



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# NOTICE OF DECISION

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

### Name and Address of Agent/Applicant:

Edgars Ltd  
FAO Will Sparling  
The Old Bank  
39 Market Square  
Witney  
OX28 6AD

### Full Planning Determination

---

**Date Registered:** 17th July 2018

**Proposal:** Erection of hotel and conference facility with associated access, parking, and landscaping

**Location:** Bicester Heritage, Buckingham Road, Bicester

**Parish(es):** Launton

### PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS AND SUBJECT TO A S106 PLANNING AGREEMENT

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council  
Bodicote House  
Bodicote  
BANBURY  
OX15 4AA

**David Peckford**

Assistant Director – Planning and Development

**Date of Decision: 11th March 2020**

Checked by: **Alex Keen**

## **SCHEDULE OF CONDITIONS**

### **TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

#### **Statutory Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

#### **Approved Plans**

2. The development shall not be carried out otherwise than in complete accordance with the approved plans listed below unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Drg No. ASA-548-SK-808 Rev P4 – Site Layout  
Drg No. A-000-010 Rev P0 – Proposed Site Plan  
Drg No. A-100-000 Rev P0 – Ground Floor Layout Plan  
Drg No. A-100-001 Rev P0 – Proposed First Floor Plan  
Drg No. A-100-002 Rev P0 – Proposed Second to Fourth Floor Plan  
Drg No. A-100-005 Rev P0 – Proposed Roof Plan  
Drg No. A-110-002 Rev P0 – Proposed East and North Elevations  
Drg No. A-110-001 Rev P0 – Proposed West and South Elevations  
Drg No. A-120-001 Rev P0 – Proposed Section A

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority.

#### **Permitted Use**

3. The aparthotel hereby permitted shall be used only for the purpose of Class C1 (hotel use) and for no other purpose whatsoever of the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and the let of the aparthotel rooms shall be limited to a maximum time period of 1 month per occupancy unless planning permission is otherwise granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of nearby dwellings and the standard of the development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Compliance with Ecological Assessment**

4. The development shall be carried out in accordance with the recommendations set out in section 5 of the Ecological Assessment carried out by Ecological Solutions dated July 2018.

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 Section 15 of the National Planning Policy Framework.

## **PRE-COMMENCEMENT CONDITIONS**

### **Construction Environmental and Travel Management Plan**

5. No development shall take place until a Construction Environmental and Travel Management Plan (CETMP) has been submitted to and approved in writing by the Local Planning Authority. The CETMP shall incorporate details of the following:

- Routing of construction traffic and delivery vehicles
- Loading and unloading of plant and materials
- Details of and approval of any road closures needed during construction
- Details of and approval of any traffic management needed during construction
- Details of wheel cleaning/wash facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/ disposing of waste resulting from demolition and construction works
- Delivery, demolition and construction working hours
- Details of appropriate signing for pedestrians during construction works, including any footpath diversions
- The erection and maintenance of security hoarding / scaffolding if required
- A regime to inspect and maintain all signing, barriers
- Contact details of the Project Manager and Site Supervisor responsible for on-site works
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading
- Details of parking for site related vehicles (site operatives and visitors)
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes
- A before-work commencement highway condition survey and evidence of agreement with the Local Highway Authority
- Details of how local residents will be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution
- Any temporary access arrangements to be agreed with and approved by the Local Highway Authority
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours
- The mitigation measures recommended at section 5 the Ecological Assessment carried out by Ecological Solutions dated July 2018.

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times and 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 the development as it is fundamental to the acceptability of the scheme.

### **Surface Water Drainage**

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been 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:

- Discharge Rates

- Discharge Volumes
- Infiltration in accordance with BRE365 (To include infiltration testing; seasonal monitoring and recording of groundwater levels)
- SuDS (Underground geo-cellular soakaway, Swale, Permeable Paving)
- Maintenance and management of SuDS features (To include provision of a SuDS Management and Maintenance Plan)
- Detailed drainage layout with pipe numbers
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in 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.

## **Contamination**

7. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, has been submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected, in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason – To ensure the development is in accordance with Policy ENV1 of the Cherwell Local Plan 1996, and para 178 of the NPPF. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

## **LEMP**

8. No development shall take place until a Landscape and Ecology Management Plan (LEMP) including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out 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 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.

### **Trees**

9. No development shall take place until a Tree Removal Plan, Tree Protection Plan and an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS and Plans.

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 built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. It is noted that the submitted Arboricultural Impact Assessment was submitted prior to the plans being finalised and it is therefore unclear which trees will be affected. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Access**

10. No development shall take place until full details of the means of access between the land and the highway including position, layout, construction, drainage and vision splays has been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, 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 Policy ESD15 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 the development as it is fundamental to the acceptability of the scheme.

