

Case Officer: John Cosgrove

Applicant: Dalcour Maclaren & Mr C.J. Lane Fox

Proposal: Demolition of agricultural buildings (some with existing office/storage use) and construction of new offices, associated car parking and landscaping

Ward: Fringford and Heyfords

Councillors: Cllr P. Clarke, Cllr Corkin and Cllr Wood

Reason for Referral: Major development

Expiry Date: 12 October 2021

Committee Date: 4 November 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1 The application site is located close to the village of Chesterton and approximately 2½ miles south west of Bicester. The site is situated east of the M40 motorway and accessed directly from the A4095 via a long driveway. The site contains a complex of traditional/modern farm buildings, in a range of uses, a significant proportion of which are in B1 office use.

2. CONSTRAINTS

2.1. The application site is within the open countryside and within an area of Archaeological Interest. The site is within Flood Zone 1 (Lowest Risk) and contains a number of former agricultural buildings that represent potential habitat for protected species.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks planning permission for the demolition of agricultural buildings (some with existing office/storage use) and construction of new offices, associated car parking and landscaping.

4. RELEVANT PLANNING HISTORY

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

20/01350/R56

Change of Use of agricultural barn to B1(a) office, as one of the flexible uses defined by Class R

Application Permitted

20/00113/CLUE

Certificate of Lawful Use Existing for a former agricultural barn which has been used for ancillary office storage (B1(a)) since 1995
Application Permitted

11/01636/F
Installation of Solar Panels
Permitted: 05/01/2012.

01/01137/F
Demolition of existing barn and erection of new single storey office accommodation
Permitted: 27/07/2001.

00/02476/F Taking down of existing redundant agricultural shed and erection of new two storey office accommodation
Approved

CHS.586/90
Construction of access and change of use of redundant agricultural buildings for business use (Class B1)
Approved

5. PRE-APPLICATION DISCUSSIONS

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

5.2. 20/02876/PREAPP
Redevelopment of the site with new purpose-built offices. This would involve the demolition of all five existing buildings and the creation of approximately 1,100 sqm of office floor space, associated car parking (provided to standard) and landscaping (follow up to 19/02145/PREAPP)
Response Sent: 13/11/2020.

5.3. The above pre-application advice concluded that the principle of development is considered to be acceptable, subject to the scale of any increase in floorspace remaining minor. Further details of the design of the building are required, but the replacement of the agricultural buildings with well designed, single storey office buildings would result in an improvement to the character and appearance of the area. Highways, ecological and drainage information would need to be submitted with any future application.

5.4. 19/02145/PREAPP
Proposed expansion of office uses - redevelopment of agricultural barns
Response Sent: 08/11/2019.

5.5. The above pre-application advice concluded that any future planning application for these proposals is very unlikely to be considered favourably, as the development conflicts with policy ESD1 and SLE1 and is unacceptable in principle. Options for proposals to provide additional B1 floor space should be reviewed under Part 3 of the General Permitted Development Order.

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 **10 August 2021**.

- 6.2. A total of 13 letters of support from local residents have been received on this application. The comments raised by third parties are summarised as follows:
- Will provide much needed additional office space and employment.
 - Site enjoys excellent access and buildings to be demolished are an eyesore.
 - Appearance in keeping with the setting, no adverse impact on the area.
 - Local resident keen to work closer to home.
 - Sustainable development well screened from surrounding land.
 - Easily accessible additional office space on previously developed land.
 - Green space in keeping with the advice given in the RTPPI report 'Mental health and town planning: Building in resilience'. Clean air and open space will support employees' mental health.
 - Would not add to issues of traffic congestion.
 - Would encourage cycling or walking to work and reduce car travel.
 - Will reduce traffic in Bicester.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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. CHESTERTON PARISH COUNCIL: Supports - very much would like to support local businesses.
- 7.3. OCC HIGHWAYS: Object – as site inaccessible by any form of sustainable transport, and due to intensified use of access and lack of visibility splay details. Request conditions requiring details of visibility splays, parking layout and cycle parking.
- 7.4. THAMES WATER: No objections.
- 7.5. CDC ENVIRONMENTAL HEALTH: No comments on noise, contaminated land, odour or light, request condition on unexpected land contamination and would like to see some provision made for EV charging.
- 7.6. CDC BUILDING CONTROL: A Full Plans Building Regulation application will be required for the proposals.
- 7.7. CDC ECONOMIC DEVELOPMENT: No response.
- 7.8. THAMES VALLEY POLICE: No response.
- 7.9. CDC LAND DRAINAGE: No response.
- 7.10. OCC DRAINAGE(LLFA): No objection subject to conditions requiring submission of drainage details and details of SuDS (Sustainable Urban Drainage System) measures.

