



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

Name and Address of Agent/Applicant:

Bicester Heritage
c/o JPPC Chartered Town Planners
Bagley Croft
Hinksey Hill
Oxford
OX1 5BS

Date Registered: 11th December 2017

Proposal: Variation of condition 8 (permitted uses) to include B1c (light industrial use), sui generis (showroom/workshop use) and ancillary A3 use to building 129 (retrospective); and variation of conditions 16 and 17 (to revise the timeframe for the installation of the new access) of planning permission 17/02312/F.

Location: Bicester Heritage, Buckingham Road, Bicester,

Parish(es): Launton

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The 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

A handwritten signature in blue ink that reads "Paul Feehily".

Paul Feehily

**Interim Director for
Planning and Regeneration**

Date of Decision: 4th May 2018

Checked by: TH (Officer initials)

SCHEDULE OF CONDITIONS

- 1 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: "PL503 C" (Site wide proposed car parking), "79 PL 400 A", "79 PL 401 A", "79 PL 402 A", "79 PL 403", "79 PL 404 A", "79 PL 405 A", "79 PL 406 A"; "Existing Floor Plans", "Existing Elevations", "Proposed Floor & Roof Plans" and "Proposed Elevations" (in respect of Building 101); "Existing Floor Plans", "Existing Elevations", "Proposed Floor Plans" (Revision A) and "Proposed Elevations" (Revision A) in respect of Building 104; "109 PL 400", "109 PL 401", "109 PL 402", "111 PL 400", "111 PL 401", "112 PL 300 B", "112 PL 301 B", "112 PL 302", "113 PL 400 A", "113 PL 401 A", "113 PL 402 A", "113 PL 404 A", "113 PL 405 A", "113 PL 406 A", "116 PL300 B", "116 PL301 B", "116 PL302", "118 PL300 B", "118 PL301 B"; "Existing Floor Plans", "Existing Elevations", "Existing Roof Plan", "Proposed Ground Floor Plan (Revision A)", "Proposed First Floor Plan" (Revision B), "Proposed Roof Plan" (Revision A), "Proposed Elevations 1 (Revision A)" and "Proposed Elevations 2 (Revision A)" in respect of Building 123; "129 PL 400", "129 PL 401 B", "129 PL 402 B", "129 PL 403", "129 PL 404 C", "130 PL 400 C", "130 PL 401", "130 PL 402 C", "130 PL 403 C", "131 PL 400 C", "131 PL 401 A", "131 PL 402 A", "131 PL 403 C", "131 PL 404", "133 PL 300", "133 PL 301", "135 PL 300 B", "135 PL 301", "135 PL 302 A", "136 PL 300 A", "136 PL 301 B", "137 PL 400 A", "137 PL 401", "137 PL 402 A", "137 PL 404 A", "137 PL 405", "137 PL 406 A"; "DD 700" (Existing Roller Shutter Gear and Guides - Building 129 & 131), "DD 701" (Proposed Timber Doors - Building 129 & 131), "DD 702" (Proposed Glazed Screen - Building 131), [all of the preceding plans being preceded by "12068"] and "12068/OS001 B" (entitled 'Site Allocation Plan', but serving as a site location plan), Design and Access Statement (Rev C, 06.02.2017), Planning and Heritage Impact Statement (JPPC, August 2016) except in the case of Building 103 which does not form part of this application or permission, an arboricultural report (Phill Escritt, on behalf of G.C.K Treeworks, dated 09.01.2016), an External Memo: technical note in respect of ecology (Alex Perry, Lepus Consulting, dated 10.03.2014), an Extended Phase 1 Habitat Survey - Final Report (Lepus Consulting, November 2013), "Detailed daytime building assessment at Bicester Heritage, Bicester" (Lepus Consulting, January 2017), an External Memo: technical note in respect of ecology (Neil Davidson, Lepus Consulting, dated 16.08.2017), and emails to the Local Planning Authority from David Burson of JPPC Planning dated 13.02.2017 at 1752 hours and 06.06.2017 at 1641 hours.

