



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# NOTICE OF DECISION

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

### Name and Address of Agent/Applicant:

Mr Thomas Darwall-Smith  
33 Broadwick Street  
London  
W1F 0DQ

### Reserved Matters Determination

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**Date Registered:** 6th July 2022

**Proposal:** Reserved Matters to 16/02586/OUT - Access, layout, scale, appearance and landscaping details for Phase 1B for up to 12 No knowledge economy units in Use Class E (former Use Class B) (14,972 sq m gross external area) with associated parking, landscaping, utilities and access

**Location:** Bicester Gateway Business Park, Wendlebury Road, Chesterton

**Parish(es):** Chesterton

### APPROVAL OF RESERVED MATTERS SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **APPROVES** details of the matters reserved in the original outline planning permission, as 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:** 11th November 2022

**Checked by:** Caroline Ford

## SCHEDULE OF CONDITIONS

1. 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:

Application form and certificates  
Planning Statement  
Design and Access Statement  
BREEAM Pre-assessment Report  
BREEAM Achieving Excellent Letter  
Transport Statement  
Stage 1 Road Safety Audit  
Road Safety Audit Designers Response  
Car Parking Accumulation Assessment  
Combined Parking Demand Calculations  
Ecology Statement  
Arboricultural Report  
Landscape Management Plan Rev 3  
Specification for Landscape & Horticultural Works  
7081-057 Site Location Plan  
7081-058 Existing Site Plan  
7081-059 Rev B Proposed Masterplan  
7081-060 Prop Gnd/1st Floor- Unit A - B  
7081-061 Proposed Roof Plan - Unit A - B  
7081-062 Proposed Elevations Unit A - B  
7081-063 Proposed Sections Unit A-B  
7081-064 Prop Gnd/1st floor - Unit C - F  
7081-065 Proposed Roof Plan Unit C - F  
7081-066 Proposed Elevations Unit C - F  
7081-067 Proposed Sections Unit C-F  
7081-068 Prop Gnd/1st floor- Unit G - K  
7081-069 Proposed Roof Plan Unit G - K  
7081-070 Proposed Elevations Unit G - K  
7081-071 Proposed Sections Unit G-K  
7081-072 Prop Gnd/1st floor- Unit L - M  
7081-073 Proposed Roof Plan Unit L - M  
7081-074 Proposed Elevations Unit L - M  
7081-075 Proposed Sections Unit L-M  
7081-076 3D Views 1 of 2  
7081-077 3D Views 2 of 2  
Dr E 6350 - P01 Lighting Diagram  
13329 102 - B Proposed Levels Plan  
7958.HSP.2.0 - C Hard Landscape 1 of 3  
7958.HSP.2.1 – C Hard Landscape 2 of 3  
7958.HSP.2.2 - C Hard Landscape 3 of 3  
7958.PP.1.0 - C Planting Plan Overview  
7958.PP.1.3 - C Planting plan 3 of 3  
7958.PP.1.2 - C Planting plan 2 of 3  
7958.PP.1.1 - C Planting Plan 1 of 3  
7958.TPD.3.0 Rev A Tree Pit Detail 1 of 2  
7958.TPD.3.1 Tree Pit Detail 2 of 2  
226701\_PD01 Proposed Scheme Layout  
226701\_PD01\_AT01 Swept path analysis 12m Rigid Truck  
226701\_PD01\_AT02 Swept path analysis HGV accessing site  
226701\_PD01\_AT03 Swept path analysis Rigid Truck turning on site  
226701\_PD01\_AT04 Swept path analysis HGV turning on site  
226701\_PD01\_AT05 Swept path analysis 7.5t Box van turning on site

226701\_PD01\_AT06 Swept path analysis Refuse Vehicle turning on site  
226701\_PD02 Proposed Access Visibility Assessment  
226701\_PD03 Intervisibility Assessment at Existing Uncontrolled Pedestrian Crossing Charles Shouler Way

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.

2. Prior to the first occupation of each building, cycle parking to serve that building shall be provided in the positions shown for cycle parking on drawing number 7081-059 Rev B 'Proposed Masterplan' and in accordance with the approved details. The cycle parking shall be retained and maintained for the parking of cycles in connection with the development thereafter.

Reason – To comply with Policies SLE 4, ESD 1, ESD 3, ESD 5 and Bicester 10 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with the National Planning Policy Framework.

3. A schedule of materials and finishes to be used in the external walls and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development above slab level. The development shall thereafter be completed in accordance with the approved details.

Reason – To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason – To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord 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.

5. The ecological enhancement measures detailed at paragraph 44 (with regard to bat roosting and bird nesting features) within the Ecology Statement prepared by Ecology Solutions (Manchester) Limited dated June 2022 and as shown on the Planting Plan Overview Plan (7958.PP.1.0 Rev C) shall be implemented prior to the first occupation of any building on the development. The ecological enhancement measures shall be thereafter retained in accordance with the approved details.

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 the National Planning Policy Framework.

6. Prior to first occupation an updated Framework Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Framework Travel Plan.

Reason – In order to encourage the use of sustainable modes of transport and to protect the amenity of the surrounding area, having regard to Policies Bicester 10 and SLE4 of the Cherwell Local Plan.

7. Notwithstanding the measures proposed as part of the submitted Energy Strategy, prior to occupation of the development a scheme for significant on-site renewable energy provision shall be submitted to and approved in writing by the Local Planning Authority, unless the submission shows that it can be robustly demonstrated that such a scheme is undeliverable or unviable. On-site renewable energy provision shall thereafter be carried out in accordance with the approved details approved.

Reason – To ensure that the development maximises opportunities for renewable energy generation in order to contribute to national carbon emissions reductions and renewable energy generation targets, having regard to Policy ESD5 of the Cherwell Local Plan.

## 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. The applicant is reminded that all relevant conditions on 16/02586/OUT need to be discharged prior to commencement.
4. The applicant's attention is drawn to the Building Control comments regarding the requirement for boundary conditions for fire and fire brigade access are to be in accordance with Approved Document B volume 2.

5. The applicant's attention is drawn to OCC Highways comment that an obligation to enter into a S278 Agreement will be required to secure the new access off Wendlebury Road as set out in Vectos drawing No.226701\_PD01.
6. The applicant is advised that there are public sewers crossing or close to the development. If significant work is planned near Thames Water's sewers, it's important that the risk of damage is minimised. Thames Water will need to check that the development doesn't limit repair or maintenance activities or inhibit the services that they provide in any other way. The applicant is advised to read Thames Water's guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>
7. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible – usually through the local planning authority.

### **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

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#### 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)**
- 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 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, Telephone No. 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.