002855-RDG-Z5-XX-EL-A-0130 Rev D – Building E Proposed NE and SW Elevations
- 5002855-RDG-Z5-XX-EL-A-0131 Rev D – Building E Proposed NW and SE Elevations
- 5002855-RDG-Z6-00-PL-A-0100 Rev E – Building F Proposed Ground Floor Plan
- 5002855-RDG-Z6-M0-PL-A-0110 Rev D – Building F Proposed Mezzanine Level Plan
- 5002855-RDG-Z6-RF-PL-A-0120 Rev D – Building F Proposed Roof Plan
- 5002855-RDG-Z6-XX-EL-A-0130 Rev D – Building F Proposed NE and SW Elevations
- 5002855-RDG-Z6-XX-EL-A-0131 Rev E – Building F Proposed NW and SE Elevations
- 5002855-RDG-Z7-00-PL-A-0100 Rev D – Building G Proposed Ground Floor and Roof Plans
- 5002855-RDG-Z7-XX-EL-A-0130 Rev D – Building G Proposed Elevations
- 5002855-RDG-Z8-00-PL-A-0100 Rev E – Building H Proposed Ground Floor Plan
- 5002855-RDG-Z8-M0-PL-A-0110 Rev D – Building H Proposed Mezzanine Level Plan
- 5002855-RDG-Z8-RF-PL-A-0120 Rev D – Building H Proposed Roof Plan
- 5002855-RDG-Z8-XX-EL-A-0130 Rev D – Building H Proposed Elevations

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority.

### Compliance with Ecological Assessment

2. The development hereby approved shall be carried out in accordance with the recommendations set out in section 5 of the Ecological Assessment carried out by Ecological Solutions dated July 2018 (submitted with application 18/01333/F).

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.

## Use of buildings

3. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 and subsequent amendments, the buildings hereby approved shall be used only for purposes falling within Class B1 (c), B2 and/or B8 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In accordance with Policy Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

## Compliance with Energy Strategy

4. The development shall be carried out in accordance with the Recommendations and Conclusions listed in section 4 of the Energy Strategy dated November 2018 (submitted with application 18/01333/F). This will include the use of air-source heat pumps for each building alongside the implementation of energy demand reduction through the building fabric and the following measures taken by end users, unless any alternative has been previously submitted to and agreed in writing with the Local Planning Authority;

- Provision of high-efficiency internal and external lighting
- Implementation of an efficient lighting control strategy to include (where applicable):
  - photoelectric (daylight) sensing
  - occupancy presence detection
  - external lighting to be linked to daylight sensors with a timer only for provision of lighting when required
- Use of variable speed drives on pumps and fans, where applicable
- Insulation of all duct work and pipework
- Development of a metering and sub-metering building services strategy to monitor energy used within all units
- Use of highly-efficient heat recovery ventilation systems, where applicable
- Consideration of instantaneous domestic hot water (DHW) systems to reduce system standby/storage losses
- Ensuring that energy-efficient white goods are installed within the buildings

Where photovoltaic panels are to be used details shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policy ESD1 of the Cherwell Local Plan 2011-2031.

## Surface Water Drainage

5. The development shall be completed in accordance with the surface water drainage scheme (submitted with application 19/01853/DISC) which comprises of the following drawings and documents:

- 5002855-RDG-XX-ST-PL-C-0501 rev A Foul and Surface Water Drainage Layout
- 5002855-RDG-XX-ST-PL-C-0502 rev B Foul and Surface Water Drainage Layout
- 5002855-RDG-XX-XX-SC-C-0503 rev B Foul and Surface Water Drainage Schedules
- 5002855-RDG-XX-ST-PL-C-0504 rev A Surface Water Exceedance Flood Flow Routing
- 5002855-RDG-XX-ST-PL-C-0505 Existing Surface run-off Catchment
- 5002855-RDG-XX-XX-DT-C-0510 rev A Foul and Surface Water Drainage Construction Details
- 5002855-RDG-XX-XX-DT-C-0511 rev A Foul and Surface Water Drainage Construction Details
- 5002855-RDG-XX-XX-DT-C-0512 Surface Water Attenuation Basin Layout
- 5002855-RDG-XX-ST-PL-C-0601 rev B Site Levels Layout
- 5002855-RDG-XX-ST-PL-C-0602 rev B Site Levels Layout

- 5002855-RDG-XX-XX-SE-C-0604 rev A Road Alignment Long Sections
- 5002855-RDG-XX-XX-DT-C-0710 rev A Surface Finishes Construction Details
- The Drainage Design, Management and Maintenance Report dated 01 November 2019

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Training and Employment Plan**

6. Construction shall take place in accordance with the approved Training and Employment Plan (submitted with application 19/02431/DISC) which comprises of:

- Training and Employment Plan dated October 2019
- Follow up letter dated 20th December 2019 prepared by Edgars

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011-2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

### **Finished Floor Levels**

7. A plan showing full details of the finished floor levels in relation to existing and proposed site levels for each of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the laying of foundations for the relevant building. The proposed finished floor levels should be in accordance with the recommendations in the Flood Risk Assessment accompanying the application (ref: 18/01333/F): Version 1.0 dated 14/12/2016. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to take into account risks from surface water flooding to comply with Policies ESD6 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies ENV1 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Materials**

8. Prior to the construction of any of the buildings hereby approved above ground level, a schedule of materials and finishes for the external walls and roof of that building (including the submission of samples) shall be submitted to and approved in writing by the Local Planning Authority. The brick samples shall be submitted by means of a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. Thereafter the development shall be carried out in accordance with the approved schedule and samples/sample panel.

Reason: To ensure the satisfactory appearance of the completed development, the visual amenities of the conservation area and the significance of the heritage asset and to comply with Policy ESD 15 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.