### **Revised Energy Strategy**

11. No development shall take place until a Revised Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. This should include proposals to reduce energy demand, increase energy efficiency, and generate energy from renewable energy sources. It should also propose ways in which carbon emissions will be reduced and low carbon measures be embodied into the proposals. The development shall proceed in accordance with the approved Strategy.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework and 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 accord with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Training and Employment Plan**

12. No development shall take place until a Training and Employment Plan has been 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 Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage

sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011-2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills. This condition is a pre-commencement condition as it relates to the provision of construction apprenticeships.

### **Reptile Mitigation**

13. No development shall take place until a Reptile Mitigation Strategy including clearance methodology and a habitat manipulation exercise has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the agreed Strategy.

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 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.

### **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE**

#### **Finished Floor Levels**

14. A plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed hotel shall be submitted to and approved in writing by the Local Planning Authority prior to the laying of foundations for the building. The proposed finished floor levels should be in accordance with the recommendations in the Flood Risk Assessment accompanying the application: Version 1.0 dated 14/12/2016. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to take into account risks from surface water flooding to comply with Policy ESD6 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies ENV1 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Materials**

15. Prior to the construction of any part of the development hereby approved above ground level, a schedule of materials and finishes for the external walls and roof of the development hereby approved (including the submission of samples) shall be submitted to and approved in writing by the Local Planning Authority. The Schedule shall include details and samples of the expanded wire mesh. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance of the completed development, and to preserve the visual amenities of the conservation area and the significance of the heritage asset and to comply with Policy ESD 15 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.

#### **Architectural Detailing**

16. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building, including the windows and doors (and their surrounds, depths and reveals), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building to which they relate above slab level. The development shall thereafter be carried out in accordance

with the approved details.

Reason: In order to safeguard the visual amenities of the conservation area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

### **Boundary Treatments**

17. No boundary treatments shall be erected around the perimeter of the site without details (including the design, position height and materials) having 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: To ensure that there is an appropriate integration between the application site and the existing technical site to preserve the character and appearance of the conservation and area setting of listed buildings to accord with Policy ESD15 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice contained in the National Planning Policy Framework.

### **Lighting**

18. Details of all external lighting including the design, position, orientation, illumination and its intensity together with any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. Thereafter, the lighting shall be installed, operated and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to consider the needs of Ecology at the site to comply with Policy ESD 10 and 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.

### **Signage**

19. A Signage Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external signage (either free-standing or on buildings). The signage shall be installed in accordance with the approved Strategy thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

*NOTE: Approval of a Signage Strategy does not override the need for separate advertisement consent, should that be required.*

### **Screening for plant/equipment**

20. Further details of the design of the proposed screen to the plant and equipment area on the roof of the hotel shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. The development shall then be carried out in accordance with the approved details and retained in that manner at all times.

Reason: To ensure that the appearance of the plant and equipment area is minimised in the interests of maintaining a high quality of development and to accord with policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

### **Bin Storage**

21. Full details of the refuse/recycling bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority

prior to the commencement of that work. Thereafter and prior to the first occupation of the development, the refuse/recycling bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse/recycling bins.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

### **Trees and Landscaping**

22. Notwithstanding the approved details a scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include: -

(a) details of the proposed tree, hedgerow and shrub planting (including evergreen species) 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 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,

(c) details of the hard surface areas, including footpaths, pavements, pedestrian areas, car parking and manoeuvring areas, reduced-dig areas, crossing points and steps,

(d) details and cross section drawings of the proposed earth moundings shown on the approved plans,

(e) areas of species rich grassland to be retained and details of the provision and future management of areas of long tussocky calcareous grassland to mitigate for any losses to the habitats supported within the site. This grassland to be established using locally sourced seed and managed for nature conservation to maintain the habitat in a favourable condition in the future following establishment,

(f) details of tree pits,

(g) a landscaping strategy for the enhancement of the Scheduled Monuments (SAM) within the site (the SAM on the western boundary and the SAM to be in the newly created area of track) to better reveal their significance (boundary detailing, hard/soft landscaping etc.).

Such details shall be provided prior to any development progressing above slab level or such alternative time frame as agreed in writing with the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to safeguard the integrity of the Scheduled Monuments, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C25 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the first occupation of the building or such alternative time frame as agreed in writing by the Local Planning Authority. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.



Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy 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.

### **Turning/Parking**

24. Prior to the construction of the building above slab level, full specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the site, shall be submitted to and approved in writing by the Local Planning Authority. The turning area and spaces shall be arranged so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

### **Realignment of existing track**

25. Notwithstanding the approved plans, further details of the realignment and surfacing of the existing track adjacent to the eastern corner of the proposed hotel and in the vicinity of the Scheduled Monument shall be submitted to and approved in writing by the Local Planning Authority before those works commence. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the integration of the new part of the track is to an acceptable standard in the interests of achieving a high quality development and maintaining the integrity of the site and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Acoustic Enclosures**

26. Prior to their installation, full details of a scheme to acoustically enclose all items of mechanical plant and equipment within the building, including compressor motors and fans shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, the development shall be carried out and retained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION**

### **Cycle Parking**

27. Prior to the first use or occupation of the development hereby approved, covered cycle parking facilities shall be 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 permanently retained and maintained for the parking of cycles in connection with the development.

