

Yarnton

Case Officer: Shona King

Applicant: Douglas Charlett Tyres Ltd

Proposal: Redevelopment of part of the site with new purpose-built buildings for B1 and B8 use including provision for access onto Cassington Road

Ward: Kidlington West

Councillors: Councillor Copeland and Councillor Tyson

Reason for Referral: Major development

Expiry Date: 19 February 2020

Committee Date: 13 February 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is to redevelop the site with 3 buildings for B1 and B8 use, comprising 5 units in total, including a new access onto Cassington Road.

Consultations

The following consultee has raised **objections** to the application:

- OCC Highways,

The following consultees have raised **no objections** to the application:

- CDC Arboriculture, CDC Environmental Protection and CDC Building Control, OCC Minerals and Waste, Environment Agency.

The following consultees have not commented on the application:

- CDC Planning Policy, CDC Ecologist and CDC Waste and Recycling.

No letters of objection have been received and no letters of support have been received.

Planning Policy and Constraints

The application site is an existing employment generating site within the built up limits of Yarnton. The site is outside but adjacent to the Oxford Green Belt. No listed buildings are within close proximity to the site and the site is not within a conservation area. The area has been identified as being potentially contaminated and is partially within Flood Zones 2 and 3. The Pixey and Yarnton Meads SSSI and Wytham Ditches and Flushes SSSI are located within 2KM of the site. The southern part of the site lies within a Minerals Safeguarding area.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology impact
- Flooding
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the south side of Cassington Road in between a large dwelling on a spacious plot and two recently constructed light industrial units. The site has mostly been cleared of buildings apart from a large building at the southern end of the site.
- 1.2. The site is bounded to the east and west by residential use, paddock land to the east, and to the south by open countryside.
- 1.3. There is a housing estate to the north of the site on the opposite side of Cassington Road with an industrial park further to the east beyond a large agricultural field.

2. CONSTRAINTS

- 2.1. A public right of way crosses the frontage of the site, adjacent to the highway, to the north. It is located just outside of the Oxford Green Belt and is partly within Flood Zones 2 and 3. A watercourse runs along the western boundary of the site. There are records of numerous protected species in the area of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Consent is sought for the redevelopment of the site with 3 new buildings, comprising 5 units in total, to be used for B1 (business) and B8 (storage and distribution) uses. The buildings are to measure approximately 23800sqft in total separated into the following:

Building A – 2,500 ft²

Building B – 10,800 ft²

Building C – 10,500 ft²

- 3.2. Parking for 73 cars is to be provided within the site and a new access into the site is to be created.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/00329/F	Redevelopment of commercial premises	Approved
15/00537/F	Demolition of existing buildings and the erection of 2 new light industrial units	Approved

5. PRE-APPLICATION DISCUSSIONS

- 5.1. 17/00359/PREAPP – Redevelopment of the site with new purpose-built buildings for B1 and B8 use. The advice given was that the principle of an employment use development comprising a mix of B1 and B8 uses could be acceptable subject to the submission of a flooding sequential test; a Flood Risk Assessment demonstrating that the development and its future users will be safe from flood risk over the lifetime of the development; it being demonstrated that the proposed development would not stymie future mineral extraction, and that it would not prevent or prejudice the continued use of the northern part of the site for waste management; and sufficient parking provision being provided on site as well as space for a HGV to manoeuvre and turn. Also, the advice given stated that the proposed development should be of a scale and massing that is in keeping with the existing development in the surrounding locality whilst not causing any detriment to the amenities of neighbouring properties.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was 31 January 2019, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. YARNTON PARISH COUNCIL: **No objection** provided limitations are imposed relating to operating hours, vehicle movements, noise, lighting, atmospheric and physical pollution and there is an improvement to visibility on exiting the site.