### **Architectural Detailing**

9. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building to which they relate above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the conservation area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

### **Boundary Treatments**

10. No boundary treatments shall be erected on the site without details (including the design, position, height and materials) having been previously submitted to and approved in writing by the Local Planning Authority. The treatment shall thereafter be installed in accordance with the approved details.

Reason : To ensure that there is an appropriate integration between the application site and the existing technical site to preserve the character and appearance of the conservation and area setting of listed buildings to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, saved policy C25 of the Cherwell Local Plan 1996 and Government advice contained in the National Planning Policy Framework.

### **Lighting**

11. Details of all external lighting including the design, position, orientation, illumination and its intensity together with any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed, operated and retained in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area, to accord with the findings of the ecological survey and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

### **Signage**

12. A Signage Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external signage (either free-standing or on buildings). The signage shall be installed in accordance with the approved scheme thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

### **Trees and Landscaping**

13. Notwithstanding the approved details a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:-
- a) details of proposed tree, hedgerow and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc.),

- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard landscaping including hard surface areas, including footpaths, pavements, pedestrian areas car parking and manoeuvring areas, reduced-dig areas, crossing points and steps,
- d) details of all tree pits,
- e) details of all refuse/recycling bins including location and compound enclosure details.

Such details shall be provided prior to any development progressing above slab level or such alternative time frame as agreed in writing with the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

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 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.

14. 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 first occupation of the building or such alternative time frame as agreed in writing by the Local Planning Authority. 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: 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 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.

### **Acoustic Assessment**

15. Prior to the units hereby approved being first occupied all mechanical plant or machinery to be installed within the relevant building shall be identified and assessed in accordance with BS4142:2014 and the report submitted to the Local Planning Authority for approval. Where the approved assessment identifies the need for any mitigation or acoustic enclosure full details should be agreed with the Local Planning Authority and put in place prior to the first occupation of the building.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996.

### **Car Parking**

16. Prior to the first occupation of the development hereby approved, the 84 parking spaces and manoeuvring areas shall be provided in accordance with the approved site plan 5002855-RDG-XX-ST-PL-A-0003 Rev N and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times. In the event that the mix of uses varies from that listed in this condition, an assessment and review of the approved car parking provision within the site shall be submitted to and agreed in writing with the Local Planning Authority and where the need for additional car parking is identified, this shall be provided in accordance with the agreed details:

- B1 (c) – 1632 sqm GIA
- B2 – 1632 sqm GIA
- B8 – 3265 sqm GIA

Reason: In the interest of highway safety, to ensure the adequate provision of off-street car parking and to avoid overspill or inappropriate parking and to comply with Government guidance contained within the National Planning Policy Framework.

### **Cycle Parking**

17. Prior to the first use or occupation of the development hereby approved, covered cycle parking facilities shall be provided on the site 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 permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1, and the Government guidance contained within the National Planning Policy Framework.

### **Framework Travel Plan**

18. Prior to the first occupation of the buildings hereby approved the Framework Travel Plan (submitted with application 18/01333/F) shall be revised, resubmitted 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 and 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.

### **Waste Water Upgrades**

19. The development shall be completed in accordance with the Foul Drainage Design Report dated 01 October 2019, prepared by Ridge (submitted with application 19/02472/DISC).

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, to comply with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

### **Landscape Maintenance/Management**

20. Prior to the first use of the development hereby approved, a schedule of landscape maintenance and a landscape management plan for a minimum period of 5 years, to include the timing of the implementation of the schedule, management responsibilities, maintenance schedules, details of the future management, and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

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 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.

## **Construction and Environment Management Plan**

21. Throughout the construction period of the development hereby approved, the Construction and Environment Management Plan Issue No A, dated 26th July 2019 (submitted with application 18/01333/F) shall be adhered to at all times.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times and to ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **LEMP**

22. The development hereby approved shall proceed in accordance with the details set out in the Landscape and Ecology Management Plan ref 7884.ECoAss.vf2 dated August 2019 (submitted with application 18/01333/F).

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.

## **Secondary Access**

23. The secondary access to the site from Skimmingdish Lane (shown between buildings A and B on Drawing No: 5002855-RDG-XX-ST-PL-A-0003 Rev N – Proposed Site Plan) shall be retained for emergency use and for vehicular access on event days only and shall not be utilised for day to day operational or servicing uses. The access shall not be utilised for pedestrian or cycle access.

Reason: In the interests of highway safety and to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

## **Unexpected Land Contamination**

24. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with has obtained written approval to the strategy from the Local Planning Authority. Thereafter the remediation strategy shall be implemented as approved.

Reason: NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178). Also to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996.

## **BREEAM**

25. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' standard.

Reason: To ensure sustainable construction, reduce carbon emissions and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policy ESD3 of the Cherwell Local Plan 2011-2031.



## 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. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
4. There are easements and wayleaves to the north of the Site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Water’s Developer Services team. Their contact details are as follows: Thames Water Developer Services, Reading Mail Room , Rose Kiln Court , Rose Kiln Lane , Reading RG2 0BY Tel: 0800 009 3921 Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
5. Wastewater: Thames Water requests that the programme of the development and proposed pump rates be provided to enable them to plan any future network reinforcement that may be required.
6. In respect of condition 15 above, all mechanical plant or machinery should be assessed to ensure noise is not a problem at nearby noise sensitive receptors. Ideally there should be no increase on existing background levels when assessed as a rating level.
7. In respect of condition 12 above, the requirement for a Signage Strategy does not replace or avoid the need for separate advertisement consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
8. Attention is drawn to a Legal Agreement related to this development dated 27<sup>th</sup> August 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.

## 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 provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



## 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](mailto: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](http://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.