

**Land Adjacent To The M40 South Of Overthorpe
Road Banbury**

19/00771/F

Case Officer: Samantha Taylor

Applicant: Db Symmetry Ltd

Proposal: Full planning permission for 27,685 sq.m / 298,000 sq.ft. of logistics floorspace within class B2 or B8 of the town and country planning use classes order 1987, with ancillary class b1(a) offices (units 9 and 10), and ancillary retail and trade showroom (unit 10 only), not to exceed 300 sq.m (excluding convenience goods) together with the extension of Chalker Way, access from Chalker Way, associated site infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage system

Ward: Banbury Grimsbury And Hightown

Councillors: Councillor Andrew Beere, Councillor Shaida Hussain, Councillor Perran Moon

Reason for Referral: Major development

Expiry Date: 10 September 2019 **Committee Date:** 12 March 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

The application seeks full planning permission for the provision of two new logistics warehouses with associated parking, access and extension to Chalker Way. This application is a cross-boundary application with the buildings, car parking and servicing being situated within South Northamptonshire District and the access, part of the front landscaped area and extension to Chalker Way falling within Cherwell District. As such, Cherwell District Council can only consider the proposed works that are to be undertaken within the confines of the district.

The dual application reference being considered by South Northamptonshire District Council is S/2019/1135/MAF.

Consultations

The following consultees have raised **objections** to the application:

- OCC Highways, OCC Drainage

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

- Thames Valley Police Design Advisor, CDC Environmental Protection, Network Rail, Banbury Town Council, CDC Landscape Officer

Planning Policy and Constraints

The application site is partially located within Cherwell District, and under the Local Plan Policy Banbury 6 is allocated for provision of new employment purposes (B1, B2 and B8).

The land that falls within Cherwell District is proposed for the extension to Chalker Way, access into the site and part of the landscaping associated with the development. The remaining area allocated within Policy Banbury 6 will remain as open space, including reptile mitigation.

The site as a whole falls largely within Flood Zone 2 and partially within Flood Zone 3. The land to the south of Unit 6, within South Northamptonshire, was previously used as an area of ecological mitigation for the translocation of reptiles, however, these have already been relocated as well as an area for surface water attenuation for the existing Central M40 development.

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
- Landscape and Visual Impact
- Highway Safety and Access
- Flooding
- Ecology
- S106 Obligations and Contributions

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a S106 agreement.

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 approximately 11.9 hectares in size, with 3.31ha falling within Cherwell District. The site lies to the south of the existing mixed use employment development along Chalker Way known as Central M40, which also forms part of the Policy Banbury 6 allocation. The area of land within the application site is currently open space and deemed of lesser value.
- 1.2. The site is located on the eastern edge of Banbury, bounded to the east by the M40 and to the south by the main Chiltern railway line. There is a disused railway embankment running along the northern boundary of the site, separating it from the existing Central M40 development. Whilst the buildings and majority of the development fall within South Northamptonshire District, due to the physical characteristics of the site and its relationship to existing development, the proposed development would be read as part of the urban form of Banbury.

2. CONSTRAINTS

- 2.1. The site falls within Flood Zones 2 and 3, with part of the site within the functional floodplain. The River Cherwell Local Wildlife Site (non-statutory designation) is located around 150m to the south of the site.

- 2.2. There are no landscape designations on or around the site, nor is the site within a Conservation Area. There are no designated heritage assets on the site and there are no designated heritage assets with a direct relationship to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for two new units consisting of B2 and B8 distribution and warehousing, with ancillary B1(a) offices, ancillary retail and trade showroom, extension of Chalker Way, associated infrastructure, landscaping, amenity space and sustainable drainage system.
- 3.2. The built development and most of the engineering works fall within the administrative boundary of South Northamptonshire Council. The extension to Chalker Way, borrow pit, open space to be used for ecological mitigation and land safeguarded for the Banbury South East Relief Road and potential Western Link are part of the proposal within Cherwell District.
- 3.3. Given that only part of the site falls within the jurisdiction of Cherwell District only the works within the District boundary can be assessed along with the principle of this type of development due to its proximity to the district.

