



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Barton Willmore
Ms Lauren Patel
7 Soho Square
London
W1D 3QB

Hybrid Planning Determination

Date Registered: 4th June 2019

Proposal: Full permission is sought for Local Centre Community Floorspace (Use Class D1), Cafe (Use Class A1/A3), with a total GIA of 542 sqm, and 16 residential units (Use Class C3) with associated access, servicing, landscaping and parking. Outline consent is sought for Local Centre Retail, Community or Commercial Floorspace (flexible Use Class A1/A2/A3/A4/A5/B1/D1).

Location: Bicester Eco Town Exemplar Site Phase 2, Charlotte Avenue, Bicester

Parish(es): Bicester

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

David Peckford
Assistant Director – Planning and Development

Date of Decision: 12th July 2021

Checked by: Andy Bateson

SCHEDULE OF CONDITIONS

CONDITIONS THAT APPLY TO THE FULL PART OF THE PROPOSAL

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The full development hereby permitted shall be begun before the expiration of two years from 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. The requirement to implement the development within two years is to ensure that essential facilities to serve the development are provided in a timely fashion and to support the sustainability of the site.

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 in writing by the Local Planning Authority under the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

ADP-00-XX-DR A0800 Rev S2 P2 titled 'Location Plan'

2.1.000 Rev C titled 'Site Plan'

2.1.001 Rev D titled 'Proposed GA Ground Floor Plan'

2.1.002 Rev C titled 'Proposed GA First Floor Plan'

2.1.003 Rev B titled 'Proposed GA Second Floor Plan'

2.1.004 Rev B titled 'Proposed GA – Roof Plan'

2.1.005 Rev C titled 'Proposed Site Elevations'

2.1.006 Rev D titled 'Proposed Site Elevations'

2.1.007 Rev C titled 'Proposed Floor Plans'

2.1.008 Rev B titled 'Proposed Floor Plans'

2.1.009 Rev B titled 'Sections'

2.1.010 Rev C titled 'Proposed Elevations'

2.1.012 Rev D titled 'Site Sections'

ADP-00-XX-DR-A-1050 Rev S2 P1 titled '1B2P – Typical GA'

ADP-00-XX-DR-A-1051 Rev S2 P1 titled '2B4P – Typical GA'

1101 P02 'Proposed Site Levels'

Reason: To clarify the permission and for the avoidance of doubt.

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Technical Briefing Note: Ecological Summary by Aspect Ecology dated 15 October 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

4. The development shall be constructed in accordance with the details set out within the Construction Management Plan dated 23 June 2021 prepared by Taylor French Developments Ltd. The Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The development hereby permitted shall be carried out in accordance with the details set out within document titled 'Sustainability Statement' dated April 2021 prepared by AES Sustainability Consultants Revision 2 and its appendices unless an alternative is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a reduced carbon footprint, to ensure that the development is mitigated to deal with predicted future climate scenarios and to support a reduction in water use in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1 and Planning Policy Statement 1: Eco Towns.

6. The development shall be operated in accordance with the terms of the Elmsbrook Local Centre Noise Management Plan Rev 01 prepared by Mach Group dated 23/06/2021 unless an alternative Plan is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

7. The development shall be constructed in accordance with the details set out in the Site Waste Management Plan dated 28 May 2021 prepared by Reconomy / Taylor French Developments. The Site Waste Management Plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure no waste is sent to landfill to meet the requirements of Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1 and the Planning Policy Statement 1: Eco Towns.

8. The materials for the walls, roof and detailed elements of the building shall be in accordance with the information contained within the document titled 'Planning Conditions 13, 14 & 15 report – external wall finishes, roof finishes, details' dated 13 May 2021 prepared by Mark Bell Architects (updated report received in the department on 24 June 2021) unless an alternative is first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the architectural detailing indicated in this pack is not approved by this condition.

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.