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **Objects**. The application has not demonstrated safe and suitable access for all users or that appropriate opportunities to promote sustainable transport modes have been taken up, as required under the NPPF. They have commented that there are no footways along Cassington Road in this location to provide safe and suitable access to the development for pedestrians and public transport users. Other objections regarding access and visibility have been withdrawn.
- 7.4. OCC MINERALS AND WASTE: **No objections**
- 7.5. ENVIRONMENT AGENCY: **No objection** subject to conditions relating to drainage, contaminated land and ecology/biodiversity following receipt of additional information seeking to overcome objections regarding acceptability of the Flood Risk Assessment submitted with the application.
- 7.6. THAMES WATER: **No objection** subject to conditions relating to water and foul water networks and informative notes relating to proximity to underground waters and water mains.
- 7.7. NATURAL ENGLAND: **No objection**. Objection regarding impact on Pixey and Yarnton Meads SSSI withdrawn following receipt of further information dated 29/03/2019
- 7.8. PLANNING POLICY: **No comment to date**
- 7.9. CDC ARBORICULTURALIST: **No objections** subject to the submission of a brief method statement detailing how trees on the site will be protected during development.
- 7.10. CDC BUILDING CONTROL: **Comments** that full Building Regulations application required.
- 7.11. CDC ENVIRONMENTAL PROTECTION: **Comments** that conditions are required relating to production of a noise report, contaminated land, ducting for EV charging and lighting. No comments are made regarding odour.
- 7.12. CDC WASTE AND RECYCLING: **No comment to date**
- 7.13. CDC ECOLOGIST: **No comment to date**

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- ESD1: Mitigation and Adapting to Climate Change
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- ENV1: Environmental pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology impact
- Flooding
- Other Matters
- Planning Obligations

Principle of Development

- 9.1. Policy PSD 1 of the Cherwell Local Plan 2011 - 2031 Part 1 echoes these aspirations and states that wherever possible, development should improve the economic, social and environmental conditions in the area.
- 9.2. With regards to the rural context of this site, Paragraph 83 of the Framework states that amongst other matters planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and we-designed new buildings;
- 9.3. Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1 states that: "Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations." It continues that employment development in the rural areas should be located within or on the edge of Category A villages.
- 9.4. The proposal is within the built-up limits of Yarnton and comprises an existing employment site; is outside of the Green Belt; makes efficient use of the site; has

good access and can be easily accessed by public transport; does not affect the design or character of the area; and does not have an adverse effect on surrounding uses.

- 9.5. The principle of development therefore accords with Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1.

Design, and impact on the character of the area

- 9.6. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development creating better places in which to live and work and helps make development acceptable to communities.
- 9.7. Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."
- 9.8. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.9. The proposal involves the demolition of existing buildings on the site and the erection of 5 purpose built B1/B8 units. The units are separated into three blocks with Block A to the front of the site, Block B and C in the middle of the site and Block D and E to the rear of the site. A new access into the site is proposed along with access roads and parking to serve each unit.
- 9.10. The buildings are designed to match the recently constructed building on the adjacent site immediately to the east. They would be clad with metal cladding panels and with a metal profiled sheet roof. Whilst the application does not state the colouring of the metal cladding the elevations indicate a dark, mid and light grey colour scheme, which would not be unsympathetic to the character of the area.
- 9.11. The buildings are considered to be of an acceptable design and scale compatible with the adjacent built development and the development would not cause significant or demonstrable harm to the character and appearance of the area. The proposals therefore accord with Policy ESD15 of the CLP 2031, saved Policy C28 of the Cherwell Local Plan 1996 and relevant paragraphs of the NPPF in this regard.

Residential amenity

- 9.12. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 9.13. Whilst the site is an existing industrial site it is adjacent to two dwellings and a recent housing development lies to the north on the opposite side of Cassington Road. The buildings are sited and are of a scale so as to prevent undue harm to the residential properties in terms of loss of light or the creation of an overbearing effect.
- 9.14. The proposal would result in intensification of the industrial use on the site and an increase in the level of activity which may have an adverse impact on the living amenities of the neighbouring properties. The Council's Environmental Protection team has been consulted on the application and raises no objections to the proposal

subject to conditions relating to the production and approval of a noise report, with any mitigation required to be implemented prior to first occupation of the units, and the submission and approval of a detailed lighting scheme for the development. Officers consider these conditions to be reasonable and necessary to make the development acceptable.

