

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Carney Sweeney
Mr Gerald Sweeney
Crossway
156 Great Charles Street Queensway
Birmingham
B3 3HN

Outline Planning Determination

Date Registered: 24th April 2023

Proposal: Variation of Condition 4 (approved plans and documents), Condition 30 (highway design) and Condition 34 (employment floor space limit) of 17/02534/OUT relating to the erection of a business park of up to 60,000sqm (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace (now under Use Class E); associated vehicle parking, landscaping, highways, infrastructure and earthworks (Original Application accompanied by an Environmental Statement)

Location: Land North Of Bicester Avenue Garden Centre, Oxford Road, Bicester

Parish(es): Bicester Chesterton

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: 4th March 2024

Checked by: Andy Bateson

SCHEDULE OF CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. No development shall commence on any phase identified within an approved phasing plan until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted 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. In the case of the reserved matters, no application for approval shall be made later than the expiration of eight years beginning with the date of this permission.

Reason: This permission is in outline only and is granted 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). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This permission is in outline only and is granted 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).

4. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

05935-5PA-MP-00-DR-A-9000 Rev A – Location Plan;
05935-5PA-MP-00-DR-A-9010 – Parameters Plan;
F141 Rev B – Planning Phases Site Plan;
Proposed Building Heights (see Table A of the Planning Statement);
The Design Principles set out on in Appendix A of the Planning Statement, dated April 2023;
LDB-BWB-GEN-XX-SK-C-1002_Highway Access Plan S1-P4;
LDB-BWB-HGT-XX-SK-C-1000_Proposed Highway Arrangement S1 Rev P1;
LDB-BWB-HGT-XX-SK-C-1001_Proposed Highway Arrangement S1 Rev P1;
LDB-BWB-HGT-XX-SK-C-1003_Oxford Rd/_Middleton Stoney S1 Rev P1.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework and Planning Practice Guidance.

5. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA prepared by Burohappold Engineering (ref: 040031 Rev. 04 and dated 17/04/18) and the following measures detailed within the FRA:

- Buildings will be located outside the 1 in 100 year including 35% climate change allowance flood extent;

- There shall be no raising of existing ground levels in the functional flood plain (either within the application site or on the adjoining land shown edged in blue on the submitted site location plan);
- Finished floor levels at a minimum of 300mm above the 1 in 100 year flood level including 35% allowance for climate change;
- There shall be no spoil or materials deposited or stored on that part of the application site (or adjoining land shown edged in blue on the site location plan) that the FRA identifies as within Flood Zone 3b.

Reason: To adequately protect the development and its occupants from the increased risk of flooding as well as to prevent an increased risk of fluvial flooding elsewhere and in order to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING INFORMATION TO BE SUBMITTED WITH RESERVED MATTERS

6. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings 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.

7. All applications for approval of reserved matters that provide details of proposed buildings shall be accompanied by information that demonstrates that the buildings will achieve BREEAM 'very good' standard based on the criteria applicable at the date of this decision.

Reason: In the interests of ensuring sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

8. All applications for approval of reserved matters relating to a phase shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no development shall be occupied until the approved on-site renewable energy provision for that phase is operational, and shall be retained as such thereafter.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

9. The drainage works shall be carried out and completed in accordance with the approved surface water drainage strategy 082005-CUR-00-XX-DR-C-92010_P04 and phasing, approved under 23/02299/DISC.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

10. All applications for approval of reserved matters relating to each phase shall be accompanied by details of a surface water drainage scheme for that phase (in accordance with the principles embodied within Sustainable Drainage Systems (SuDS) and the approved surface water drainage strategy for the overall site approved by condition 9). The development shall thereafter be constructed in accordance with the approved surface water drainage scheme and no development shall be occupied within each phase until the approved drainage scheme is completed.

Reason: To ensure that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

11. All applications for approval of reserved matters relating to a phase shall be accompanied by an odour report (produced by an appropriately qualified professional) detailing the measures necessary to minimise the potential for occupants of the development within that phase to experience nuisance caused by the proximity of the nearby Bicester Sewage Treatment Works. The development within each phase shall thereafter be carried out in accordance with the necessary measures set out in the approved odour report for that phase.

Reason: In the interests of ensuring the development is compatible with the existing surrounding land uses in accordance with the requirements of Policy Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework.