Works within South Northamptonshire

- 3.4. The development proposes an extension to the existing 8-unit commercial scheme of two additional B2/B8 units with ancillary office space and a total floor area of 27,685sqm. Unit 9 would provide 11,705.5sqm of floorspace with parking for 120 No. cars (incorporating 6 No. disabled spaces and 6 No. electric vehicle charging bays), 30 No. covered bicycle stands and 17 HGV parking bays. Unit 10 would provide 15,797.5sqm of floorspace with parking for 125 No. cars (incorporating 6 No. disabled spaces and 6 No. electric vehicle charging bays), 40 No. covered bicycle stands and 38 No. HGV parking bays. The two units would also feature service yards and docking bays for HGVs.
- 3.5. Unit 10 would also include an ancillary retail (excludes convenience goods) and trade showroom which would not exceed 300sqm. This would be open to the general public and a restriction to the following hours of operation is put forward by the applicant of Monday to Friday 09:00H-1730H, Sunday 10:00H-16:00H and closed on Bank Holidays. Five car parking spaces would be allocated for customers of the retail element.
- 3.6. Both the proposed units would feature the same barrel vaulted roof design used on the existing units in Chalker Way and the same pallet of materials and colour finishes in dark greys and silver. The highest part of the roofs would be 15m (Unit 9) and 15.75m (Unit 10) with haunch (eaves) heights of 12m. In addition to the retention of existing tree and hedge planting at the perimeter of this site the proposals include new soft landscaping and tree planting within the site.

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>
11/01878/OUT	Erection of up to 115,197sqm of floorspace to be occupied for either B2 or B8 use classes or a mixture of both B2 and B8 use classes. Internal roads, parking and service areas, landscaping and the provision of a sustainable urban drainage system incorporating landscaped area with balancing pond and bund	Approved
14/00180/OUT	Erection of up to 115,197sqm of floorspace to be occupied for either B2 or B8 use classes or a mixture of both B2 and B8 use classes. Internal roads, parking and service areas, landscaping and the provision of a sustainable urban drainage system incorporating landscaped area with balancing pond and bund (To raise the roof height of unit 1 to 16.75m)	Approved
14/00175/REM	Reserved matters application pursuant to 14/00180/OUT – Condition 5 (Phase 1) approval of appearance, landscaping, layout and scale of 2 no. B2 and B8 (distribution and storage) units.	Approved
15/02206/REM	Reserved matters application pursuant to 14/00180/OUT – Condition 5 (Phase 2) approval of access, appearance, landscaping, layout and scale.	Approved
19/00487/F	Unit 6 – 17,768sqm of logistics floorspace within Class B2 or B8 including ancillary B1(a) offices, service yard and access to Chalker Way	Approved

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
18/00230/PREAPP	Erection of two Logistics Buildings with Class B8 including Class B1(A) Offices Phase 4

5.2. The principle of locating the employment buildings/uses allocated under Policy Banbury 6 to the land within South Northamptonshire was broadly considered

acceptable subject to further works such as design, flood risk mitigation, landscape and visual impact considerations. A joint response from CDC and SNC was issued.

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. The final date for comments was 09th October 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.

7.2. BANBURY TOWN COUNCIL: no objection

CONSULTEES

7.3. OCC HIGHWAYS: (initial response) **objection** as the site is considered not to be sustainable, there are concerns about the deliverability of the South East Link Road, and there is an under provision of car parking. Amended response received 4th September, confirming the **objection** remains and that the South East Relief Road contributions are not agreed yet. Notwithstanding the objection, the response confirms that the single access into the site from the extension to Chalker Way is acceptable.

Officer Comment – the objection to the site's sustainability and parking provision is noted, however, these fall within the scope of South Northamptonshire as the Planning Authority. The confirmation of the acceptability of the extension to Chalker Way and single site access is noted.

