



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# NOTICE OF DECISION

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

### Name and Address of Agent/Applicant:

Mr Matt Humphreys  
H Planning Ltd  
71 Central Street  
London  
EC1V 8AB

### Outline Planning Determination

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**Date Registered:** 21st June 2022

**Proposal:** 'Outline (fixing 'Access' only) – redevelopment of Graven Hill D1 Site, including demolition of existing buildings, development of B8 'Storage or Distribution' use comprising up to 104,008 sq. m (GIA), creation of open space and associated highway works, ground works, sustainable drainage systems, services infrastructure and associated works.'

**Location:** Unit D1 Graven Hill, Circular Road, Ambrosden

**Parish(es):** Bicester Ambrosden

### OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline 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:** 10th October 2023

**Checked by:** Caroline Ford

## SCHEDULE OF CONDITIONS

### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') for each phase shall be submitted to and approved in writing by the Local Planning Authority before construction of that phase takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development shall not be carried out otherwise than in complete accordance with the approved plans:

- 410-S-00 (Revision. P9) Site Location Plan 1:2500
- 410-S-10 (Revision. P15) Existing Plan 1:2000
- 410-S-12 (Revision. P6) Proposed Demolition Plan 1:2000
- 410-S-13 (Revision. P2) Existing Block Plan 1:2000
- 410-S-51 (Revision. P4) Proposed Layout Parameter Plan 1:2000
- 410-GA-50 Proposed Bat Barn 1:50
- 410-GS-00 (Revision P4) Existing Site Sections 1:1250
- 1923-050-010 (Rev D) EAR Gate1 & 2 Highway Improvements, Future Scenario 1:500
- 1923-050-011 EAR Gate 3 Highway Improvements, Future Scenario 1:500
- 1923-050-012 (Rev C) EAR Gate 4 Highway Improvements, Future Scenario 1:500
- 1923-050-015 (Rev C) EAR Gate1 & 2 Highway Improvements, Proposed Scenario 1:500
- 1923-050-016 (Rev B) EAR Gate 3 Highway Improvements, Proposed Scenario 1:500
- 1923-050-017 EAR (Rev B) Gate 4 Highway Improvements, Proposed Scenario 1:500

Unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: To clarify the permission and for the avoidance of doubt.

4. The development shall come forward in accordance with the approved parameter plan ref: 410\_S-51 Rev P4 received October 2022 and the floor space for the proposed B8 uses as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not exceed the following maximum:

Gross internal area for the whole site: 104,008 sq. metres

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, in accordance with the submitted Environmental Statement and to accord with Policy Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The maximum height of the buildings on site to the ridge shall not exceed 20 metres (as defined by the Proposed Layout Parameter Plan shown on drawing 410\_S-51 Rev P4).

Reason: For the avoidance of doubt, to safeguard the visual amenities of the area and to accord with Policy ESD15 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

6. No part of the development shall take place until a phasing plan to cover the entire site to identify each phase, sub-phase and development parcel has been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved Phasing Plan. Thereafter each reserved matters application shall refer to a phase, phases or part thereof identified in the approved phasing plan. Any subsequent amendment to the phasing of the development shall be submitted to the Local Planning Authority in the form of a revised phasing plan and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development throughout the duration of the construction phase and to comply with Policy PSD 1 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

7. No development shall take place until a scheme for the phasing of the tree protection works in accordance with the following drawings and documents:

- Arboricultural constraints plan sheets 1 to 8 dated May 2022;
- Tree retention and removal plan sheets 1 to 8 dated May 2022; and
- Arboricultural Impact Assessment dated June 2022;

has been submitted to and been agreed in writing by the Local Planning Authority.

The tree protection measures shall thereafter be erected in accordance with the approved details and timings and shall be maintained until all equipment, machinery and surplus material has been removed from that phase or sub phase of the development.

Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD10 and ESD13 of the Cherwell Local Plan 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.