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

- 2 The materials, finishes and detailing of the development shall be as set out in the Heritage Partnership Agreement (Final Draft Revision B, 17 April 2015) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 3 The roller shutters and glazed screens in relation to buildings 129 and 131 shall be carried out in accordance with the drawings approved under reference 17/00540/DISC; namely 12068/131GA141 Rev AB (Building 131 Elevations) received by the Local Planning Authority on 10/11/17; 12068.../DD700 (Existing roller shutter gear and guides), /DD701 (proposed timber doors Buildings 129 and 131) and /DD702 (proposed glazed screens building 131) received by the Local Planning Authority by email on 13/12/17; 12068...131GA100 Rev C (Building 131 Plans), 12068/129GA141 Rec C (Building 129 Elevations) and 12068/129GA102 Rev C (Building 129 Plans) received by the Local Planning Authority by email on 19/12/17 and retained in accordance with the approved details.

Reason - To preserve the character and appearance and significance of heritage assets and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 4 Any remedial brickwork necessary for the repair or making good of any building subject of this permission shall be carried out with brick of the same type, texture, colour and appearance as that of the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building(s) and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5 Within six months of the date of this planning permission and notwithstanding the details submitted, a landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(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 kerbs, grass crete, and reduced-dig areas. New areas of hardstanding for car parking shall be in grass crete or similar material to be agreed with the Local Planning Authority.

Once approved, the development shall be implemented fully in accordance with the approved scheme and retained as such thereafter.

Reason - To ensure the continued health of retained trees and to ensure that they are not adversely affected by the construction works, and in the interests of the visual amenity of the area and the character and appearance of the Conservation Area, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 6 Within six months of the date of this permission and notwithstanding the details submitted, details of the design, external appearance and decorative finish of all fences, gates, walls and other means of enclosure shall be submitted to the Local Planning Authority for approval. Once approved, the development shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason - In the interests of visual amenity and the character and appearance and significance of heritage assets and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

- 7 The use of Buildings 79, 108, 113, and 137 shall be used only for purposes falling within Class B8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason - To guard against other Class B8 uses, such as higher intensity storage/distribution uses, which would be inappropriate in this location, and in the interests of highway safety and to accord with Policies SLE2 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the following buildings shall be used solely for the following purposes of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification),

Building 101 - B1(c) light industrial and/or B2 general industrial and/or sui generis (showroom) and/or D1 teaching facility;

Building 104 - B1 (c) light industrial and/or B2 general industrial and/or sui generis (showroom);

Building 109 - Class D2;

Building 123 - Class B1;

Building 129 - Class D2 and/or B1 (c) light industrial and/or sui generis (showroom) use with ancillary A3 use

Reason - The proposed uses named above are acceptable but the Local Planning Authority wishes to consider any future proposal for a change of use other than a use within the same class(es), having regard to the circumstances of the case, and in the interests of highway safety and the character and significance of heritage assets and to accord with Policies SLE2 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 9 The A3 use hereby permitted shall be ancillary to the permitted D2 use and/or B1(c) light industrial use and/or sui generis showroom use in the southern part of building 129 and shall not be used as a separate planning unit.

Reason - The proposed use is acceptable but the Local Planning Authority wishes to consider any future proposal for a change of use, and because an open consent for Class A3 cafe would not be an environmentally or socially sustainable form of development and would have a materially more significant impact on the vitality and viability of Bicester town centre, and to accord with Policies SLE2 and Bicester 8 of the Submission Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), Buildings 111, 112, 116, 118, 133 and 136 shall be used as B1 (c) light industrial and/or B8 (storage) and/or sui generis (workshop/showroom) with/without ancillary A1 retail (as limited by condition 13 of this permission) of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification)).

