

Case Officer: James Kirkham

Applicant: Knight

Proposal: Erection of four Class B2 units of varying sizes with associated car parking and landscaping - Resubmission of 19/00545/F

Ward: Bicester East

Councillors: Cllr. Sean Gaul, Cllr. Richard Mould and Cllr Tom Wallis

Reason for Referral: Major development

Expiry Date: 30 September 2020

Committee Date: 10 September 2020

1. APPLICATION SITE AND LOCALITY

1.1. The application site is a vacant area of industrial land located within an existing commercial area to the east of Bicester. It is accessed from the Telford Road, which includes several commercial units to the west of Launton Road. The land is currently laid to hard standing and is partly overgrown. The site is relatively level with the commercial units to the north although it is raised from the marsh land to the south which is noted as an existing green space on the Local Plan proposals map. A watercourse runs to the east of the site.

2. CONSTRAINTS

2.1. The application site is located partly within Flood Zone 2 and partly within Flood Zone 3. It is also located within 20 metres of a Main River (as defined by the Environment Agency) to the east of the site. It is also identified as potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The current application seeks permission to erect 4 new industrial units on the site (use class B2 – General Industrial). They would vary in size between 430sqm and 530sqm. They would be arranged in a single linear block and would be accessed from the Telford Road to the north west using the existing access to the commercial units to the north. The units would be 7.25 metres high and would be finished in a silver composite metal cladding.

3.2. 38 parking spaces would be provided on the site to the north and the east to serve the proposed units.

4. RELEVANT PLANNING HISTORY

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

05/01708/F –Application approved on 14th October 2005 for the erection of 4 No. B2 buildings, potentially dividable into 14 units. Associated new and modified parking, hardstanding and cycle storage (amendments to 05/00123/F).

05/00123/F – Application approved on 20th May 2005 for the erection of 4 No. B2 buildings, potentially dividable into 14 units. Associated new and modified parking, hardstanding and cycle storage (as amended)

04/00742/F – Application approved on 4th June 2004 for the construction of a new building and yard for the purpose of general plant hire business

04/00741/F – Application approved on 4th June 2004 for the construction of a new building and yard for the purpose of access hire business.

01/02172/OUT – Application approved on 15th February 2002 for the erection of B1 (light industrial/office) units (2,306sqm) and associated parking together with modifications to extend car parking of existing buildings, as amended.

97/00018/F – Application approved on 3rd October 1997 for a building for the repair and maintenance of mobile cranes and equipment together with office accommodation for support services. This application has a legal agreement attached specific to that particular development. This is available to view on public access.

The above consents have all lapsed without being implemented.

5. PRE-APPLICATION DISCUSSIONS

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

18/00037/PREAPP - Proposal for 10 No. Class B General industrial Units of varying sizes with associated car parking and landscaping.

5.2. It was advised that whilst the principle of development may be acceptable there was considerable concerns regarding flood risk and highway matters. It was advised that development in Flood Zone 3B would not be supported.

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 **31 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. LAUNTON PARISH COUNCIL: **No objections.**

OTHER CONSULTEES

- 7.3. ENVIRONMENT AGENCY: Originally objected to the scheme raising concerns regarding the site being in Flood Zone 3B and also the Flood Risk Assessment not being adequate in respect of the cut and fill exercise and climate change allowance. Further to the receipt of additional information and amendments the EA raises **no objections** subject to the development being carried out in accordance with the Flood Risk Assessment.
- 7.4. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to a detailed drainage design being conditioned. The scheme is no longer in Flood Zone 3B.
- 7.5. OCC HIGHWAYS: **No objection** subject to a legal agreement to secure contributions towards a bus shelter on Boston Road, Travel Plan Monitoring Fee, and an obligation to enter into a S278 to design and construct a new signalised crossing on Launton Road (approx. 30m west of junction with Boston Road) including the removal of existing pedestrian refuge. Also request condition for a Travel Plan, Construction Traffic Management Plan, cycle parking, and car parking provision
- 7.6. CDC ECOLOGY: **No objections** subject to conditions. The Ecology Report and Reptile Surveys are acceptable and the recommendations should be conditioned. Limited landscaping is provided and a net gain in biodiversity should be secured including details of bird, bat and insect boxes.
- 7.7. NATURAL ENGLAND: **No objections.**
- 7.8. THAMES WATER: **No objections** regarding foul or surface water capacity.
- 7.9. THAMES VALLEY POLICE: **No objections** subject to condition
- 7.10. OCC ARCHEOLOGY: **No objections.**