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

### **Travel Plan**

28. Prior to the first use or occupation of the development hereby approved, a Travel Plan, prepared in accordance with Oxfordshire County Council's approved Travel Plan guidance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

### **Land Contamination Remediation Works**

29. Prior to the first use or occupation of the development hereby approved, a verification report demonstrating completion of works, as set out in the approved remediation strategy and reporting the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The proposed development should be in accordance with paras 178 and 179 of the NPPF. To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters.

### **Waste Water Upgrades**

30. No buildings shall be brought into use until confirmation has been provided that either (a) all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or (b) an infrastructure phasing plan has been agreed with Thames Water to allow additional business units to first be brought into use. Where an infrastructure phasing plan is agreed no use of the business units shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, to comply with Policies ESD6 and ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

### **Water Network Upgrades**

31. No buildings shall be brought into use until confirmation has been provided that either (a) all water network upgrades required to accommodate the additional flows from the development have been completed; or (b) an infrastructure phasing plan has been agreed with Thames Water to allow additional business units to be occupied. Where an infrastructure phasing plan is agreed no use of the business units shall take place other than in accordance with the agreed 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, to comply with Policies ESD6 and ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

## **Landscape Maintenance**

32. Prior to the first use or occupation of the development hereby approved, a schedule of landscape maintenance and a landscape management plan for a minimum period of 5 years, to include the timing of the implementation of the schedule, management responsibilities, maintenance schedules, details of the future management, protection and conservation of areas of calcareous grassland and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy 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.

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

### **Unexpected Land Contamination**

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

Reason - To ensure that 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.

### **BREEAM**

34. The building hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework and 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 accord with Policy ESD3 of the Cherwell Local Plan 2011-2031.

### **Swimming Pool – Discharge rate/timing**

35. If the swimming pool will be emptied into a public sewer the pool shall be emptied overnight and in dry periods and the discharge rate shall be controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

Reason: To prevent the risk of flooding or surcharging, to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

## 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. **Legal Agreement** – Attention is drawn to a Legal Agreement related to this development dated 10<sup>th</sup> March 2020 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.
3. **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.

4. **Condition 7** – With regard to condition 7, your attention is drawn to the comments of the Environment Agency:

*Previous activities at this site may have resulted in contamination. In particular it is indicated that fuels storage and potentially underground fuel storage occurred at this site. The site is above the Cornbrash secondary aquifer. This would be a controlled water receptor which could be impacted by any contamination present on this site. Further investigation would be required to determine the extent of any contamination present and to what extent it pose a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that the development does not impacted on controlled water receptors. This may include remedial works to resolve contamination issues.*

*If underground storage of oils took place on site, then we disagree with the assessment that the*

*risk to groundwater is low. It is not clear from the report if underground storage of hydrocarbons took place. We highlight that leaks from underground fuel storage in particular can leave little trace or evidence of impact in the shallow soil, but can significantly impact groundwater.*

*The only way to comprehensively determine the impact on groundwater is to take direct groundwater sampling. As such we typically require groundwater sampling to be undertaken as part of site investigations, in order to satisfactorily characterise a site.*

5. **Condition 12** – In respect of condition 12 above, the Plan should consider how apprenticeships will be delivered, how apprenticeship opportunities will be advertised, how the applicant/developer will work with local employment/training agencies to identify construction related job opportunities, how the applicant will deliver supply chain events to promote opportunities for local companies and how these will be advertised.
6. **Condition 16** – In respect of condition 16 above details should include window depths and reveals; window detailing; wall finishes and colours; detail of the curved feature corner and eaves treatment details.
7. **Thames Water Assets** – There are easements and wayleaves running through the west of the Site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development.
8. **Wastewater:** Thames Water requests that the programme of the development and proposed pump rates be provided to enable us to plan any future network reinforcement that may be required. The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Waters Developer Services team. Their contact details are as follows:  
  
Thames Water Developer Services  
Reading Mail Room  
Rose Kiln Court  
Rose Kiln Lane  
Reading  
RG2 0BY  
Tel: 0800 009 3921  
Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
9. **Discharge of SuDS** – The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then this would be a material change to the proposal, which would require an amendment to the application.

## 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>



## NOTICE OF DECISION

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

#### NOTES TO THE APPLICANT

##### TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply:

**Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

**Where the planning permission is complete and is not in outline**, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

##### OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 (as amended), or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- 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 0300 003 0200, or E-mail at [building.control@cherwellandsouthnorthants.gov.uk](mailto:building.control@cherwellandsouthnorthants.gov.uk)
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether their development affects any public right of way, highway or listed building.

## APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
- For **all other types** of planning applications, you must do so within **6 Months** of the date of the decision

Unless;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision whichever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5000) Or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to them that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

## PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the District Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.

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