7.4. OCC DRAINAGE: **objection**, further details are required on the surface water discharge rates and management.

7.5. ENVIRONMENTAL PROTECTION: no objection, condition securing a boundary fence to provide noise mitigation adjacent to the units is requested.

Officer Comment – the request for a boundary fence is noted, however, these fall within the scope of South Northamptonshire as the Planning Authority

7.6. LANDSCAPE: **no objection**, the landscape character assessment is acceptable. Some amendments to the planting proposals and their proximity to the access are requested.

Officer Comments: noted.

7.7. NETWORK RAIL: **comments made**, Network Rail request changes or confirmation in respect of the positioning and proximity of the building to the railway.

Officer Comments – to address the comments from Network Rail, the applicant has amended the plans and building positions. South Northamptonshire Council will, as Local Planning authority confirm the acceptability of these amendments.

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)

- ESD15 - The Character of the Built and Historic Environment
- PSD1 – Presumption in favour of sustainable development
- SLE1 – Employment development
- SLE4 – Improved transport and connections
- BSC2 – Effective and efficient use of land
- ESD1 – Mitigating and adapting to climate change
- ESD2 – Energy hierarchy and allowable solutions
- ESD3 – Sustainable construction
- ESD4 – Decentralised energy systems
- ESD5 – Renewable energy
- ESD6 – Sustainable flood risk management
- ESD7 – Sustainable drainage systems
- ESD8 – Water resources
- ESD10 – Biodiversity and the natural environment
- ESD13 – Local landscape protection and enhancement
- ESD15 – Character of the built environment
- ESD17 – Green infrastructure
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals
- TR10 – Heavy goods vehicles
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- CDC Planning obligations SPD (February 2018)
- Design and Layout of Employment Sites – A Guide SPG 1996

- Cherwell Economic Development Strategy 2011-2016

9. APPRAISAL

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

- Procedural matters
- Principle of development
- Design, Landscaping and Visual Impact
- Highway Safety and Access
- Flood Risk and Drainage
- Ecology impact
- S106 Obligations and Contributions

Procedural Matters

9.2. The application site for the proposed development crosses the District boundary, with the majority of the site including the buildings located within South Northamptonshire District. Given the location of the development, South Northamptonshire District Council are therefore responsible for considering the technical matters associated with the buildings and their associated works including parking, landscaping, vehicle turning, flood risk and drainage. That said, as will be discussed below, the development will read as an extension to Banbury and the principle of development rests on the allocation for employment development under Policy Banbury 6 of the Cherwell Local Plan 2011-2031. It is therefore proper that Cherwell District Council considers the merits of the development as a whole, in terms of its impact on Cherwell District.

Principle of Development

9.3. The application site is part of a wider strategic allocation of Policy Banbury 6 in the adopted Cherwell Local Plan 2011-2031 for a 35ha mixed employment development of B1, B2 and B8 Use Classes. This part of the site has been brought forwards separately, following the relatively recent approvals and construction of similar developments to the north.

9.4. As noted above, the proposed built development would be located within South Northamptonshire, with the allocated site for the development in Cherwell District Council.

9.5. Other than the land used for access, the land within Cherwell District will remain as open space, to be used for ecological mitigation and reserved for the potential South East Relief Road and Western Link Road.

9.6. Much of the land located within the Banbury 6 Allocation and therefore, within Cherwell District lies within Flood Zone 3a, where there is a higher risk of flooding. Whilst not in strict accordance with Policy Banbury 6 and the allocation, it is understood that given the flood risk constraints on the site, positioning the built development outside of the allocation is considered acceptable in order to deliver the development the policy envisaged. In addition, the siting of the employment buildings would be a logical extension to the Central M40 estate and would be read as part of the existing development.

- 9.7. In light of the above Officers considered the principle of the development and the siting of the development is acceptable.