7.11. OCC ARCHAEOLOGY: No objections subject to conditions requiring submission and approval of an Archaeological Written Scheme of Investigation and following from this a staged programme of archaeological evaluation and mitigation.

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: Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- 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)

- C8: Sporadic Development
- C28: New development design
- ENV1: Pollution Control

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Landscaping
- Ecology impact
- Highway Safety
- Land Drainage
- Renewable Energy
- Archaeology

Principle of Development

- 9.2. Planning law requires that planning decisions are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF reinforces this and states the planning system should be genuinely plan led in seeking to deliver sustainable development. The Council has an up-to-date Development Plan consisting of the Cherwell Local Plan 2011- 2031 Part 1 ('CLP 2031') and the Saved Policies of the Cherwell Local Plan 1996.

Policy Context

- 9.3 The most relevant policy in respect of the principle of new employment development is Policy SLE1 of the CLP 2031 Part 1. This policy outlines the Council's strategy for employment land and seeks to guide new employment development in the most sustainable manner and is in accordance with the NPPF which states that the economic, social and environmental aspects of sustainable development should be sought jointly and not in isolation. This policy has a strong urban focus for new employment development to reduce the need to travel amongst other objectives. Policy ESD1 also states to mitigate the impact of development on climate change - the Council will seek to deliver development which reduces the need to travel, and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars. In relation to existing employment sites Policy SLE1 states that intensification will be permitted subject to compliance with other policies in the plan and other material considerations.

Assessment

- 9.4 The site is located directly adjacent to the existing office units at Bignell Park Farm but the site historically has been in agricultural use. Since the previous pre-application enquiry on the site, two applications have been permitted for change of use to B1(a) which would amount to 700 sqm. Class B1(a) no longer exists as a use class following the changes to the Use Classes Order in September 2020. However, given that the wording of Policy SLE1 still relates to B class uses under the former Use Classes Order, it is considered that at least part of the site now has permitted business use. It is therefore considered that the proposals would partly constitute an intensification of a permitted business use. There would be an increase of 600 sqm on that currently approved.
- 9.5 Policy SLE1 states that unless exceptional circumstances are demonstrated, employment development in the rural area should be located within or on the edge of Category A villages. It then lists several criteria for which new development proposals within rural areas on non-allocated sites will be considered. The most relevant are that sufficient justification is provided to demonstrate why the development should be located in a rural area; that the design will be a very high standard; that the scale of the development will be small; and, that the proposal will not give rise excessive or inappropriate traffic and contribute to the general aim of reducing the need to travel and that there are no suitable plots or premises within existing employment sites.
- 9.6 The proposal seeks planning permission for 1,300 sqm of office floor space on the site, which would be an increase of 600 sqm over that already approved. The proposal would also involve the removal of the existing agricultural buildings on the site and would result in a decrease in the overall built footprint of 400 sqm. The wider site is in mixed business and agricultural use and now benefits from the approval of the two recent applications.

Conclusion

- 9.7 The overall scale of the development on the site would be significant. However, taken in context the proposed increase in commercial floorspace over that which is already approved is considered acceptable given the siting of the development

directly adjacent to the existing business site and the approved office uses on the site itself. The design of the development and its impact on highway safety shall be considered in the subsequent sections of this report. Given the approval of the business uses on the site, the relatively minor increase in floorspace and its siting adjacent to an existing business site, it is considered that the principle of development is acceptable subject to compliance with the other relevant Development Plan Policies.