8. 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 protect species of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of 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.

9. The development shall be implemented fully in accordance with the approved Ecological Assessment by RPS Group, dated June 2022 (Ref: ECO01318 v.4).

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in

accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

10. Where an offence under Regulation 41 of the "The Conservation of Habitats and Species Regulations 2017" (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bat species and great crested newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

11. All species used in the planting proposals associated with the development's ecological mitigation and biodiversity enhancement areas shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

12. No development shall commence (including demolition, ground works, vegetation clearance), unless and until a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider, approved by the Local Planning Authority to deliver a Biodiversity Offsetting Scheme of no less than 10% biodiversity units (in accordance with the Defra Biodiversity metric 3.1 calculation tool) above the baseline (138 units), with management guaranteed for a minimum of 30 years, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider. The details of biodiversity enhancements shall be documented by the Off-Site Biodiversity Net Gain Provider and issued to the Council for their records. For the avoidance of doubt, the finalised unit number and cost shall be agreed following an updated habitat assessment.

The approved scheme shall thereafter be implemented in accordance with the approved details.

Reason: To compensate for the net loss of biodiversity resulting from the development by providing biodiversity enhancements off-site in accordance with Policy ESD10 of the Cherwell Local Plan and paragraphs 170, 174 and 175 of the National Planning Policy Framework.

13. No development shall take place on any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) including any works of demolition until a Construction Traffic Management Plan for that phase, sub-phase or development parcel for the development has been submitted to and been approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The location and design of the construction site accesses, and details of remedial works included in the closure of the construction accesses;
- b) The design and location of the site compound;
- c) The parking of vehicles of site operatives and visitors;
- d) The routing of HGVs to and from the site both before and after the completion of the Employment Access Route (EAR);
- e) Full details of the off-site signage for the routing of Heavy Goods Vehicle construction traffic;
- f) The proposed hours of HGV construction traffic to and from the site;
- g) Loading and unloading of plant and materials;
- h) Storage of plant and materials used in constructing the development;
- i) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- j) Wheel washing facilities for each access point including type of operation (automated, water recycling etc) and road sweeping;

- k) Measures to control the emission of dust and dirt during construction as based on assessment of the dust risk undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on Assessment of Dust from Demolition & Construction 2014(v1.1) & Guidance on Air Quality Monitoring in the vicinity of Construction & Demolition Sites 2018(v1.1);
- l) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- m) A commitment to deliveries only arriving or leaving the site outside peak traffic periods.

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

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy ESD3 of the Cherwell Local Plan 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.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) Reptile Method Statement;
- j) Great Crested Newt Method Statement.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and ESD 15 of the Cherwell Local Plan and Government guidance contained within Section 15 of 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.

15. No development shall take place in any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) until the applicant, or their agents or successors in title, has submitted to and had approved in writing by the local planning authority a programme of archaeological work in accordance with a Written Scheme of Investigation and a timetable for that work for that phase of the development. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable for that phase or sub phase of the development.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16).

17. Prior to occupation of any part of development hereby permitted, a Framework Operational Management Plan (FOMP) will be submitted to and agreed in writing by the Local Planning Authority. The FOMP will detail the proposals for the management of the impact of the development on the surrounding highway network, including but not limited to the following:
- a) Details of staff shift changes at the development (or the relevant part thereof) which seek to minimise the effect during peak (0800-0900 & 1700-1800) operational periods of the surrounding highway network;
  - b) A car park management plan for the development (or the relevant part thereof);
  - c) A strategy for road signs at the development (or the relevant part thereof); This includes both scenarios both 'before' and 'after' completion of the South East Perimeter Road;
  - d) A site delivery and service plan, detailing the routing and timing of delivery vehicles at the development (or the relevant part thereof).

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. This is also to minimise the effect during peak (0800-0900 & 1700-1800) operational periods.

18. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the Employment Access Road, including position, layout, drainage, lighting, visibility splays and footways shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the visibility splays above 0.6m high. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of each phase, sub-phase and development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) hereby approved, full specification details of the site roads, parking and turning areas, which shall include swept path analysis, construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

20. Each phase, sub-phase and development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) hereby approved shall not be occupied until cycle parking spaces to serve that phase, sub-phase or development parcel have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

21. Prior to the commencement of the development hereby approved, full details of the pedestrian/cycle connections within the site and from the site to the Employment Access Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the connections will be provided in accordance with the agreed details prior to occupation of the development.

Reason: To ensure safe and suitable access to the development for all people and to comply with Government guidance contained within the National Planning Policy Framework.

22. All reserved matters applications for the construction of buildings (excluding temporary, service building e.g. substation or buildings used for security purposes) shall be submitted with a detailed scheme for crime prevention which will include both electronic and physical measures to demonstrate compliance with the guidance contained in 'Secured by Design - Commercial 2015'. The development approved under the reserved matters consent shall thereafter be implemented fully in accordance with the approved scheme prior to its first occupation and all measures shall be maintained in full working condition.

Reason: In the interest of crime prevention and to comply with Policy BSC9 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework.

23. Any reserved matters applications for B8 uses (as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended)) shall include full details of proposed opening hours for those proposed uses. The premises granted reserved matters consent shall thereafter be operated in accordance with the approved details.

Reason: To protect the amenities of nearby residents and to comply with Policy C28 of the Cherwell Local Plan and Government guidance in the National Planning Policy Framework.

24. No part of the development shall take place on a phase, sub-phase, or development parcel (as defined on by the phasing plan to be submitted and approved under condition 6). until a detailed Landscape and Ecological Management Plan (LEMP) for that phase, sub-phase, or development parcel has been submitted to and approved in writing by the Local Planning Authority. Each phase of the development hereby permitted shall be constructed in accordance with LEMP approved for that phase.

Reason: To ensure that the mitigation measures detailed within the Environmental Statement are adequately addressed in order to protect and preserve wildlife and its habitats in accordance with Policies ESD 10 and ESD 13 of the Cherwell Local Plan and guidance contained within the NPPF.

25. No development shall take place until full details of the proposed strategic landscaping as defined on drawing 'Indicative Landscape Strategy' ref: 10.76, received June 2022 have been submitted to and approved in writing to the Local Planning Authority. The details shall include:

- a) details of all earth bunding and earth retaining features;
- b) details of the proposed tree 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);
- c) 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.

The approved landscaping works within the Strategic Landscape Strategy shall thereafter be implemented in the first planting season following the practical completion of the first phase, sub-phase or development parcel of development, (as defined on by the phasing plan to be submitted

and approved under condition 6).

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

26. A scheme detailing all external lighting/security lighting/flood lighting, including the design, position, orientation and any screening of the lighting in accordance with the BWB Lighting Impact Assessment Ref BSB-BWB-ZZ-XX-RP-E-0001\_LIA received June 2022 shall be submitted with each reserved matters for the erection of a building and or the construction of a parking area. The scheme shall thereafter be implemented in accordance with the details so approved.

Reason: In order to safeguard the visual amenities of the area and the residential amenity of nearby properties in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan and Government advice in The National Planning Policy Framework.

27. All reserved matters applications for any building (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) shall include full details of the colours of materials used for the elevations and roofs and shall adopt a horizontal colour banded approach as set out in section 5.11 of the Design and Access Statement received June 2022.

Reason: To ensure that the materials and the appearance of the buildings are appropriate to the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

28. All reserved matters applications shall include full details of any proposed mezzanine floors where they are proposed to be included with any of the units that form part of the reserved matters submission.