Design, Landscaping and Visual Impact

- 9.8. Policy ESD15 of the Local Plan requires development proposals to accord with the character and context in which they are situated. In particular, ESD1 requires proposals to pay attention to existing site characteristics, having regard to the neighbouring land and buildings. Development proposals should make a positive contribution to the built and natural environment, incorporating local materials and architectural details, to mitigate any visual harm to the local area.
- 9.9. Whilst the matters of design, landscaping and visual impact are largely for consideration by SNC, this Authority must be satisfied that the proposal would not cause unacceptable harm to the visual amenity of the local area and that the design is compatible with existing development. This is because despite the proposed buildings location outside of Cherwell District, due to the close proximity to the District and existing development, and with access being taken from Chalker Way within the district, the new buildings would be read as part of the existing Central M40 employment site within Banbury.
- 9.10. The proposed units are large industrial units that would be viewed in the context of the Central M40 employment site, within the presence of a series of commercial buildings. The buildings have a functional design that accords with the existing development along Chalker Way, and it is considered that the design is acceptable being read as part of the existing development to the north.
- 9.11. The proposal walls and roofing would have a mid-dark grey finish, with silver used at lower levels for the offices. There would be tones of grey used within the elevations to help break-up the bulk of the building and add interest. This approach would help to reduce their visual prominence within the landscape and make them less visually intrusive.
- 9.12. Landscaping will also be provided to the front of the site, in a landscape buffer between the units, access road and area of reserved land for the South East Relief Road. This will help soften the impact of the development when viewed along the Chalker Way extension.
- 9.13. Whilst the proposed commercial building are large, and positioned on the edge of Banbury outside of the allocated site, the buildings would be viewed as part of the existing industrial estate with appropriate scale, design, materials and landscaping, Therefore, it is considered the proposed development would accord with ESD15 of the Local Plan.

Highway Safety and Access

- 9.14. The application submission is supported by a Transport Assessment and Framework Travel Plan. Following concerns from Oxfordshire County Council (OCC) regarding the safeguarding of the land to for the South East Relief Road, amended plans have been received and an updated Technical Note.
- 9.15. The Transport Assessment demonstrates that the site is accessible by a variety of transports modes and that the traffic generated would not have a detrimental impact on the local or wider highway network. The Technical Note confirms the revised access is safe and will sufficiently meet the needs to the vehicles (including HGVs) using it.

- 9.16. The initial submission proposed two access points, one serving each of the units, and a larger extension to Chalker Way. However, OCC objected to the scheme, considering that there was not sufficient land to allow for the bridge works over the train line (South East Link Road). The amended plans show that a small extension to Chalker Way will be provided with a single access into the site serving both units. The land to the south of this extension will be retained as open space and safeguarded for the South East Relief Road through a S106 agreement.
- 9.17. Following additional comments from OCC, the amended access layout is considered acceptable.
- 9.18. However, it is noted that the objections in respect of parking provision and the sustainability of the site remain. Oxfordshire County Council consider that there is an under provision of parking and that the site is not situated in a sustainable location, increasing the reliance on the car. However, these are technical matters for South Northamptonshire District Council to determine the acceptability of. It is noted that the applicant and OCC have agreed to a financial contribution towards bus service enhancements and travel plan monitoring.
- 9.19. OCC have also requested a contribution to the South East Relief Road which has not been agreed and negotiations regarding this contribution are ongoing. An update will be provided to Members at the Committee meeting.

Flood Risk and Drainage

- 9.20. Whilst Northamptonshire County Council are the Local Lead Flood Authority for the majority of the development site, given the close proximity of the development to the District's Boundary, any flood risk on site would impact on the District.
- 9.21. The site is located within Flood Zones 2 and 3, Officers acknowledge that whilst comments were not formally received from the Environment Agency on the application with Cherwell, an objection to the South Northamptonshire application was received.
- 9.22. During the course of the application, the applicant and Environment Agency have been working to resolve the concerns of flood risk to the site. There is an outstanding matter with the flood risk on site which, at the time of writing this report has not been resolved. The Environment Agency are retaining their objection to the application in respect of flooding, as they are not satisfied the applicant has sufficiently justified the loss of floodplain as a result of the access road lying within Flood Zone 3 or demonstrated that they could compensate for this on a level by level or volume by volume basis. The EA also require the applications to demonstrate that the borrow pit would be free draining and perform satisfactorily during a range of flood events.
- 9.23. The application for South Northamptonshire will be heard by their Committee on 5th March, and the Officer recommends that the proposed development could be considered acceptable IF the applicant is able to demonstrate that they can compensate for the loss of floodplain and that the borrow pit will perform adequately, allowing the EA to remove their objection. However, should the EA maintain their objection to the development, the proposal would not accord with policy.
- 9.24. In light of these flood risk issues, Officers at South Northamptonshire are recommending their Committee delegate to the Assistant Director to grant permission subject to the EA withdrawing their objection on or before 12th March 2020. If the EA maintain their objection past this date and not extension of time has