Highway safety

- 9.15. The Local Highway Authority (LHA) raises objections to the scheme, but which have largely been overcome, or can be overcome through the use of conditions relating to access visibility and HGV turning movements. The only outstanding objection relates to the lack of footways along Cassington Road providing safe and suitable access to the development for pedestrians and public transport users. They are also requesting financial contributions towards the provision of 2 bus stops on Cassington Road adjacent to the site access to promote the use of sustainable transport to the site by way of a legal agreement and the requirement to enter into a s278 agreement to secure the mitigation/improvement works within the highway.
- 9.16. The applicant's agent, in response to these comments, has submitted an argument against providing the footways and bus stops. The agent states that it would be unreasonable to provide the footways for a distance of 300m eastwards and 200m westwards from the site due to constraints within the highway, the width of the verge, cost of provision and inspection and likely need to move statutory undertakers' apparatus in the verge. The agent has advised that this would result in a significant barrier to the delivery of the scheme and the employment benefits that the development would bring. The agent also contends that the site is sustainably located given its location and proximity to existing linking footways in the area.
- 9.17. The applicant's agent has advised that the applicant is willing to re-instate a missing section of PROW 420/8 which runs along the southern side of Cassington Road from the western boundary of the site to where it turns southwards across the fields to the east of the site. The missing section of the PROW runs along the site frontage and was apparently lost when a line of demarking kerbs and verge were dug up or covered over.
- 9.18. With regards to the contributions towards the bus stops the applicant's agent has argued that OCC has not adequately demonstrated that the bus stops would be used by the bus company when there are existing and readily accessible bus stops 400m to the east and 350m to the west, both within walking distance of the site. They do not consider that the requirement for the contribution is necessary to make the development acceptable in planning terms.
- 9.19. In light of a previous application for 16 dwellings on the site (13/00330/OUT), where a footpath link to the village was *not sought by OCC*, your officers consider that it would be unreasonable to seek this now. This application was withdrawn prior to the decision being issued; however, Members resolved to approve the scheme in March 2014. In addition, whilst the footpath through the housing development on the north side of Cassington Road has not been adopted this does provide a link to the existing footway network to the east and west of the site. The construction of a new footway along Cassington Road would not therefore, in your officer's opinion, comply with the tests for planning obligations set out in the NPPF. The creation of the footway, whilst clearly desirable, would not be necessary to make the development acceptable in planning terms.
- 9.20. The reinstatement of PROW 420/8 across the site frontage to link to the remainder of the PROW across the field to the east suggested by the applicant is considered not to be essential to make the development acceptable. However, it is offered by

the applicant, is deliverable, and would improve the sustainability of the development as the footpath network to the east is very well used by employees at Oxford Business Park and dog walkers in the village.

- 9.21. Officers are not convinced of the need to contribute towards the additional bus stops sought by the LHA. This is an existing employment site and whilst the proposal is to significantly increase the floorspace on the site, and therefore the number of potential employees, the LHA has not demonstrated that the additional bus stops would be used by the bus company given the proximity of the existing bus stops to the site, 350m to the west and 400m to the east. In addition the LHA comments that, "if it can be demonstrated that a suitable footway connection between the site access and existing onward footway connections, and a new pair of bus stops on Cassington Road adjacent to the site access, can be accommodated within the highway boundary, the County Council will require legal agreements securing financial contributions towards public transport and the provision of footway links in order to remove objections". The LHA has not demonstrated that such bus stops or footways could be accommodated within the highway along this stretch of Cassington Road. The verge to the southern side of Cassington Road is between 1 and 2m wide which is insufficient to provide a bus stop and a footway.
- 9.22. Further, in your officer's opinion it is considered that the improvements to the accessibility of the site are outweighed by the additional employment benefits that the development would provide to the local economy.
- 9.23. Given that the land required for the vision splays and the footpath provision is in the County Council's ownership and both the applicant and the landowner are willing participants, it is considered that Grampian conditions may reasonably be imposed to any permission given rather than a Section 106 agreement required.

Ecology Impact

Legislative context

- 9.24. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.25. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.26. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 9.27. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.28. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.29. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.30. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.31. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.32. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.33. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.34. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.35. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.36. Natural England's Standing Advice states that a local planning authority (LPA) only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development
- 9.37. It also states that LPAs can also ask for:
- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.38. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is dominated by existing buildings of varied construction, is close to a stream with a number of mature trees and hedgerows along the boundaries of the site. It therefore has the potential to be suitable habitat for bats, breeding birds, reptiles, great crested newts, water voles, hedgehogs and various flora.
- 9.39. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.40. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.