12. All applications for reserved matters approval relating to a phase shall be accompanied by a biodiversity statement that has regard to the ecological information contained within Appendix B to the Environmental Statement Addendum (June 2018) and shall include an assessment of the ecological implications of development within that phase together with the measures to be incorporated within that phase to help mitigate/enhance ecological interest on the site. Development within the phase must thereafter take place in accordance with the measures contained within the approved biodiversity statement for that phase.

Reason: To ensure that the ecological impact of the detailed phases of the overall development are fully understood and coordinated through an overarching ecological strategy for the site in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

PRE-COMMENCEMENT CONDITIONS

13. The development shall be carried out in accordance with phasing plan F141 Rev B approved under application 23/02299/DISC. Applications for approval of reserved matters shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) to which they relate.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies ESD15, Bicester 4 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

14. No development shall take place within each phase, with the exception of Phase 1a, as approved under 23/02354/DISC and 23/01711/REM, until a detailed scheme of foul drainage for the development within that phase has been submitted to, and approved in writing by, the Local Planning Authority. The foul drainage scheme shall be completed in accordance with the approved scheme prior to the occupation of any building within that phase and retained as such thereafter.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

15. If contamination is found within a phase by undertaking the work carried out under condition 16, then, with the exception of Plot A (details approved under 23/02299/DISC), no development shall take place within that phase until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been 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 which has been submitted to and approved in writing by the Local Planning Authority. No development shall take place within the phase 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

16. No development shall take place on any phase until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following:

- a) The parking of vehicles of site operatives and visitors;
- b) The routing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;
- j) Measures to minimise noise levels during construction;
- k) Risk assessment of potentially ecologically damaging construction activities;
- l) Identification of 'Biodiversity Protection Zones';
- m) Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction;
- n) The location and timing of sensitive works to avoid harm to biodiversity features;
- o) A timetable for the provision of ecological surveys;
- p) The times during construction when specialist ecologists need to be present on site to oversee works;
- q) Responsible persons and lines of communication;
- r) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- s) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

17. No development shall take place until:

- a) details of at least one pedestrian connection to be provided into the development from the A41 and;
- b) a consideration of the feasibility for at least one potential pedestrian connection to Bicester Avenue Garden Centre to the south and, if feasible, the position and on-site infrastructure to allow for it together with a timetable for their construction has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of promoting permeable, integrated development that prioritises walking as a mode of travel in accordance with the requirements of Policies Bicester 4, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

18. No development shall take place on any phase that will take access directly from Lakeview Drive until details of the means of access between the land and Lakeview Drive including position, layout and vision splays for that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any development in that phase hereby approved, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of ensuring that the detailed access is safe and suitable to comply with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

19. Notwithstanding the submitted Framework Travel Plan, no development shall take place until a revised Framework Travel Plan incorporating a commitment to a robust review mechanism covering the site as a whole has been submitted to and approved in writing by the Local Planning Authority. The development of the site as a whole shall thereafter be occupied in accordance with the objectives approved in the revised Framework Travel Plan.

Reason: In the interests of promoting sustainable modes of travel to and from workplaces in accordance with the requirements of Policies SLE4, ESD1 and Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

20. Prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation, approved under 23/02985/DISC), a staged programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation under reference 23/02985/DISC. The programme of work shall include 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.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework (2019). This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

21. No development within a phase shall take place until the land within that phase has been subject to a site walkover survey by a suitably qualified ecologist to ensure that no protected species which could be harmed by the development have moved on to the land 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 within the phase 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. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

22. No development shall take place until a scheme of landscaping and ecological mitigation/enhancement measures as well as a long-term management plan (to include a timetable and who is responsible for the management/ maintenance) in relation to all of the land edged blue to the east of the Superstore as shown on drawing no. 1105_P_004 Rev. A. has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping and ecological mitigation/enhancement measures shall deliver a net biodiversity gain which shall be provided/created within the blue edged land prior to the first occupation of any development on the application site and shall thereafter be maintained in accordance with the approved long-term management plan.

Reason: To ensure that the development responds appropriately to the whole of the land allocated through Policy Bicester 4 in order to create a sustainable new business park and to ensure that the development leads to a net gain for biodiversity generally as well as preserves protected and priority species in accordance with the requirements of Policies ESD10 and Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

23. Full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

24. If remedial works have been identified as required for a phase through condition 15, the development within that phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved for that phase under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out within the phase must be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any development within that phase.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

25. Prior to the first occupation of any development within a phase, details of electric vehicle charging points to be provided within that phase shall have been submitted to and approved in writing by the Local Planning Authority. No occupation of any development within the phase shall take place until the approved measures are in place, available for use and retained as such thereafter.