been agreed, delegate to the Assistant Director to refuse planning permission on the grounds of flood risk.

- 9.25. As such, in order for Cherwell District Council to be satisfied that the development would not have an unacceptable impact on flood risk and drainage within it's District, further advice is required from the Environment Agency and South Northamptonshire District Council. Therefore, an update on this will be provided to Members at the Committee meeting.

Ecology Impact

Legislative context

- 9.26. 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.
- 9.27. 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.
- 9.28. 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.
- 9.29. 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.
- 9.30. 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

- 9.31. 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.
- 9.32. 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.
- 9.33. 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.
- 9.34. 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.
- 9.35. 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.
- 9.36. 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.
- 9.37. 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

9.38. Natural England's Standing Advice states that an 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

It also states that LPA's 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')

9.39. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the area within South Northamptonshire was previously used for reptile mitigation as part of the earlier phases of the Central M40 site. In August 2018, further reptile mitigation was undertaken in advance of the current planning application, to relocate the reptiles immediately to the west within Cherwell District. This land is part of the Banbury 6 allocation, and is within the applicant's ownership and annotated by the blue edge on the site location plan. This land will now remain as an area of ecological mitigation to be retained.

9.40. In order for the local planning authority 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, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England 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.

9.41. 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 Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.42. The application is supported by an Extended Phase 1 Survey and detailed Phase 2 surveys relating to bird, bats, otters, water vole, badgers, Great Crested Newts and reptiles. In addition, a Biodiversity Impact Assessment (BIA) has also been submitted. Overall, these surveys conclude that there is limited nature conservation potential on site and that these do not constitute a significant ecological constraint. The BIA confirms that there would be a net gain for diversity resulting from the proposals through the retention and enhancement of the 10.5ha of habitat and provision of new hedgerow as well as the creation of other new habitats and provision of specific measures such as bird and bat boxes.

9.43. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, 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.

S106 Obligations and Contributions

- 9.44. As outlined above, the proposal generates a need for infrastructure and other contributions through a planning obligation, to ensure the development is acceptable. Policy INF1 of the Cherwell Local Plan states that 'development proposals will be required to demonstrate that infrastructure requirements can be met, including the provision of transport infrastructure and improvements'. Contributions can be secured via a 106 Agreement, provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.
- 9.45. OCC have agreed to contributions towards an enhanced bus service and travel plan monitoring. The contribution sought towards the South East Relief Road is under negotiation currently. Officers will ensure the land for the South East Relief Road and Western Link Road will be safeguarded as part of the S106 Agreement.