9. The architectural detailing of the building shall be in accordance with the details shown on the following plans unless an alternative is first submitted to and approved in writing by the Local Planning Authority:

AA048/6.1/006 Rev C1 titled 'Superstructure Details – sheet 6'
AA048/6.1/007 Rev C1 titled 'Superstructure Details – sheet 7'
AA048/6.1/008 Rev C1 titled 'Superstructure Details – sheet 8'
AA048/6.1/009 Rev C1 titled 'Superstructure Details – sheet 9'
AA048/6.1/010 Rev C1 titled 'Superstructure Details – sheet 10'
AA048/6.1/011 Rev C1 titled 'Superstructure Details – sheet 11'
AA048/6.1/012 Rev C1 titled 'Superstructure Details – sheet 12'
AA048/6.1/013 Rev C1 titled 'Superstructure Details – sheet 13'
AA048/6.1/014 Rev C1 titled 'Superstructure Details – sheet 14'
AA048/6.1/015 Rev C1 titled 'Superstructure Details – sheet 15'
AA048/6.1/016 Rev C1 titled 'Superstructure Details – sheet 16'
AA048/6.1/017 Rev C1 titled 'Superstructure Details – sheet 17'
AA048/6.1/018 Rev C1 titled 'Superstructure Details – sheet 18'
AA048/6.1/019 Rev C1 titled 'Superstructure Details – sheet 19'
AA048/6.1/020 Rev C1 titled 'Superstructure Details – sheet 20'
AA048/6.1/021 Rev C1 titled 'Superstructure Details – sheet 21'
AA048/6.1/022 Rev C1 titled 'Superstructure Details – sheet 22'
AA048/6.1/023 Rev C1 titled 'Superstructure Details – sheet 23'
AA048/6.1/024 Rev C1 titled 'Superstructure Details – sheet 24'
AA048/6.1/025 Rev C1 titled 'Superstructure Details – sheet 25'
AA048/6.1/026 Rev C1 titled 'Superstructure Details – sheet 26'
AA048/6.1/027 Rev C1 titled 'Superstructure Details – sheet 27'

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

PRE-COMMENCEMENT CONDITIONS

10. No development shall take place until a detailed surface water drainage scheme for the site, in accordance with the Infrastruct CS Ltd Flood Risk Assessment and Drainage Statement October 2019 Document reference: 2346-BBH-ICS-XX-RP-C-07.001, 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 first occupied. The scheme shall also include:
- A compliance report to demonstrate how the scheme complies with the agreed drainage strategy for the site and the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire"
 - Full microdrainage calculations for all events up to and including the 1 in 100 year plus 40% climate change
 - Full infiltration testing at depth of proposed soakaway required to BRE 365
 - Groundwater monitoring
 - A Flood Exceedance Conveyance Plan
 - Detailed design drainage layout drawings of the SuDS proposals including cross section details
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element; and
 - Details of how water quality will be maintained during construction.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property and 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 the commencement of any development as it is fundamental to the acceptability of the scheme.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

11. A plan detailing the proposed parking and turning provision for vehicles to be accommodated within the site (to the north and south of Charlotte Avenue) (including details of the proposed surfacing of the provision), shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking and turning facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking and turning spaces shall be retained for the parking and turning of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning/loading/unloading and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

12. Retaining walls shall be constructed in the positions and in accordance with the detailing shown on drawing number 7355/RW1.0 C titled 'Retaining Walls' only. Details of the brick to be used for each retaining wall shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development above slab level. The development shall be carried out in accordance with the materials so approved. For the avoidance of doubt, approval is not given for the handrail/ balustrade features indicated on drawing number 7355/RW1.0 C

Reason: In order to safeguard the visual amenities of the area and to ensure the development is acceptably constructed in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

13. 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 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. full details, locations, specifications and construction methods for all purpose-built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees,
 - d. details of the hard landscaping including hard surface areas, pavements, pedestrian areas, steps and any means of enclosure.
 - e. details of the proposed construction, materials, surfacing and landscaping of Charlotte Avenue through the site including the footways alongside and the parking area to the south of Charlotte Avenue to also include any proposed street furniture

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 details approved under a., b. and c. shall be implemented by the end of the first planting season following occupation of the development, and the details approved under d. and e. shall be implemented before the first occupation (residential or commercial) of the building to the North of Charlotte Avenue and thereafter permanently maintained as such.