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
- SLE4: Improved Transport and Connections
- ESD1-5: Climate Change and Sustainable Construction
- ESD6: Flood Risk
- ESD7: Sustainable Drainage Systems

- ESD10: Protection and Enhancement 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: New development design
- ENV1: Pollution Control

8.3. Other Material Planning Considerations

- Developer Contributions SPD (2018)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Highways
- Flood Risk and Drainage
- Ecological Impact
- Design, and impact on the character of the area
- Other matters

Principle of Development

Policy context

9.2. Legislation in the form of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined against the provisions of the development plan for the area unless material considerations indicate otherwise.

9.3. The adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) is the principal development plan document for the District that sets out a strategy and overarching policies to provide for sustainable growth within the District to meet identified need through to 2031. It primarily focuses new growth in the District to Banbury and Bicester whilst limiting it elsewhere in order to provide for the most sustainable form of growth over the plan period. Amongst other things it identifies a number of strategic sites for employment development in and around Bicester so that they are provided in carefully considered proportions in order to deliver a sufficient number and type of jobs to reduce the need for out-commuting from Bicester arising from the new housing which would be unsustainable.

- 9.4. Policy SLE1 of the CLP 2015 states that employment development will be focused on existing employment sites and intensification will be permitted subject to compliance with other policies in the plan and other material considerations.

Assessment

- 9.5. The application site is located in an area identified in the Development Plan as an existing strategic employment site. The provision and intensification of employment uses in these areas is supported by Policy SLE1 subject to other considerations. Furthermore, it is noted that the proposed development would provide a source of new employment within the built limits of the town positively contributing to the economic objectives of the NPPF. This would accord with Policy SLE1 of the Cherwell Local Plan and Government guidance in the NPPF which seeks to reduce the need to travel. Overall, therefore, the principle of the development is considered to be acceptable subject to other material considerations.

Highways

Policy context

- 9.6. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. The NPPF has a similar thrust and also requires that safe and suitable access is achieved for all. Policy SLE4 also seeks to ensure that new development is accessible by a variety of sustainable transport modes and that the use of such modes as walking and cycling is maximised.

Assessment

- 9.7. The current application would utilise the existing access from Telford Road to access the site and would provide 38 parking spaces to serve the new industrial units. The Local Highway Authority (LHA) has raised no objection in respect of traffic generation and this is likely to be relatively modest given the scale of the scheme. Furthermore, the level of parking serving the site and provision of cycle parking is considered acceptable.
- 9.8. The LHA has, however, raised some concern regarding the sustainability of the location given the distance to residential areas and the poor cycle links to the surroundings to attract sustainable forms of travel. The LHA notes that the Launton Road does not currently have adequate crossing points for cyclists in the vicinity of the site and the existing pedestrian refuge is not wide enough for cyclists. Furthermore, the volume of traffic makes it difficult to cross to encourage walking. The LHA has therefore requested that the application secures the provision of a new signalised crossing of Launton Road to make the site more accessible. The LHA has also stated that the site is 450m from the bus stop on Boston Road which is generally accepted to be an acceptable walking distance. However, the existing bus stop requires upgrading to make it more attractive to use by users of the development including the provision of a shelter. In order to improve this the LHA requests a contribution.
- 9.9. These matters have been discussed with the applicant who has agreed to enter into a legal agreement to secure these matters and this is considered to overcome the concerns regarding the sustainability of the location and to improve cycling and public transport links. The LHA raises no objection on that basis.

- 9.10. In terms of pedestrian links it is proposed to provide a 1m wide footpath into the site from Telford Road. Whilst the width of this is not ideal given the constraints of the landownership it is considered to be acceptable. Full details of this route can be secured through condition.
- 9.11. Overall with the above contributions secured and the proposed planning condition it is considered that the proposed scheme is acceptable from a transport sustainability perspective.