PLANNING BALANCE AND CONCLUSION

- 10.1. The application site forms part of the Policy Banbury 6 mixed employment allocation within the adopted Cherwell Local Plan 2011-2031. The development is a cross boundary application with the buildings and associated parking, landscaping, drainage situated within the South Northamptonshire and within their control as a Planning Authority. Within Cherwell, the development proposes an extension to Chalker Way and access into the development site with land retained as open space and safeguard for future road improvements. The consideration of this application must therefore, only consider the development which falls within Cherwell District and whether in principle, employment use on the South Northamptonshire site would be acceptable.
- 10.2. Under Policy Banbury 6, mixed employment development was envisaged which following further investigation is constrained by the flood risk on the allocated site. This application seeks to vary the siting of the employment development outside of Flood Zone 3A on the land within South Northamptonshire. This land is directly adjacent to the site and would deliver the employment development envisaged by Policy Banbury 6. Following the submission of amended plans, the access arrangements are considered acceptable.
- 10.3. Having regard to the above, the application is considered to comply with Policy Banbury 6 and the associated policies within the adopted Cherwell Local Plan 2011-2031, saved policies as above within the Cherwell Local Plan 1996 and Government Guidance within the NPPF and PPG. Approval of the scheme would secure the employment development envisaged as an extension to the Central M40 site as allocated within the Cherwell Local Plan 2011-2031, thereby enabling the delivery of new employment development to support economic growth and the growth of the District.

RECOMMENDATION
RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR

PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Safeguarding of the land for the South East Relief Road and the Western Link Road.
- b). Contributions towards the bus service enhancement and travel plan monitoring

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three 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. Submission to/Monitoring/Enforcement: CDC and SNC Plans

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

DRAWINGS:

Site Location Plan dwg. no. 6422-100 Rev F dated 26 April 2019;
Site Layout Plan dwg. no. 6422-101 Rev. J dated 19 September 2019;
Site Plan Illustrating Constraints dwg. no. 6422-102 Rev. H dated 19 September 2019;
Site Layout Plan External Finishes & Fencing dwg. no. 6422-103 Rev. G dated 19 September 2019;
Unit 10 Proposed Building Plan dwg. no. 6422-104 Rev. C dated 23 April 2019;
Unit 10 Proposed Ground, First & Second Floor dwg. no. 6422-105 Rev. B dated 23 April 2019;
Unit 10 Proposed Elevations dwg. no. 6422-106 Rev. D dated 23 April 2019;
Unit 10 Proposed Roof Plan dwg. no. 6422-107 Rev. B dated 26 March 2019;
Unit 9 Proposed Building Plan dwg. no. 6422-111 dated 05 April 2019;
Unit 9 Proposed Ground, First & Second Floor dwg. no. 6422-112 dated 08 April 2019;
Unit 9 Proposed Elevations dwg. no. 6422-113 dated 08 April 2019;
Unit 9 Proposed Roof Plan dwg. no. 6422-114 dated 08 April 2019; Area for Ecological Mitigation dwg. no. 6422-115 dated 02 May 2019;
Planting Plan overview dwg. no. 6849/ASP.PPDBS9.1.0 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.1 Rev G dated 23 September 2019;
Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.2 Rev G dated 23 September 2019;
Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.3 Rev G dated 23 September 2019;
Drainage Layout Sheet 1 Ref. C08749-HYD-XX-XX-DR-C-0001 Rev. P7 dated 16 September 2019;