Design, and impact on the character of the area

Policy Context

- 9.8 Guidance contained within paragraph 126 of the NPPF covering good design states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.9 Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.10 Policy ESD13 of the CLP 2031 Part 1 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 listed buildings.
- 9.11 Policy ESD15 of the CLP 2031 Part 1 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.12 Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

Assessment.

- 9.13 The application proposes the demolition of the existing modern agricultural buildings on the site, which are of no particular architectural merit, and their replacement with a single storey office building with a 'H' shaped form. The proposed building would be constructed from limestone walling & timber cladding for the main built form, with zinc standing seam roofs. The building has been oriented to maximise solar gain and to facilitate the use of solar panels. Overall, the proposed design is considered acceptable as the proposal would integrate well into the wider site and would have a positive impact on the character and appearance of the site and would not have a detrimental impact on the wider area.

Conclusion

- 9.14 The design of the proposal is considered acceptable as it would function well, be visually attractive and would be sympathetic to local character, including the surrounding built environment and landscape setting and therefore the proposal is considered to accord with the design elements of Policies: ESD13 and ESD15 of the LP 2011-2031, saved Policy C28 of the CLP 1996 and the design guidance contained within the NPPF.

Impact on Neighbouring Amenity

Policy Context

- 9.15 Policy ESD15, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.16 The proposed development would provide a good standard of amenity for any future occupants of the site. While it is noted that there are a number of dwellings within the wider Bignell Park Farm site, the proposed development would however, be located a sufficient distance away from these dwellings so to not cause harm to the their residential amenity. It is recognised that the proposal would have a positive impact on the visual amenity of the wider site.

Conclusion

- 9.17 The proposed development would provide a good standard of visual amenity for its future occupants and would not have any adverse impacts on the amenity of any neighbouring properties and therefore is considered to accord with the provisions of Policy: ESD15 of the CLP 2031 Part 1.

Landscaping

Policy Context

- 9.18 Policy ESD13 of the CLP 2031 Part 1 requires development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.19 Policy ESD15 of the CLP 2031 Part 1 requires development to contribute positively to an area's character and identity including respecting local topography and landscape features such as significant trees.

Assessment

- 9.20 The applicant has submitted an illustrative masterplan detailing a comprehensive landscaping scheme for the proposal and a proposed planting plan detailing the position and species of the proposed planting on the site. The submitted details are considered acceptable and would contribute positively to the character of the area.

Conclusion

- 9.21 The development would not give rise to significant landscape and visual environmental impacts, and the proposed planting scheme would have a positive impact on the character and appearance of the site and the proposals are therefore considered to be in accordance with policies ESD13 and ESD15 of the CLP 2031 Part 1 in this regard.

Ecology Impact

Legislative context

- 9.22 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.
- 9.23 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.
- 9.24 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.
- 9.25 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.
- 9.26 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

- 9.27 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.

- 9.28 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.
- 9.29 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.
- 9.30 Policy ESD10 of the CLP 2031 Part 1 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.
- 9.31 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.
- 9.32 The Planning Practice Guidance dated 2014 postdates 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

- 9.33 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')
- 9.34 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of agricultural construction and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, and invertebrates.

- 9.35 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.
- 9.36 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.
- 9.37 The application is supported by a Preliminary Ecological Appraisal (PEA) and a Bat Preliminary Roost Assessment (PRA) which concluded that as the site is dominated by buildings and hardstanding it has little value to local wildlife. No bats or evidence of bats were found by the Bat Preliminary Roost Assessment which assessed that all buildings had negligible potential to support roosting bats.

Conclusion

- 9.38 Officers are satisfied, on the basis of the submitted Preliminary Ecological Appraisal (PEA) 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.

Highway Safety

Policy Context

- 9.39 Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.
- 9.40 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that: a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;* b) *safe and suitable access to the site can be achieved for all users;* and c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.* In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

- 9.41 The site is situated east of the M40 motorway and accessed directly from the A4095 via a long driveway. The applicant has submitted a Transport Statement and Travel Plan in support of the proposal. The Highways Authority was consulted on the application and has objected on grounds that the development would result in the significant intensification of the use of the access and that adequate visibility splays have not been shown from the access and on the grounds that the site is inaccessible by public transport and is likely to remain so until such time as the

adjacent Great Wolf Lodge resort site is open and the bus service associated with that commences. The Transport Statement notes that a footway to be provided by Great Wolf terminates 100m east of the development access. As a result, the Highway Authority considered that there would be no safe access between the site and this public transport service even once it is in operation and stated that without some form of tie-in to the proposed shared use footway/cycleway, the site would not appropriately accessible by any form of sustainable transport.