Flood Risk and Drainage

Policy

- 9.12. Policy ESD6 of the Cherwell Local Plan (2011-2031) Part 1 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments towards areas at lower risk of flooding by applying the sequential approach to development and also the exception policy where applicable. It also seeks to ensure development is safe from flood risk and does not increase the chances of off-site flooding.
- 9.13. Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.14. The site lies within Flood Zone 2 and 3 on the Environment Agency ("EA") Flood Risk maps. Given this the proposal needs to be considered in the context of the sequential test to Flood Risk which seeks to guide development away from areas of flooding.
- 9.15. The proposed use is classified as a Less Vulnerable use in flood risk terms and during the course of the application the application has been significantly reduced in size to ensure it no longer encroaches to any of the wider site which is Flood Zone 3B (functional flood plain as shown in the Strategic Flood Risk Assessment).
- 9.16. Given the above the Exception Test outlined in the NPPF does not need to be applied. However, the development is required to show that it will be safe from flooding and will not increase flood risk elsewhere in the locality.
- 9.17. The proposed development includes a flood plain compensation scheme by providing voids under the proposed building to allow flood waters to be accommodated underneath it with 1 metre wide openings every 5 metre length of wall. A 'cut and fill' exercise is also proposed which essentially allows for some of the areas of the site to be raised to accommodate the development whilst other areas are lowered to compensate for this.
- 9.18. The results of this are that there would be an overall net gain in flood plain storage of 164.07 cubic metres across the site and would mean there was no off-site increase likelihood of flooding. The finished floor level of the building is also to be set no lower than 69.8 AOD to ensure it is safe from flooding. The applicant has also provided additional evidence to demonstrate to the EA how climate change allowances have been considered in the submitted Flood Risk Assessment ('FRA'). Safe access and egress is also demonstrated in the submitted FRA as the access is raised from the modelled flood levels. The scheme also includes the use of SuDS features within the site with the use of permeable paving to the parking areas,

underground attenuation tanks and flow control devices to release water to the adjacent water course at a controlled rate.

- 9.19. The EA and Lead Local Flood Authority have considered the technical reports submitted and now raise no objection to the application subject to conditions to secure the above mentioned measures and further details of the surface water drainage scheme. Officers agree with this assessment.
- 9.20. In regard to the sequential test, a sequential assessment has been submitted alongside the application. This firstly states that the application is within a designated employment site within the Cherwell Local Plan (2011-2031) Part 1 and that Policy SLE1 of the Local Plan states that employment development will be focussed on existing employment sites. Thus, the proposal would be in accordance with this policy and it is argued that there are limited alternative locations which allow for this, but without any evidence for this.
- 9.21. However, in the evidence base for the Local Plan, there is a need for new commercial space in Bicester such as proposed in the application and this application seeks to address this. In addition, as a material consideration, consent for commercial buildings has been historically given on this site as outlined in the planning history section of the report. Furthermore, some of the site is already laid to concrete hardstanding so is not free from all development. In addition, it is noted that many of the allocations in the Local Plan in Bicester have been taken up by much larger units than what is proposed under the current application and the remaining allocations such as Bicester 10 and Bicester 4 are not for B2 (general industrial) purposes.
- 9.22. Taking a pragmatic approach on alternative sites and considering all these matters together it is considered, on balance, that the sequential test is passed, and that there are no other sites suitable and available for the development proposed at lower risk of flooding.
- 9.23. In regards to foul drainage it is proposed to connect to the existing Thames Water network who have raised no objection to the application.

Conclusion

- 9.24. Overall the proposal is considered to provide a development that would be safe from flood risk and would not increase the likelihood of flooding elsewhere. It would also, on balance, pass the sequential approach. The development is therefore considered to comply with the aforementioned policies.

Ecology Impact

Legislative context

- 9.25. 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.
- 9.26. 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.

- 9.27. 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.
- 9.28. 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.
- 9.29. 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

- 9.30. 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.
- 9.31. 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.
- 9.32. 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.

- 9.33. 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.
- 9.34. 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 (LPAs) 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

- 9.35. The application site is currently partially undeveloped, has overgrown vegetation and is close to the main river to the east and wetlands to the south and therefore has the potential to be suitable habitat for protected species.
- 9.36. 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 European protected species 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 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. 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.
- 9.37. The current application has been accompanied by a Preliminary Ecological Appraisal which has assessed the habitats on site. This identified a number of potential habitats on the site which could be impacted by the development including reptiles and bats which are protected species. Further reptile surveys have been carried out and reptiles have been found to be present although in low numbers. The applicant has put forward a mitigation strategy for reptiles which the Council's Ecologist ('CE') considers to be acceptable and can be secured by condition. Further bat surveys of the trees have also been undertaken; however, these found negligible potential for bats to be present and the CE has therefore advised this is not a constraint to the development. The CE has raised no objection to the impact on existing habitats on site subject to conditions.
- 9.38. The proposal will also need to secure a net gain in biodiversity and details of this will need to be secured through condition. The CE advises that the provision of bird, bat and inset boxes on the buildings and trees would help to secure this.
- 9.39. Based on the above Officers are satisfied that the proposal is acceptable from an ecological perspective subject to conditions.