Drainage Layout Sheet 2 Ref. C08749-HYD-XX-XX-DR-C-0002 Rev. P6 dated 16 September 2019;
Drainage Layout Sheet 3 Ref. C08749-HYD-XX-XX-DR-C-0003 Rev. P6 dated 16 September 2019;
Drainage Layout Sheet 4 Ref. C08749-HYD-XX-XX-DR-C-0004 Rev. P57 dated 16 September 2019; Standard Details Sheet 1 Ref: C08749-HYD-XX-XX-DR-C-0010 Rev. P2 dated 22 February 2019;
Standard Details Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0011 Rev. P2 dated 22 February 2019;
Standard Details Sheet 3 Ref: CM4-HYD-XX-XX-DR-C-0012 Rev. P1 dated 19 February 2019; Catchment Plan Ref. C08749-HYD-XX-XX-DR-C-0005 Rev. P7 dated 16 September 2019;
External Levels Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0102 Rev. P7 dated 16 September 2019;
External Levels Sheet 2 Ref: C08749-HYD-XX-XX-DR-C-0102 Rev. P8 dated 16 September 2019;
Cycle Shelter dwg no. 6422-035 dated 15 August 2019; REPORTS: Ecological Appraisal dated April 2019, ref. edp1419_r015d; Reptile Mitigation Strategy dated April 2019, ref. edp1419_r018b;
Biodiversity Impact Assessment ref. edp1419_r014d received 16 May 2019;
Floodplain Technical Note dated June 2019;
Flood Risk Assessment dated 15 April 2019;
Hydraulic Modelling Report by Hydrock Ref: COB-HYD-XX-XX-RP-D-5002 dated 24 September 2019;
Technical Note - Drainage Statement by Hydrock Ref: C08749-HYD-XX-XX-RP-C001 Rev P5 dated 16 September 2019;
Technical Design Note by Hydrock in response to Environment Agency comments Ref: 8749-HYD-XX-XX-FR-TN-007 Rev P1-S2 dated 18 February 2020; Transport Assessment dated 29th April 2019;
Framework Travel Plan dated 29th April 2019; Phase 1 Desk Study dated 29th April 2019;
Landscape and Visual Impact Assessment dated April 2019 ref. 6489.LVIA.004;
Landscape Management Plan dated April 2019, ref. 6489.Land.Man.002;
Arboricultural Impact Assessment Ref. 10057_AIA.001 Rev. C dated 23 September 2019;
Heritage Assessment dated April 2019, ref. AC947A; External Lighting report Rev. P06 dated 26 April 2019;
Odour Assessment dated April 2019;
Noise Assessment dated April 2019;
Project Specification for an Archaeological Evaluation and Geophysical Survey both dated 13th February 2018; Archaeological Evaluation Report by Thames Valley Archaeological Services dated September 2019;

Reason : To clarify the permission and for the avoidance of doubt. Submission to/Monitoring/Enforcement: CDC and SNC Ecology

3. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal dated April 2019, ref. edp1419_r015d; the Reptile Mitigation Strategy dated April 2019, ref. edp1419_r018b and the Area for Ecological Mitigation dwg. no. 6422-115 dated 02 May 2019.

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. Submission to/Monitoring/Enforcement:

CDC and SNC CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

4. No development shall take place, including any works of demolition 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:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) 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;
- j) The ecological mitigation measures to be implemented in accordance with condition 3 of this permission;

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 Policy G3 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC

5. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

6. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present

- on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC

7. No development shall take place, including any demolition, any works of site clearance and/or the introduction of any construction machinery onto the site until protective fencing and warning notices have been erected on the site in accordance with the approved CEMP. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC Trees

8. No development shall take place until the existing tree(s) to be retained in accordance with Drwg No. 6489.ASP.PPDBS9.1.0_Rev G dated 23 September have been protected in accordance with an Arboricultural Method Statement to be submitted to and approved in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

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 Policies G3(A) and EV21 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC Archaeology

9. No development shall take place within the area of archaeological interest until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and

approved in writing by the local planning authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

10. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy G3(M) of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework. Submission to/Monitoring/Enforcement: SNC

11. Prior to the commencement of the development details of the surface water attenuation shall be submitted to and agreed in writing by the Local Planning Authority. The surface water attenuation shall be implemented in accordance with the agreed scheme.

Reason: To protect the adjacent railway from the risk of flooding, pollution and soil instability. Submission to/Monitoring/Enforcement: CDC and SNC Levels details

12. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority. All changes to ground levels, earthworks and excavations close to the railway boundary shall be carried out in accordance with the approved scheme.

Reason: To protect the adjacent railway. Submission to/Monitoring/Enforcement:

CDC and SNC

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

13. 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 in accordance with the approved Landscape Management Plan Ref: 6489.Land.Man.002 dated April 2019. 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.,

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 Policies G3(L) and EV29 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC Highways

14. Details of the proposed construction, materials and surfacing of the access road and its junction with the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the approved details before first occupation of the building(s) and thereafter permanently maintained as such.