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.

14. Prior to the installation of any green roofs, details of the construction and planting of these roofs along with details of the maintenance programme that will ensure the long term maintenance of these roofs shall be submitted to and approved in writing by the Local Planning Authority. The green roofs shall be constructed, planted and maintained in accordance with the approved details.

Reason: To ensure the delivery of green infrastructure and biodiversity gain in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

15. Full details of the proposals to enhance biodiversity based on the information contained within the Technical Briefing Note: Ecological Summary by Aspect Ecology dated 15 October 2019 including the position and type of each proposed enhancement measure shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

16. Prior to the commencement of the development above slab level, a Crime Prevention and Security Statement which shall have regard to the requirements of 'Secured by Design' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure a safe form of development in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

17. Prior to the first occupation of the development, full details of the measures that will be utilised to enable the scheme to achieve true zero carbon, which should include details of offsite measures if necessary, including the timescale for their provision have been submitted to and approved in writing by the Local Planning Authority. The measures agreed shall be implemented in accordance with the approved details.

Reason: To deliver zero carbon development in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 and Planning Policy Statement 1: Eco Towns.

18. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

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

19. Prior to the first use or occupation of the development hereby permitted, waste and recycling storage facilities and any sheds shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The waste and recycling storage facilities so provided shall thereafter be permanently retained and maintained.

Reason: In the interests of promoting sustainable waste arrangements in accordance with Policies ESD1 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained in the National Planning Policy Framework.

20. Notwithstanding the submitted Framework Travel Plan, an updated Framework Travel Plan that takes account of the transport movements associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The development shall be operated in accordance with the approved details.

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

21. Prior to the first occupation of any unit requiring mechanical ventilation/ extraction, full details of the method of mechanical ventilation/ extraction including an assessment of noise and odours (and whether any odour suppression is required) and any external features shall be submitted to and approved in writing by the Local Planning Authority. The assessment of noise shall demonstrate that noise levels from any mechanical ventilation/ extraction is at least 5dB below typical background noise levels when measured 1m from any nearest residential window assessed in

accordance with BS4142:2014. Thereafter and prior to the first occupation of each unit within such use, any approved mechanical ventilation/ extraction shall be installed, brought into use and retained in accordance with the approved details.

Reason: In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. Prior to the occupation of the first residential unit, either a validation report shall be submitted to the Local Planning Authority showing the noise levels achieved in the residential properties are compliant with indoor ambient noise criteria of Table 4 in BS8233:2014 or if the noise levels are not meeting the target noise levels, details of proposed mitigation to ensure the target levels are met shall be submitted to and approved in writing by the Local Planning Authority. Any approved mitigation shall be provided within 3 months from the date of approval.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996.

23. Prior to the installation of any external lighting, full details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall thereafter be installed in accordance with the approved details.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

24. No building hereby permitted shall be occupied until electric vehicle charging infrastructure to serve 10% of the proposed parking spaces, the location of which shall be first agreed in writing by the Local Planning Authority, has been installed and made available for use. The electric vehicle charging infrastructure shall thereafter be retained and made available for use. In addition, ducting shall be provided to allow for the easy expansion of the EV Charging system as demand increases towards the planned phase out of ICE vehicles (with ducting provided to every parking space to future proof the development).

Reason: To comply with Policies SLE4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

25. Within six months following the commencement of the non-residential development, a BREEAM New Construction Fully Fitted Design Stage Certificate and summary score sheet (or such equivalent standard that replaces this) relating to that non-residential development shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate that rating 'Very Good' will be achieved.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan.