Design and impact on character and appearance

Policy context

- 9.40. Policy ESD13 states proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local landscape character or harm the setting of settlements. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting and be designed to deliver high quality, safe, attractive and durable places to live and work. The NPPF also outlines that high-quality development is fundamental to achieving sustainable development.

Assessment

- 9.41. The site is a natural extension to the existing commercial area and would not be visually intrusive in its context. It is predominately surrounded by other commercial buildings and the areas to the south and east which are not developed are covered with trees and vegetation which would screen the development in the wider visual context.
- 9.42. The proposed building would have a similar mass and scale to the existing commercial buildings in the locality. There is a mix of building styles and materials in the area and the proposal is considered to sit comfortably alongside the existing built form and would provide contemporary industrial units with the use of silver metal cladding.
- 9.43. Thames Valley Police has requested a condition which ensures the final design and detailing reduces the opportunities for crime and this is supported by officers given the area has limited surveillance in the wider context.
- 9.44. Overall, therefore, the impact of the development on the character and appearance of the area is considered to be acceptable subject to planning conditions, and the proposal thus compliant with Policy ESD15 in this regard as well as the relevant paragraphs of the NPPF.

Other matters

- 9.45. Policy ESD15 of the Cherwell Local Plan Part 1 requires a good standard of amenity for future and proposed residents. Saved Policy ENV1 seeks to restrict development which would be materially harmful by way of noise or air pollution. The proposed development is considered to be a sufficient distance from any neighbouring properties to ensure it does not cause detrimental impacts on their amenity in terms of noise and disturbance or other impacts.
- 9.46. In terms of sustainable construction, Policy BSC3 requires all new non-residential development to meet at least BREEAM 'very good' standard and this could be secured through a planning condition. The application includes an Energy and Sustainability Statement which outlines various methods to improve the efficiency of the building and proposed photovoltaic panels on the roof of each building to generate electricity. This would provide a 20% reduction in CO2 emissions based on the current Building Regulation. Full details of this can be secured through condition alongside details of electrical vehicle charging points to comply with Policies ESD1-ESD5 of the CLP 2015.

10. PLANNING BALANCE AND CONCLUSION

10.1. Paragraphs 7 and 8 of the NPPF state that the purpose of the planning system is to contribute to the achievement of sustainable development. This means the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways.

10.1. The proposed development would contribute to the economic, environmental and social objectives by providing a new area of employment in a sustainable location. The proposed development is considered to be acceptable in regard to its visual and highway impacts and whilst the proposal would be in an area of Flood Risk it has been demonstrated it would not increase flood risk elsewhere and given outlined above is considered to comply with sequential test.

10.2. When viewed a whole the proposed development is therefore considered to constitute a sustainable form of development and it is recommended that planning permission be granted.

11. 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) Provision of £9,000 (index linked) for improvements to bus stop on Boston Road
- b) Provision of £1,240 Travel Plan Monitoring Fee
- c) An objection to enter into a S278 Agreement to secure the following:
 - Design and construction of new signalised crossing on Launton Road approximately 30 metres west of the junction with Boston Road.
 - Removal of existing pedestrian refuge.
 - Surfacing works either side of the proposed crossing.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 30th SEPTEMBER. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides adequate highway infrastructure to encourage sustainable means of Transport to make the impacts of the development acceptable in planning terms contrary to Policy SLE4 and ESD15 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework

CONDITIONS

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.

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: Application forms, Flood Risk Assessment and Drainage Statement, prepared by Infrastruct CS Ltd, reference 2536- ICS-XX-RP-C-001D, Revision D, dated 4 August 2020, Transport Statement (Ref 502.0057/TS/4, Reptile Survey Report (Ref 20-3086 V.2 June 2020), Extended Phase 1 Survey Report (Ref 18-3223 V3 June 2020) and drawing numbers 100F, 101K, 102K, 103H, 104D and 105F

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.

3. Prior to the commencement of works a Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and agreed in writing. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

Thereafter the development shall be carried out in strict accordance with the approved details.

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

Note: The CTMP should follow Oxfordshire County Council's template.