Reason: In the interests of promoting sustainable modes of travel in accordance with the requirements of Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

26. Prior to the first occupation of any development within a phase, a car park management plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The car park management plan shall include measures to ensure that the car parking areas within the phase are made available solely for use in connection with the use of the development hereby approved and for no other purpose whatsoever.

Reason: To ensure that car travel is not unduly encouraged as a means of accessing surrounding development including the Bicester Village Outlet Shopping Centre and to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

27. Prior to the first occupation (other than for construction purposes) of any new building the means of access between the public highway (A41) and the development as illustrated in drawing no. LDB-BWB-GEN-XX-SK-C-1002 shall have been fully formed, laid out and constructed such that it is available for use.

Reason: To ensure that the means of access to the development is safe and suitable for the likely traffic volumes in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

28. Prior to the first occupation (other than for construction purposes) of any new building, full details of the position of an on-carriageway bus stop (including the provision of markings) shall be submitted to and approved in writing by the Local Planning Authority. The on-carriageway bus stop shall be provided prior to the first occupation of the development hereby approved.

Reason: In the interests of promoting sustainable modes of travel in accordance with the requirements of Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

29. Prior to the first occupation of a phase that contains the first area of open space to be provided within the site a Landscape Ecology Management Plan (LEMP) for all open space areas to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. All open space areas shall be managed and maintained in accordance with the approved LEMP thereafter.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and 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.

CONDITIONS REQUIRING COMPLIANCE FOLLOWING OCCUPATION

30. Within 3 months of the first occupation of any development within each phase, a detailed travel plan relating to the development within that phase shall be submitted to and approved in writing by the Local Planning Authority. The detailed travel plan shall be submitted to accord with the objectives of the revised Framework Travel Plan for the site as a whole approved under condition 19. Thereafter the development within the phase shall take place in accordance with the detailed travel plan approved for that phase.

Reason: In the interests of promoting sustainable modes of travel in accordance with the requirements of Policies SLE4, ESD1 & Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

31. No more than 60,000sqm GEA of employment floor space shall be provided across the site as demonstrated on drawing number 05935-5PA-MP-00-DR-A-9010 titled 'Parameters Plan'.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

32. Notwithstanding any provisions contained with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any superseding Order, the buildings hereby approved shall be used only for the purposes of uses falling within Classes E(g)(i) and E(g)(ii) as defined in the Schedule to the Town and Country Planning (Use Classes) (England) Order 2015 (as amended) and no more than 15,000sqm (GEA) of floorspace shall at any time be used for purposes falling with Class E(g)(i) and E(g)(ii).

Reason: To ensure the creation of the business park envisaged through Policy Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1 and to ensure that the development is a high density employment generator to prevent unnecessary future development of other land to provide for the employment needs of the town/District.

33. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity 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.

34. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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.

35. No more than 23,000sqm floorspace (GEA) shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional flows from the development have been completed; or
- a building and infrastructure phasing plan has been agreed with Thames Water to allow additional buildings to be occupied. Where a building and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed building 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 with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

36. Prior to first use or occupation of the development hereby approved, full details of the shared use path along the southern side of Lakeview Drive between the A41 Oxford Road/Lakeview Drive junction and the Tesco roundabout shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details and shall be retained and maintained as such thereafter.

Reason: In the interests of sustainability and highway safety, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework as well as Local Standards.

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 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 £43 per request for householder development and £145 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.

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. This permission shall not imply or be deemed to imply approval for the external appearance, design, scale, layout and landscaping of the development as shown in the illustrative plans accompanying the application as these are matters which would be determined as part of the reserved matters for which further consent is required.
4. Attention is drawn to a Deed of Variation dated **5 May 2020** related to this development or land 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. 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 report to Planning Committee dated 23 August 2018.
6. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.
7. The developer can request information to support the discharge of condition 38 by visiting the Thames Water website at: thameswater.co.uk/preplanning.
8. 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 Thames Water mains (within 3m) then they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services Thames Water provide in any other way. The applicant is advised to read their guide working near or diverting their pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
9. 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://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

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 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**
- 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
- 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.