26. Within six months following the occupation of the non-residential development, a BREEAM New Construction Fully Fitted Post Construction Review Certificate and summary score sheet (or such equivalent standard that replaces this) relating to that non-residential development shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate that rating 'Very Good' has been achieved.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

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

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

28. 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

29. Deliveries and the use of the external spaces associated with the Community Building (including any changing of bins and handling of glass bottles) hereby approved shall be restricted to the following times:

07:00 hours to 21:00 hours.

Reason: To protect the amenities of nearby residents and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996

30. The residential development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and to comply with Policies ESD3 and ESD8 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

31. No building hereby permitted shall be occupied until each residential or non-residential unit has been provided with service connections capable of supporting the provision of high speed broadband from the building to the nearest broadband service connection outside the site.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Government guidance contained within the Eco Towns PPS and the National Planning Policy Framework.

32. Prior to the occupation of any residential or commercial unit hereby permitted, it shall be provided with a 'real time information' system.

Reason: To facilitate information delivery and travel information in accordance with Planning Policy Statement 1: Eco Towns.

33. The Café Area shown on drawing number 2.1.001 Rev B (Proposed GA Ground Floor Plan) shall be used for uses falling within Use Classes A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) or a mix thereof and for no other purposes whatsoever. For the avoidance of doubt, in accordance with the

Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, from the 01 September 2020, Use Classes A1 and A3 are now part of Class E, specifically Class E(a) and E(b). The Café Area hereby approved, shall be used for no other uses covered by the other Categories of Class E.

Reason: To ensure the scheme meets local retail needs in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the Eco Towns PPS and the National Planning Policy Framework.

CONDITIONS THAT APPLY TO THE OUTLINE PART OF THE PROPOSAL

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

34. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') pursuant to the site granted in outline shall be submitted to and approved in writing by the Local Planning Authority before any development on the outline site takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

35. Application for approval of all the reserved matters pursuant to the site granted in outline shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and the development hereby permitted shall be begun either before the expiration of seven years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

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

ADP-00-XX-DR A0800 Rev S2 P2 titled 'Location Plan'

2.1.000 Rev B titled 'Site Plan'

ADP-00-XX-DR-A-0910 Rev S2 P1 titled 'Parameter Plan – Land Use Outline Application'

ADP-00-XX-DR-A-0911 Rev S2 P1 titled 'Parameter Plan – Building Heights Outline Application'

Reason: To clarify the permission and for the avoidance of doubt.

37. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Technical Briefing Note: Ecological Summary by Aspect Ecology dated 15 October 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

PRE-COMMENCEMENT CONDITIONS

38. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- The parking of vehicles of site operatives and visitors;
 - The routing of HGVs to and from the site;
 - Loading and unloading of plant and materials;

- d. Storage of plant and materials used in constructing the development;
- e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f. Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g. Measures to control the emission of dust and dirt during construction;
- h. A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i. Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

39. No development shall take place until a detailed surface water drainage scheme for the site, in accordance with the Infrastruct CS Ltd Flood Risk Assessment and Drainage Statement October 2019 Document reference: 2346-BBH-ICS-XX-RP-C-07.001, 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 first occupied. The scheme shall also include:

- A compliance report to demonstrate how the scheme complies with the agreed drainage strategy for the site and the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire"
- Full microdrainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- Full infiltration testing at depth of proposed soakaway required to BRE 365;
- Groundwater monitoring
- A Flood Exceedance Conveyance Plan;
- Detailed design drainage layout drawings of the SuDS proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element; and
- Details of how water quality will be maintained during construction.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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 the commencement of any development as it is fundamental to the acceptability of the scheme.

40. No development shall take place until a report outlining how carbon emissions from the construction process and embodied carbon have been minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the recommendations contained in the approved report.

Reason: To ensure that the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

41. No development shall take place until a Site Waste Management Plan, which shall demonstrate how zero construction waste will be sent to landfill, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Site Waste Management Plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure no waste is sent to landfill to meet the requirements of the Planning Policy Statement 1: Eco Towns. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

42. No development shall take place until an updated Overheating Report to consider a predicted 2050 climate scenario has been submitted to and approved in writing by the Local Planning Authority. The report shall consider whether there is a need for additional mitigation required to ensure the development does not overheat in the 2050 climate scenario and full details of that mitigation shall be provided. The development shall be implemented in accordance with the approved details.