Reason - The proposed use named above is acceptable but the Local Planning Authority wishes to consider any future proposal for a change of use other than a use within the same class(es), having regard to the circumstances of the case, and in the interests of highway safety and the character and significance of heritage assets and to accord with Policies SLE2 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), Building 130 shall be used as a workshop/showroom for motoring/aviation (sui generis use) and/or B1(c.) (light industrial use) and/or B2 (general industrial use) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason - The proposed use named above is acceptable but the Local Planning Authority wishes to consider any future proposal for a change of use other than a use within the same class(es), having regard to the circumstances of the case, and in the interests of highway safety and the character and significance of heritage assets and to accord with Policies SLE2 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), Buildings 131 and 135 shall be used as workshops /showroom for motoring/aviation (sui generis use) and/or B1(c.) (light industrial) and/or B2 (general industrial use) of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason - The proposed use named above is acceptable but the Local Planning Authority wishes to consider any future proposal for a change of use other than a use within the same class(es), having regard to the circumstances of the case, and in the interests of highway safety and the character and significance of heritage assets and to accord with Policies SLE2 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 13 The use of buildings for purposes falling under Class A1 of the Use Classes Order must be limited to the sale of heritage motoring and aviation goods as set out in the original application 16/01805/F, that is, purposes associated with the operation of the site as a campus dedicated to heritage motoring and aviation as permitted by Policy Bicester 8 of the Submitted Cherwell Local Plan 2011-2031 (as modified), and must remain ancillary to the use of the building within Class B1 and/or Class B8 and/or sui generis, and does not extend to an unrestricted A1 use for general retail purposes.

Reason - The proposed use is acceptable but the Local Planning Authority wishes to consider any future proposal for a change of use, and because an open consent for Class A1 retail would not be an environmentally or socially sustainable form of development and would have a materially more significant impact on the vitality and viability of Bicester town centre, and to accord with Policies SLE2 and Bicester 8 of the Submission Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework.

- 14 No gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the site without the grant of further specific planning permission from the Local Planning Authority.

Reason - To retain the open character of the development within the Conservation Area and ensure its cohesion with the wider site in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 15 Within 12 months of the date of this permission, the new access and gatehouse shall be constructed, in accordance with the details approved under reference 17/01847/F, namely drawings '12068/SK 700', '12068/SK 702', '12068/SK 706' & '12068/SK 707' with the exception of any parts of the development that fall within the ownership of the Local Highway Authority which will be subject to prior approval under condition 16.

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.

- 16 Within 12 months of the date of this permission, full details of the improved means of access between the land and the highway on Buckingham Road including position, layout, and vision splays shall be submitted to the Local Planning Authority for approval. This improved means of access must incorporate facilities for safe and convenient movement of pedestrians and cyclists at the site access itself and to and from the nearby bus stops and existing pedestrian and cycling facilities. Within 18 months of the details being approved the means of access shall be constructed and retained in accordance with the approved details.

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

- 17 Within 6 months of the date of this permission a comprehensive car parking and cycle parking strategy with spaces to serve each building shall be submitted to the Local Planning Authority for approval. The car parking and cycle parking shall be installed within 6 months of the approved scheme and in accordance with the approved scheme. All car and cycle parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason - To ensure appropriate levels of car and cycle parking are available at all times to serve the development and 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.

- 18 Within 6 months of the date of this permission, except in the case of any building which exceeds the thresholds set out in "Transport for New Developments; Transport Assessments and Travel Plans", a Travel Plan Statement meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to the Local Planning Authority for approval. If any building, with the exception of Buildings 79, 108, 113 and 137, exceeds the thresholds set out in "Transport for New Developments; Transport Assessments and Travel Plans" an individual Travel Plan shall be submitted to the Local Planning Authority no later than three months after the occupation of the respective building. The development shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason - to encourage occupiers to use sustainable modes of transport as much as possible 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.

- 19 The access and parking areas shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development 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.

- 20 The development hereby approved shall be carried out in accordance with the mitigation measures and recommendations set out in the Extended Phase 1 Habitat Survey - Final Report (Lepus Consulting, November 2013) and the "Detailed daytime building assessment at Bicester Heritage, Bicester" (Lepus Consulting, January 2017), as amended by the External Memo: technical note in respect of ecology (Neil Davidson, Lepus Consulting, dated 16.08.2017).

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.

- 21 In the case of any building subject of this permission and to which any works to the roof are hereby permitted, and notwithstanding the details submitted, further bat activity surveys shall be submitted to the Local Planning Authority within 9 months of this permission, which shall have been carried out in optimum conditions. Thereafter the development shall be implemented in accordance with the approved details and shall be retained 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.

PLANNING NOTES

- 1 The applicant is advised that the site entrance works can commence in accordance with 17/01847/F in respect of any part of the works that are within your ownership. However, you are strongly advised to check the highway boundary in the vicinity of the site entrance with the Local Highway Authority before carrying out any works approved under 17/01847/F as any works that extend into highway land will require a S278 agreement.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively 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 (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
- 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**. 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.