



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 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

### Reserved Matters Determination

---

**Date Registered:** 31st August 2023

**Proposal:** Reserved Matters approval for 23/01080/OUT - Details of access, appearance, landscaping, layout and scale relating to the proposed development of Class E(g)(i) (formerly B1(a)) office/commercial building and Class E(g)(ii) (formerly B1(b)) Research and Development Units, plus associated car parking

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

**Parish(es):** Bicester

### 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: 28th March 2024**

**Checked by: Caroline Ford**

## SCHEDULE OF CONDITIONS

1. The development shall not be occupied until the area of landscaping hatched green as shown on drawing number F141 Rev B within Phase 1B (but outside this reserved matters area) has been delivered.

Reason: To ensure the delivery of strategic landscaping alongside the delivery of the proposed development in accordance with Policy Bicester 4.

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

D100 Zone B Location Plan  
D101G Zone B Block Plan  
D103G Zone B Site Layout Plan  
D104 Zone B Vehicle Tracking Layout  
D105B Zone B Proposed Site and Floor Levels  
D111F Zone B Hard Landscaping Plan  
A101E Office Proposed Ground Floor Plan  
A102E Office Proposed First Floor Plan  
A103D Office Proposed Second Floor Plan  
A104D Office Proposed Third Floor Plan  
A105F Office Proposed Roof Plan  
A106E Office Typical Sections  
A110E Office South East and North East Elevations  
A111E Office North West and South West Elevations  
A112B Office Energy Centre  
B101F Research and Development Ground Floor Plan  
B102G Research and Development Elevations and Section  
B103C Research and Development Roof Plan  
F100 Ecopark BNG Masterplan  
F141 REV B – Planning Phases Site Plan

082005-CUR-XX-XX-DR-C-92010\_P04 - Site Wide Drainage Strategy Plan  
082005-CUR-XX-DR-C-92001\_P04 - Drainage Strategy Plan  
Drainage Strategy Technical Note, dated 16 August 2023  
Odour Assessment, April 2023 (prepared by Air Quality Consultants)  
Energy and Sustainability Statement (Office)  
Energy and Sustainability Statement (R & D Building)  
Ecology Technical Note  
Ecology Appraisal  
Phase 1 Geo Environmental Assessment, dated 26.4.2023  
Phase 2 Geo Environmental Assessment, dated 26.4.2023  
Planning Statement and associated appendices

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.

3. No development of the building and associated structures above slab level, with the exception of underground enabling works, shall take place until samples including sample panels of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the Local Planning Authority. The samples and panels shall be at least 2.5m x 2.5m and show the proposed palette of materials (including plant screening, metal cladding, brickwork/masonry, etc.) to be used in the development. The development shall be constructed in accordance with the approved samples, which shall not be removed from site until the completion of the development.

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. No development above slab level shall commence until details of the covered cycle parking facilities have been provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be provided prior to first occupation of the development and shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of any part of the development, and retained as such thereafter.

Reason - To comply with Policy EVI 8 of Oxfordshire's Electric Vehicle Infrastructure Strategy and Policies ESD 1 and ESD 5 of the adopted Cherwell Local Plan and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

6. No development above slab level shall commence unless and until full details of the walking and cycling connections between the development and existing infrastructure including, crossings and their positions and layout have been submitted to and approved in writing by the Local Planning Authority. These details should be in accordance with the illustration in the Oxfordshire County Council's consultation response dated 16.2.2024. The means of access shall be constructed in accordance with the approved details prior to the first occupation of any part of the development and shall be retained and maintained as such thereafter.

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

7. Prior to the first occupation of the development, an external lighting scheme (including management and maintenance) shall be submitted to and approved in writing by the Local Planning Authority. External lighting shall be implemented in accordance with the approved scheme prior to the first occupation of the development.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site, and to protect biodiversity in accordance with Policies Bicester 4 and ESD10 of the Cherwell Local Plan Part 1 2011-2031, Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. A scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:-

(a) details of 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),

(b) details of the existing trees and hedgerows to be retained, 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, including details of their protection during development

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and

steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

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 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.

9. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.

10. Details of bird and bat nesting boxes/ bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above slab level. The details shall include the exact location, specification, and design of the habitats. The boxes / bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes/ bricks shall be installed strictly in accordance with the details so approved, and shall be maintained as such thereafter.

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 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of development above slab level, an application shall be made for Secured by Design Commercial accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To protect the security and safety of the future occupiers.

12. Details of the window reveals on Buildings A and B, which shall be a minimum of 150mm deep, 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 windows 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.

13. Prior to the construction of any building above slab level, details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions including the provision of renewable energy measures including PV shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of materials and measures and the provision of renewable energy measures shall be installed prior to the first occupation of the building.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

14. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence or other means of enclosure shall be erected, constructed or placed on the site (other than those shown in the approved plans) without the express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision for vehicular turning within the site is maintained in the interests of highway safety and to ensure the satisfactory appearance of the 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.

### 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 £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.

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 accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.

4. Approval of Reserved Matters - Attention is drawn to the conditions imposed on the "outline" permission (App. No 23/01080/OUT) granted on 04 March 2024 which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.

### **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>.



**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)**
- 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.