- 9.42 Following discussions with the applicant a drawing showing an additional pedestrian and cycle access to the site adjacent to the proposed footway has been submitted and it is considered that the Highway Authority's objections on grounds of public transport accessibility can be overcome by way of a condition requiring the submission and approval of details of the route and surfacing of a track suitable for pedestrians and cyclists linking this access to the existing hard surfacing within the site.
- 9.43 The Highways Authority has questioned the visibility splay distances achievable from the established access to the site and have stated that the proposal would represent a significant intensification of use of the existing access and objects in the absence speed and topographic surveys be carried out to determine the visibility splay requirement. However, it is noted that the Highways Authority did not object to previous applications for office development at the site and the applicant has submitted a transport statement stating that the proposal would result in an increase in vehicle movements of 113 movements per day with 20 movements per hour at peak times. The applicant has provided further information in response and the Highway Authority was re-consulted. A response has not been received at time of writing.
- 9.44 It is noted that the Highways Authority has stated that the proposed quantum of car and cycle parking is acceptable, that its Travel Plans Team recommends that the actions listed in the supplied Travel Plan be implemented and that the cycle parking and electric vehicle charging spaces are welcomed. It has stated that in the event that permission is to be given, transport related planning conditions should be attached requiring submission and approval of details of vision splays, a plan of car parking provision and a plan showing cycle parking provision.
- 9.45 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In view of the previous permissions, the further information provided by the applicant which confirmed the proposed number of traffic movements and, and the potential to attach a planning condition requiring the details of vision splays to be submitted for approval, it is considered that safe access arrangements can be secured. It is considered that the proposed intensification of use of the access would not result in an unacceptable impact on highway safety and that there would not be severe residual cumulative impacts on the road network.

Conclusion

- 9.46 Having regard to the above, and subject to conditions requiring submission and approval of details of details of the additional pedestrian and cycle access and route and surfacing of a track suitable for pedestrians and cyclists linking this access to the existing hard surfacing within the site, and of details of the achievable vision splays and car and cycle parking, it is considered that the proposed development would not have any significant adverse impacts with regard to parking or highways safety and can therefore be considered acceptable in highway terms.

Flood Risk and Drainage

Policy Context

- 9.47 The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.48 Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.49 The site lies within Flood Zone 1, and the applicant has submitted a Flood Risk and Drainage Assessment in support of the application which addresses the strategy for surface and foul water drainage. OCC Drainage engineers have stated that they have no objections to the proposal subject to conditions.
- 9.50 Thames Water have also raised no objection to the application. The Lead Local Flood Authority was consulted on the application and has stated that it has no objections to the proposal subject to conditions requiring the submission and approval of a detailed surface water drainage scheme and submission of a record of the installed SuDS and site wide drainage scheme.

Conclusion

- 9.51 Subject to the submission and approval of the above drainage details the proposals are considered to be in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1 and therefore no objections are raised with regard to drainage or flood risk.

Renewable Energy

Policy Context

- 9.52 Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 100sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.53 Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.54 An Energy Statement has been submitted to support the current application which addresses how the development will seek to comply with policies ESD1–5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good'. The application is also supported by a Photovoltaic Report which proposes an extensive array of photovoltaic panels across the roof space of the building, the proposals states that the photovoltaic panels would generate sufficient energy to render the building almost self-sufficient in energy terms and it is further noted that EV charging points are proposed within the car parking area.

Conclusion

- 9.55 Subject to compliance with the submitted Energy Statement, officers are satisfied that the proposed development will achieve sustainability through construction, be energy efficient and utilise renewable energy in accordance with the requirements of policies ESD3, ESD4 and ESD5 of the CLP 2031 Part 1.