Reason: To ensure the development complies with the development parameters and the submitted Transport Assessment and to accord with policy SLE 1 and Bicester 2 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

29. Each Reserved Matters application shall be accompanied by a Noise and Vibration Impact Assessment and mitigation scheme to control emissions of noise and/or vibration from within buildings and noise and/or vibration from any activity in external areas. The noise assessment shall be undertaken in accordance with procedures detailed in BS4142:2014: +A1:2019 Methods for rating and assessing industrial and commercial sound for any noise sensitive premises, and shall not exceed the levels set out in Table 14.16 (paragraph 14.9.3) and the information provided in paragraphs 14.9.4 to 14.9.8 (inclusive) contained within Appendix 14 of the Environmental Statement by Stantec dated June 2022. The vibration assessment will be undertaken in accordance with procedures detailed in BS 6472- 1992 Guide to the Evaluation of human exposure to vibration in buildings and BS 7385-2:1993 Evaluation and measurement for vibration in buildings - Guide to damage levels from ground borne vibration. The units shall be built and operated in full accordance with the approved Noise and Vibration Impact Assessment and any noise control measures and vibration control measures shall be implemented in full prior to the first occupation of the building and retained in full working order thereafter.

Reason: To protect nearby properties from unacceptable noise pollution and vibration and to comply with policy PSD1 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

30. No development shall be occupied until confirmation has been provided that either:
- a) Foul water Capacity exists off site to serve the development; or
  - b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or



- c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents and to comply with Government guidance contained within the National Planning Policy Framework.

31. No development shall commence until an odour modelling assessment has been submitted to and approved by the Local Planning Authority (LPA) in consultation with Thames Water (TW). The odour assessment should be based on assessing on-site odour emissions. The assessment should include an odour mitigation measures strategy. Where the odour modelling assessment identifies a need for mitigation there should be no occupation of the development until the recommendations of the odour mitigation strategy are agreed by the LPA in consultation with TW and have been implemented and are operational. The applicant should submit an appropriate appraisal of amenity whereby the conclusions and recommendations satisfy the LPA. The applicant should within its submission include a detailed odour assessment, which should be prepared in consultation with TW.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, in accordance with Policy BSC8 and Government guidance contained at paragraph 123 within the National Planning Policy Framework.

32. No development shall be occupied until confirmation has been provided that either:
- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
  - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance Government guidance contained within the National Planning Policy Framework.

33. Prior to the commencement of development, a detailed surface water drainage scheme for the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a) A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- b) Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- c) A Flood Exceedance Conveyance Plan;
- d) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- e) Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- f) Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- g) Details of how water quality will be managed during construction and post development in perpetuity;
- h) Confirmation of any outfall details;
- i) Consent for any connections into third party drainage systems.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance

with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

34. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase, sub-phase or development parcel of the development (as defined on the phasing plan to be submitted and approved under condition 6), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme approved under condition 33) and include all supporting information as listed in condition 33. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

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

- a) As built plans in both .pdf and .shp file format;
- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

36. Prior to the first occupation of any building on the site (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) details of the waste management strategy (i.e. storage of bins and collection) for that building shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved at all times thereafter.

Reason: In the interests of sustainability and to ensure a satisfactory form of development and to accord with Policy ESD1 and with Government advice in the National Planning Policy Framework.

37. Any premises first used for purposes within Class B8 shall thereafter only be used for purposes within Class B8 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure proper planning control of the uses on site, to ensure compliance with Transport Assessment, to protect the amenities of nearby residents, to safeguard and to ensure adequate provisions of access and parking and to accord with Policies SLE1 and Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

38. No construction work including site clearance shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy PSD 1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

39. The development hereby permitted shall be constructed to at least a BREEAM 'Excellent' standard, or any future national equivalent standard that replaces it.

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 comply with Policies ESD1, 2, 3, 4 and 5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

40. A scheme detailing the methods for generation of energy from decentralised and renewable or low carbons sources in accordance with BWB Energy and Sustainability Statement ref: BSB-BWB-00-XX-RP-ME-0001 received June 2022 shall be submitted with each reserved matters application for the erection of a building (other than the erection of services buildings) and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development, in accordance with Policies ESD 1 and ESD 2 and as set out in the National Planning Policy Framework.