Reason: To deliver a development that can be mitigated to deal with predicted future climate scenarios in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 and Planning Policy Statement 1: Eco Towns. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

43. No development shall take place until full details of the measures that will be utilised to enable the scheme to achieve true zero carbon, which should include details of offsite measures if necessary including the timescale for their provision have been submitted to and approved in writing by the Local Planning Authority. The measures agreed shall be implemented in accordance with the approved details.

Reason: To deliver zero carbon development in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 and Planning Policy Statement 1: Eco Towns. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

44. No development shall take place until full details of measures to minimise water use in line with the Masterplan Water Cycle Study have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To support reduction in water use and to achieve the requirements of Planning Policy Statement 1: Eco Towns. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

45. No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions indicating the protection to be provided to the trees and hedgerow to the south of the site 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.

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 landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of any development as it is fundamental to the acceptability of the scheme.

46. Within six months following the commencement of the non-residential development, a BREEAM New Construction Fully Fitted Design Stage Certificate and summary score sheet (or such equivalent standard that replaces this) relating to that non-residential development shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate that rating 'Very Good' will be achieved.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan.

47. Within six months following the occupation of the non-residential development, a BREEAM New Construction Fully Fitted Post Construction Review Certificate and summary score sheet (or such equivalent standard that replaces this) relating to that non-residential development shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate that rating 'Very Good' has been achieved.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan.

48. Prior to the occupation of the first non-residential unit, a Framework Travel Plan, prepared in accordance with the Department for Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for the development proposed on the outline site area. The approved Travel Plan shall be implemented in accordance with the details so approved.

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

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

49. 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

50. No building hereby permitted shall be occupied until each unit has been provided with service connections capable of supporting the provision of high speed broadband from the building to the nearest broadband service connection outside the site.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

51. Prior to the occupation of any unit hereby permitted, it shall be provided with a 'real time information' system.

Reason: To facilitate information delivery and travel information in accordance with Planning Policy Statement 1: Eco Towns.

52. The ground floor floorspace of the mixed use area shall be used only for uses falling with classes A1/A2/A3/A4/A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and no more than 20% of the ground floor floorspace shall be used for use class A5 unless otherwise approved in writing by the Local Planning Authority. Above ground floor, the use of the development shall be for uses falling within classes A1/A2/A3/A4/B1 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments).

Once this consent is implemented, the ground floor floorspace of the mixed use area shall be used for purposes falling within Use Classes E(a), E(b), E(c), E(e), E(f), F2(a), F2(b) or as a sui generis use specifically as a hot food takeaway, public house, wine bar or drinking establishment or a drinking establishment with expanded food provision in accordance with the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 only. Above ground floor, the

use of the development shall be for uses falling within Classes E(a), E(b), E(c), E(e), E(f), E(g) (i), (ii), F2(a), F2(b) or as a sui generis use specifically as a public house, wine bar or drinking establishment or a drinking establishment with expanded food provision in accordance with the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 only.

Reason: To ensure the scheme meets local retail needs in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the Eco Towns PPS and 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 and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

PLANNING NOTES

1. **Conditions** – the applicant’s attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has ‘1app’ forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

3. Pursuant to condition 21, the applicant is advised to contact the Council’s Environmental Protection Team to discuss the appropriate level of information required to discharge the condition based upon the proposed method of mechanical ventilation/ extraction.

4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
5. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
6. The applicant is advised that any licence application made for the site must reflect the hours of use (internal and external) as approved by the required Noise Management Plan.
7. Attention is drawn to a Legal Agreement related to this development dated 12 July 2021 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.

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 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 01295 227006 or E-mail at 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. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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

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

PURCHASE NOTICES

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

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

COMPENSATION

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

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