9.41. The application is supported by a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment produced by Lizard Landscape Design and Ecology (dated 27th April 2018) which conclude that:

- One of the existing buildings on the site is utilised as an occasional feeding perch of a common species of bat and that a precautionary approach should be taken to the demolition of the building and if any bats found the work should cease and advice sought from Natural England.
- Pond P1 has been assessed as providing average habitat suitability for Great Crested Newts and no further survey work is required due to the very small amount of suitable terrestrial habitat on site.
- No suitable habitat for any other protected species was noted on site. The existing site provides little in the way of floral diversity and is considered to be of very low ecological value.
- Recommendations are also made to provide ecological enhancements for the benefit of wildlife.

9.42. Officers are satisfied, on the basis of no objection from either the Council's Ecologist or NE, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Flooding

9.43. The southern part of the site lies within Flood Zones 2 and 3. These have a medium and high probability of flooding as defined by the NNPF and associated flood risk and coastal change National Planning Guidance.

9.44. The Environment Agency (EA) originally objected to the application on the grounds that the Flood Risk Assessment submitted with the application did not comply with the requirements for site-specific flood risk assessments and it did not adequately assess the flood risks posed by the development or of the development by the River Thames. Additional information has been received from the applicant's agent and the EA has since withdrawn its previous objections subject to a number of conditions relating to drainage, contaminated land and ecology/biodiversity set out below.

9.45. It is this matter which has led to the considerable delay in the determination of the application. The applicant, the LPA and the EA are all pleased that the matter has now been resolved.

Other Matters

9.46. The site is potentially contaminated and the Council's Environmental Protection Team (EPT) has recommended conditions relating to contaminated land 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 receptor.

9.47. The EPT has also recommended a condition requiring that each unit is provided with ducting to allow for the future installation of electrical vehicle charging infrastructure

in relation to comments on air quality. In this instance officers agree that this condition is reasonable and necessary to make the development acceptable.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three interdependent dimensions to sustainable development (economic, social and environmental) are perused in mutually supportive ways.
- 10.2. Economic role – The NPPF states that the planning system should help build a strong, responsive and competitive economy. It is considered that providing the proposed units would enhance the employment accommodation on this site and will provide additional units for other businesses in the area.
- 10.3. Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by, amongst other criteria, fostering a well-designed and safe built environment with accessible services that reflect current and future needs. The proposed development is considered to be designed to reflect the scale of adjoining development and enhance local employment opportunities.
- 10.4. Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment including helping to improve biodiversity. These issues have been covered in the sections above.
- 10.5. For the reasons set out in this report the proposal is considered to accord with Policies SLE1 and Government guidance contained within the NPPF. Furthermore, subject to conditions, there would not be a detrimental impact on visual amenity, residential amenity, flooding/drainage or highway safety, and the proposal therefore constitutes sustainable development that accords with the relevant policies of the Development Plan, and in accordance with Paragraph 11 of the NPPF permission should be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO **GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS/REASONS FOR REFUSAL

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.

Compliance with Plans

2. 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: Planning and Design and Access Statement, Preliminary Ecological Appraisal Report and Bat Roost Assessment dated 27/04/2019, Sustainable drainage and Flood Risk Assessment version 3.1 dated 20/12/2019, and drawings: Site Plan, 3914/p001a, 3914/p100, 3914/p101, 3014/p102, 3914/sk04 March 18, and 15375-HOP-ZZ-GF-DR-C-DR01 rev P6

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.

Materials

3. Prior to the construction of the development hereby approved above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

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, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Access and highway

4. No part of the development hereby permitted shall be occupied until the following works have been constructed and completed, to the satisfaction of the local planning authority:
 - i) Reinstatement of PROW 420/8 on the south side of Cassington Road from a point adjacent to the existing bridge to the west of the site eastwards to the point where PROW 420/8 turns in a southerly direction away from Cassington Road.
 - ii) The site access and its junction with Cassington Road as approved pursuant to condition 5.

Reason: In the interests of highway and pedestrian safety 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.

5. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays, footway connections and inter-visibility between the adjacent site access shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall not be constructed other than in accordance with the approved details and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety 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.

Cycle Parking Provision

6. 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 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 - 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 and the Local Transport Plan.

Construction Traffic Management Plan

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of times for construction traffic and delivery vehicles, which must be outside of peak network hours. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers 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.

Travel Plan Statement

8. Prior to the first occupation of the development hereby permitted the Travel Plan Statement shall be updated with details of the final occupier and the final occupier's measures to encourage sustainable travel and shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, 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.