41. No building shall be first occupied until a scheme for the provision of electric vehicle charging points and associated ducting (including the specification of the charging points and the timing of the installation of the charging points) has been submitted to and been approved in writing by the Local Planning Authority. The ducting should be in place to allow for the easy expansion of the electric vehicle charging system. The car charging equipment shall thereafter be installed in accordance with the approved details and shall thereafter be available for use at all times and be maintained in full working order.

Reason: To comply with Policies ESD 1, ESD 4 and ESD 5 of the Cherwell Local Plan and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

42. In accordance with the recommendations set out in section 5.3 of the Ground Conditions Summary Report by RPS Group dated 16 May 2022, no part of the development within a phase, sub-phase, or development parcel hereby permitted shall take place until a scheme of intrusive investigation for that phase, sub-phase, or development parcel in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is 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 Policy ESD 10 of the Cherwell Local Plan.

43. If contamination is found in any phase, sub-phase, or development parcel by undertaking the work carried out under condition 42, prior to the commencement of the development within that phase, sub-phase, or development parcel hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place within that phase, sub-phase, or development parcel until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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 Policy ESD 10 of the Cherwell Local Plan.

44. If, during development, contamination not previously identified is found to be present at the site, development will cease within that area of the site, 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 Policy ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

45. Following the first occupation of each building on the site, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings (beyond the areas shown as open storage on plans approved through reserved matters applications).

Reason: In order to safeguard the visual amenities of the area and to ensure adequate parking and manoeuvring space within the site in accordance with Government guidance contained within the National Planning Policy Framework.

46. In the event that refrigerated trailers operate from the site, all HGV waiting and loading bays necessary to park the refrigerated trailers shall be provided with electrical hook up points to allow refrigerated trailers to operate without using their diesel engines when stationary. Any hook up points required by this condition shall be provided prior to first use of the site by refrigerated vehicles and thereafter be maintained in a serviceable condition for the lifetime of such vehicular activities taking place on the site.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policies PSD 1 and ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

47. Prior to the commencement of development, a Training and Employment Plan (TEP) for the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed TEP.

Reason: To support and encourage sustainable economic growth, to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and strengthen the skills base of the local economy, in accordance with paragraph B14 and Strategic Objective 3 of the Cherwell Local Plan and Government guidance contained in paragraphs 80 and 81 of the National Planning Policy Framework.

## DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: [monitoring@cherwell-dc.gov.uk](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. In relation to condition 12, several off-site biodiversity net gain or "offset" providers can take financial payments to deliver off-site biodiversity net gain projects in Oxfordshire, including the Trust for Oxfordshire's Environment (TOE) <https://www.trustforoxfordshire.org.uk/biodiversityoffsetting>. The number of Biodiversity Units required to provide the required level of biodiversity net gain for this permission are 76.37 units (using the Defra Biodiversity metric 3.1 calculation tool).
4. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-yourdevelopment/working-near-our-pipes>
5. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-yourdevelopment/working-near-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
6. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-yourdevelopment/working-near-our-pipes>.
7. Attention is drawn to a Legal Agreement related to this development dated 9<sup>th</sup> October 2023 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.
8. Before granting this permission the Council has taken into account the environmental information relating to the development (in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)).
9. In relation to condition 23, it is noted that many B8 occupiers require 24 hours use. The Council

recognises that future occupiers may require 24-hour use and in principle, providing appropriate mitigation is submitted and approved in accordance with the requirements of condition 23, could be considered acceptable.

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

## 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 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 - Telephone: 01295 227006. Email: [Building.Control@Cherwell-dc.gov.uk](mailto:Building.Control@Cherwell-dc.gov.uk)**
- 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 an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- 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 his/her 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 grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. 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 him 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 him.

## 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 he/she 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 Council to purchase his/her 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 him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.