Reason : In the interests of highway safety, to comply with Policy G3(B) of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC Lighting

15. Details of the external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : In the interests of visual amenity and highway safety and to comply with Policy EV35, Appendix A of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

16. No external lighting shall be installed within the ecological mitigation area as identified on plan no. 6422-115 dated 02/05/2019.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC Ecology

17. If the development hereby approved does not commence by April 2021. A revised ecological appraisal shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact of

protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme. Submission to/Monitoring/Enforcement: CDC and SNC Fire Hydrants

18. Full details of the fire hydrants and/or sprinklers to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants and sprinklers shall be provided in accordance with the approved details and retained as such thereafter.

Reason : To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

19. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Technical Note Drainage Statement ref C08749-HYD-XX-XXRP-C-001 issue P5 dated 16 th September 2019 prepared by Hydrock have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
- ii) Details of the drainage system are to be accompanied by full WinDES modelling or similar with the details on proposed discharge rates, simulating storms through the whole drainage system, with results of critical storms, demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year, and that any above-ground flooding for 1 in 100 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. These storms should also include an allowance for climate change.

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy G3(M) of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework. Submission to/Monitoring/Enforcement: SNC

20. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until August inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will conserve and enhance the natural

environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

21. A colour scheme for the colouring of the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, and prior to the first occupation of the development, the walls and roofs of the buildings hereby approved shall be finished and thereafter maintained in accordance with the approved colour scheme.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy G3(A) of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

22. The proposed access and parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first use of the development hereby permitted. The access, parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason : In the interests of highway safety, to ensure the provision of adequate offstreet car parking and turning/loading/unloading to comply with Policy G3(B) of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

23. A Framework Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" (and its subsequent amendments) and associated travel plan monitoring fee of £2,040 shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Framework Travel Plan shall thereafter be implemented and operated in accordance with the approved details and the document should then be updated within 3 months of full occupation.

Reason : In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government advice in the National Planning Policy Framework. Submission to/Monitoring/Enforcement: SNC/CDC

24. 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, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

25. Prior to the first use or occupation of the development hereby permitted, details of a turning area which shall need to be identified and provided within land owned by the development so that buses may turn around, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of buses at all times thereafter.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

26. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority based on the approved Technical Note Drainage Statement ref C08749- HYD-XX-XX-RP-C-001 issue P5 dated 16th September 2019 prepared by Hydrock

The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) Confirmation that the system is free from defects, damage and foreign objects

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site. Submission to/Monitoring/Enforcement: SNC

27. No properties 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 - an infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Submission to/Monitoring/Enforcement: CDC and SNC

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

28. The existing trees and hedge along the northern boundary of the site shall be retained in accordance with the approved landscaping plans (Planting Plan overview dwg. no. 6849/ASP.PPDBS9.1.0 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.1 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.3 Rev G dated 23 September 2019; and the approved Landscape Management Plan Ref: 6489.Land.Man.002 dated April 2019 unless the Local Planning Authority gives written consent to any variation.

Reason : To provide an effective and attractive screen for the development in

the interests of visual amenity and to accord with Policies G3(L) and EV29 of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

29. All species used in the planting proposals associated with the ecological mitigation area shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

30. 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 Policy G3(E) of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC BREEAM

31. The development hereby permitted shall be constructed to at least a BREEAM Very Good standard.

Reason : To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

32. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policy G3 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC and SNC

33. Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be extended without the prior planning permission of the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy G3 of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

34. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings unless otherwise approved in writing by the Local Planning Authority.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy G3(A) of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

35. The buildings hereby approved shall be used only for purposes falling within Classes B2 and B8 with ancillary office space and a retail use within Unit 10 of no more than 400sqm as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason : To ensure that there is adequate on-site parking provision in the interests of highway safety and to protect the vitality and viability of the town centre in accordance with Policies G3(B) and R6 of the South Northamptonshire Local Plan. Submission to/Monitoring/Enforcement: CDC and SNC

36. The development hereby approved shall not be allowed to increase working shifts beyond the agreed 3 shifts per day unless notification has been submitted to the Local Planning Authority.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework. Submission to/Monitoring/Enforcement: CDC

CASE OFFICER: Samantha Taylor