Drainage

9. The surface water drainage system to serve the development hereby permitted shall be constructed entirely in accordance with the detailed Flood Risk Assessment prepared by HOP (Ref: 15375/01/HOP/FRA v3.1 - 20/12/2019) and the details shown on drawing no. 15375-HOP-ZZ-GF-DR-C-DR01revP6 dated 20/12/2019 and hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing and phasing arrangements. The measures detailed shall be retained and maintained throughout the lifetime of the development.

Reason: To ensure the site is appropriately drained and to reduce off-site flood risk in accordance with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Waste water network

10. No premises shall be occupied until confirmation has been provided that either:-
- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional premises to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and 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. And to accord with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Water network

11. No premises shall be occupied until confirmation has been provided that either:
- all water network upgrades required to accommodate the additional flows from the development have been completed; or
 - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. And to accord with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Arboricultural Method Statement

12. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority detailing how the existing trees on the site are to be protected during the development. 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 built environment 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.

Landscaping scheme and implementation

13. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. 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 pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

The development shall not be carried out other than in accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be carried out prior to the first use or occupation of the development and shall be retained as such thereafter.

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.

14. 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 occupation of the building(s) or on the completion of the development, whichever is the sooner. 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.

Ecology/Biodiversity

15. The development hereby approved shall be carried out in accordance with the recommendations set out in section 6 of the Preliminary Ecological Appraisal Report and Bat Roost Assessment carried out by Lizard Landscape Design and Ecology on 27 April 2019.

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.

16. No construction beyond damp proof course level shall take place until details of a scheme for the location of bat, bird and owl and invertebrate boxes and hedgehog holes in the bases of fencing have been submitted to and approved in

writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the bat, bird, owl and invertebrate boxes and hedgehog holes shall be installed on the site in accordance with the approved details and shall be retained as such thereafter.

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 the National Planning Policy Framework.

17. No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be first submitted to and agreed in writing by the local Planning authority. The scheme shall include the following elements:

- Details of maintenance regimes
- Details of any new habitat created on-site and details of how habitat connectivity will be maintained and enhanced
- Details of treatment of site boundaries and/or buffers around water bodies, with native species planting of UK provenance
- Details of management responsibilities

Reason – To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site’s nature conservation value in order to comply with government guidance set out in the National Planning Policy Framework. and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. No development shall take place until a plan detailing the protection of water voles and otters and mitigation for any damaged caused to their associated habitats has been submitted to the local Planning authority. The plan must consider the whole duration of the development from the construction phase through to development completion. Any change to operation responsibilities, including management, shall be first submitted to and approved in writing by the local planning authority. The water voles and otters protection plan shall be carried out in accordance with a timetable for the implementation as approved. The scheme shall include the following elements:

- Appropriate design changes incorporated into the methodology of the development
- Details of how protected species present are to be protected during construction works
- A scheme for the long-term management and protection of any protected species population and its habitat
- Details of mitigation for the disturbances caused by the development including loss of habitat used by protected species
- Details of how the existing habitat will be enhanced so as to protect and promote protected species populations.

Reason – To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site’s nature conservation value in order to comply with government guidance set out in the National Planning Policy

Framework. and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Contamination

19. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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.

20. If a potential risk from contamination is identified as a result of the work carried out under condition 19, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

21. If contamination is found by undertaking the work carried out under condition 20, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell

Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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.

23. 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.

Noise

24. Prior to the first occupation of the development a noise report produced to BS4142:2014 shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation required by the report shall be in place prior to the first occupation of the units and shall be retained as such thereafter.

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

Lighting

25. Prior to the first occupation of the development details of the lighting scheme shall be submitted to and approved by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the approved details and shall be retained as such thereafter.

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

Electric vehicle charging ducting

26. Prior to the first occupation of the development details of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The ducting shall be installed in accordance with the approved scheme prior to the occupation of the development and shall be retained as such thereafter.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. In order to implement the permission you will need to enter into a s278 Agreement with Oxfordshire County Council.
2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river
 - on or within 8 metres of a flood defence structure or culverted main river
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near the mains (within 3m) they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services they provide in any other way. The applicant is advised to read the guide working near or diverting Thames Water pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
4. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read the guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near Thames Water's pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> . Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk