



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# NOTICE OF DECISION

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

### Name and Address of Agent/Applicant:

Framptons  
Debbie Jones  
Oriol House  
42 North Bar  
Banbury  
OX26 6HH

### Full Planning Determination

---

**Date Registered:** 27th November 2020

**Proposal:** 1. Alterations and enlargement of existing service yard to provide additional spaces for car and van parking, new access point to van parking and dispatch area, new access to staff parking area; 2. Building and plant comprising: Vehicle Maintenance Unit (VMU); Technical Services Block (TSB); Vehicle Inspection Hub (VIH); Comms Container (CCR); Sprinkler Tanks and Pump House; Vehicle wash (with underground waste water tank) and Van Fuel Station (with canopy over); smoking and vaping shelter; compaction area (with canopy over) and cycle store; 3. Site fencing enclosure with electricity supply substation; standby generator; enclosed storage units and Pallet Stack; 4. Realignment of existing cycle and footpath between A41 and Site boundary with Wretchwick Green, including landscaping; and 5. Minor realignment of existing storm water drains and installation of storm water attenuation tanks.

**Location:** Unit B, Symmetry Park, Morrell Way, Ambrosden, OX26 6GF

**Parish(es):** Ambrosden Blackthorn

### 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



**David Peckford**

Assistant Director – Planning and Development

**Date of Decision: 03 March 2021**

Checked by: **Caroline Ford**

## **SCHEDULE OF CONDITIONS**

### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:

Dwg no: 4036-B10-101-P9 Application Red Line  
Dwg no: 4036-B10-102-P3 Site Plan as Existing  
Dwg no: 4036-B10-103-P8 Proposed Site Layout Plan  
Dwg no: 4036-B10-104-P8 Symmetry Park Indicative Masterplan  
Dwg no: 4036-B10-105-P7 Proposed Site Fencing, Gates and Access  
Dwg no: 4036-B10-106-P6 Proposed Refuse Area  
Dwg no: 4036-B10-107-P7 Proposed Cycle and Smoking Shelters  
Dwg no: 4036-B10-108-P6 Proposed Vehicle Maintenance Unit (VMU)  
Dwg no: 4036-B10-109-P6 Proposed Technical Services Block (TSB)  
Dwg no: 4036-B10-110-P7 Proposed Vehicle Inspection Hut (VIH)  
Dwg no: 4036-B10-111-P7 Proposed Comms Enclosures (CCR)  
Dwg no: 4036-B10-112-P6 Proposed Sprinkler Tanks and Pump House  
Dwg no: 4036-B10-113-P5 Proposed LGV Yard Tracking  
Dwg no: 4036-B10-115-P9 Proposed Yard Layout - Detail Plan  
Dwg no: 4036-B10-116-P5 Proposed Van Wash & Fuel Area Canopies  
Dwg no: 4036-B10-200-P4 Site Sections  
Dwg no: 19-096-EX-001 PL3 Lighting Plan  
Dwg no: 4036-BC Schedule of all additional Ancillary building's structures- P2

Dwg no: edp2606\_d151-C-Detailed Landscape Design

Dwg no: 19-096-EX-001 External lighting (002)  
Symmetry Park Bicester Unit B External Luminaire Schedule (Rev C)

Environmental Statement Volume 1 Main Text  
Environmental Statement Volume 2 Appendices

- Transport Assessment 13411-HYD-XX-XX-RP-TP-4001-P05
- Technical Note Ecology edp2606\_r029-B-Ecology
- Technical Note Air Quality SPB-HYD-XX-ZZ-RP-Y-2001\_P05

- Technical Note P04 Drainage Strategy Technical Note
- Technical Note edp2606\_r030-E-Unit B Landscape Note edp2606\_r030-E-Environmental Statement Volume 3 Non- technical Summary

Noise Survey 13471-HYD-ZZ-XX-RP-Y-1001-P02  
Planning and Design and Access Statement

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.