4. Prior to commencement of development, details of measures to be incorporated into the proposals demonstrating how Secured by Design (SBD) principles and standards on physical security will be integrated shall be submitted to and approved in writing by the authority. The development will thereafter be carried out in accordance with the approved details.

Reason: To reduce the potential for crime in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

5. Prior to any works above slab level full details of the pedestrian access to the site from Telford Road including street lighting has been submitted and

approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: To provide pedestrian access to the site and to encourage sustainable forms of travel in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

6. Notwithstanding the details on the approved plans, prior to any works above slab level full details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

7. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.

(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason : To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

8. Prior to the first use of the development hereby permitted a framework travel plan shall be submitted and approved to the Local Planning Authority (LPA) for approval before first occupation of the site. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To promote sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

9. No development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The Detailed Design shall be based upon the Outline Design principles set out in the following documents and drawings:

- 2536-ICS-RP-C-07.001C - Flood Risk Assessment and Drainage Strategy (1) – Revision C, dated 4th June 2020.
- 2536-TELF-ICS-01-XX-DR-C-0200-S2-P06 - Proposed Drainage Strategy
- 2536-TELF-ICS-01-XX-DR-C-0206-S2-P04 - Flood Volumes Comparison Proposed
- 2536-TELF-ICS-01-XX-DR-C-0205-S2-P04 - Flood Volumes Comparison Existing

The details shall include a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire", Detailed design drainage layout drawings of the SuDS proposals including cross section details, detailed design clearly demonstrating how exceedance events will be managed and Pre and Post development surface water flow paths to be identified on plan. The Drainage Maintenance Plan shall be in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, to be prepared and submitted as stand-alone document including contact details of any management company.

The approved drainage system shall be implemented in strict accordance with the approved Detailed Design prior to the use of the building commencing and shall thereafter be managed and maintained in accordance with the approved management and maintenance plan in perpetuity.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with Policy ESD7 of the Cherwell Local Plan Part 1 and Government guidance within the National Planning Policy Framework

10. No development shall not commence above slab level until full details of the sustainability and energy proposals (based on the submitted report) has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

11. A method statement for enhancing biodiversity on site, to include features integrated into the fabric of the buildings, planting and bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

12. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of any part of the development, and retained as such thereafter.

Reason : To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

13. Prior to the first occupation of any building hereby approved, a record of

the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans (in both .pdf and .shp file format);
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with Policy ESD7 of the Cherwell Local Plan Part 1 and Government guidance within the National Planning Policy Framework and section 21 of the Flood and Water Management Act 2010.

14. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level. The hard landscaping shall be provided prior to the first occupation of the development and the approved soft scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

16. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. Prior to the first occupation of the development the parking, turning and loading and unloading shown on the approved plan(s) shall be provided on site and shall be permanently set aside and reserved for that purpose.

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

18. The development hereby approved shall be carried out in strict accordance with the following details unless otherwise agreed under a separate discharge of planning condition:

- Recommendations at Sections 9.9, 9.13, 9.15, 9.21, 9.23 of Extended Phase 1 Survey Report Lockhart Garratt June 2020).
- Reptile Mitigation Strategy outlined in Section 6, Reptile Survey report, Lockhart Garratt, June 2020
- Recommendations at Section 6 of Bats – Tree Inspection Report, Lockhart Garratt (Ref 20-3123 Version 1)

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

19. The development shall be carried out in strict accordance with the submitted Flood Risk Assessment and Drainage Statement, prepared by Infrastruct CS Ltd, reference 2536-ICS-XX-RP-C-001D, Revision D, dated 4 August 2020, including the following mitigation measures:

- Finished floor levels shall be set no lower than 69.80 metres above Ordnance Datum (AOD).
- 164m³ of compensatory floodplain compensation storage shall be provided
- A floodable void as outlined in Section 5.2 and shown in Drawings no. 104 – Front elevation and section proposed and no. 105 – Rear and side elevations proposed shall be provided underneath the building

These mitigation measures shall be fully implemented prior to the first occupation of the building. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provide and to prevent flooding elsewhere by ensuring that the flow of

flood water is not impeded and the proposed development does not cause a loss of floodplain storage

20. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - This site has been previously land filled. Although the site investigation concluded that the site does not pose a threat to controlled water, there is the possibility that undetected contamination may exist on site.

Informative Notes to Applicant

1. 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 our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
2. Attention is drawn to a Legal Agreement related to this development dated XXX which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

CASE OFFICER: James Kirkham

TEL: 01295 221896