3. All planting, seeding or turfing comprised in the approved details of landscaping (edp2606\_d151c) 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 operation of the service yard, or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason – 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 ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

5. The development hereby permitted shall be carried out strictly in accordance with the Drainage Strategy Technical Note P04 dated 12th February 2021 and the following plans:

C-13482-HYD-00-ZZ-DR-C-7000 - Drainage Strategy  
C-13482-HYD-00-ZZ-DR-C-7001 - Drainage Strategy  
C-13482-HYD-00-ZZ-DR-C-7003- Catchment plan  
C-13482-HYD-00-ZZ-DR-C-7100 - Flood Extents Plan  
C-13482-HYD-00-ZZ-DR-C-7200 - Maintenance Plan  
C-13482-HYD-XX-XX-SK-C-5100 - Drainage Details  
C-13482-HYD-XX-XX-SK-C-5100 - Existing swale location

The approved Drainage Strategy shall be fully implemented prior to the service yard area coming into first operation and shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

## PRE-COMMENCEMENT CONDITIONS

6. No development shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be appropriately titled (site and planning permission number) and shall provide for at a minimum:
- Routing of construction traffic and delivery vehicles including means of access into the site;
  - Details of and approval of any road closures needed during construction;
  - Details of and approval of any traffic management needed during construction;
  - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
  - Measures to control the emission of dust and dirt during construction;
  - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
  - The erection and maintenance of security hoarding / scaffolding if required;
  - A regime to inspect and maintain all signing, barriers etc;
  - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
  - Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
  - Details of arrangements for site related vehicles (worker transport etc);
  - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
  - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted;
  - Any temporary access arrangements;
  - Delivery, demolition and construction working hours;
  - Storage of plant and materials used in constructing the development;
  - A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason - In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. 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 contained within the National Planning Policy Framework.

## CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

8. Prior to the first occupation of Unit B, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport including the provision by the occupier of 10no. bicycles for use of staff employed on the site and means of implementation and methods of monitoring. Thereafter the

approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of Unit B, covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 4036-B10- 103 Rev P8 and 4036-B10-107 P7). 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 promoting sustainable transport modes in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

10. Prior to the first occupation of Unit B, a record of the approved SuDS and site wide drainage details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans (.pdf and .shp file format);
- Photographs to document each key stage of the drainage system when installed on site;

Management company information must also be provided clearly identifying the name of the company and contact details.

Reason – In accordance with section 21 of the Flood and Water Management Act 2010.

#### ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

11. Following the occupation of Unit B, no goods, materials, fixed plant or machinery, other than that approved by this permission, shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Cumulative noise output from any mechanical ventilation or fixed plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):

- a) Daytime (0.700-23.00)
  - i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq
  - ii) Little Wretchwick Farm: 34dB LAeq
- b) Night-time (23.00-07.00)
  - i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq
  - ii) Little Wretchwick Farm: 28dB LAeq

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. The development hereby permitted shall be used only for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or 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 order to retain planning control over the use of the site and in view of the exceptional circumstances that justify approval in this case, and in the interests of highway safety and residential amenity, in accordance with Policies SLE1, SLE4, ESD1 and ESD15 of the Cherwell

Local Plan 2011 – 2031 Part 1 and Government Guidance in the NPPF.

## 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](mailto:monitoring@cherwell-dc.gov.uk) and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

## PLANNING NOTES

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

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

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

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

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

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

3. Before granting this planning permission the Council has taken into account the environmental information relating to the development (within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). With regard to the requirements of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the main reasons and considerations on which the decision is based including information about the participation of the public - along with the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development – is contained within the Officer’s delegated report.
4. Attention is drawn to a Legal Agreement related to this development dated 3<sup>rd</sup> March 2021 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.

5. The applicant is advised to note that any site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July.

### **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. 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 - Telephone: 01295 227006. Email: [Building.Control@Cherwell-dc.gov.uk](mailto:Building.Control@Cherwell-dc.gov.uk)**
- 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 01295 227006 or E-mail at [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.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.