Archaeology

Policy Context

- 9.56 Policy: ESD15 of the CLP 2031 Part 1 states that new development proposals should conserve, sustain and enhance designated and non-designated Heritage Assets (as defined by the NPPF) including archaeology and where archaeological potential is identified this should include an appropriate desk-based assessment and where necessary a field evaluation.

Assessment

- 9.57 The applicant has submitted an archaeological desk-based assessment in support of the application. The County Archaeologist was consulted on the application and has stated that the site is located in an area of archaeological interest. The submitted archaeological desk-based assessment highlights the potential for the site to contain previously unrecorded archaeological deposits and recommends a programme of archaeological evaluation and mitigation. The County Archaeologist has stated that they have no objection to the proposal subject to conditions requiring the submission and approval of a Written Scheme of Archaeological Investigation and that a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Conclusion

- 9.58 Having regard to the above, and the archaeological elements of Local Plan Policy: ESD15, it is considered that the proposed development is acceptable in archaeological terms subject to conditions requiring the submission and approval of a Written Scheme of Archaeological Investigation and a staged programme of archaeological evaluation and mitigation being carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up-to-date development plan should be approved without delay.
- 10.3 Having regard to the above, it is considered that the proposed development would provide economic benefits by way of provision of additional high quality and environmentally sustainable office space and would not have any significant detrimental impacts on the wider area and would have a positive impact on the character and appearance of the site and on the visual amenity of neighbouring residents. The proposed development is considered to represent sustainable

development and therefore it is recommended that planning permission be granted on this occasion.

11 RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Drawing No: 19117 – L0001 – D, Entitled: Location Plan, Dated: 24/09/10 and received by the Local Planning Authority on the 13/07/2021.

Drawing No: 19117 – PP1012 – E, Entitled: Proposed Site Layout, Dated: 23/02/21 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 - PP1014 – A, Entitled: Floor Plans, Dated: 20/05/21 and received by the Local Planning Authority on the 12/07/2021.

Drawing No: 19117 – PP1016 – A, Entitled: Landlord Building Proposal. Dated: 02/06/21 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117- PP1018, Entitled: Site Use Plan, Dated: 11/06/2021 and received by the Local Planning Authority on the 12/07/2021.

Drawing No: 19117 – PE0010 – D, Entitled: Proposed Elevations, Dated: 18/01/21 and received by the Local Planning Authority on the 12/07/2021.

Drawing No: 19117 – PE-0011 - D, Entitled: Proposed Elevations, Dated: 22/01/21 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PE0012 – B, Entitled: Proposed Elevations, Dated: 07/04/21 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117- PV1010 – B, Entitled: Proposed Redevelopment - General Update, Dated: 18/05/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PV1011, Entitled: Proposed Redevelopment – Undated, and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117- PV1012, Entitled: Proposed Redevelopment – Undated, and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PV1013, Entitled: Proposed Redevelopment – Undated, and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PV1020, Entitled: Concept Visual 01, Dated: 03/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: 19117 – PV1021, Entitled: Concept Visual 02, Dated: 03/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: NL.21.1 Rev: A, Entitled: Masterplan – Updated existing trees and planting, Dated: 11/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: NL.21.2 Rev: A, Entitled: Planting Plan, Dated: 11/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Drawing No: NL.21.3, Entitled: Lighting Plan, Dated: 15/06/2021 and received by the Local Planning Authority on the 02/07/2021.

Flood Risk and Drainage Statement by Glanville Consultants, Dated: 11 June 2021 and received by the Local Planning Authority on the 02/07/2021.

Transport Statement by Glanville Consultants, Dated: 30 June 2021 and received by the Local Planning Authority on the 02/07/2021.

Travel Plan by Glanville Consultants, Dated: 30 June 2021 and received by the Local Planning Authority on the 02/07/2021.

Design and Access Statement by Anderson Orr Architects Dated: May 2021 and received by the Local Planning Authority on the 02/07/2021.

Archaeological Desk – Based Assessment by Thames Valley Archaeological Services, Dated: January 2021 and received by the Local Planning Authority on the 02/07/2021.

Preliminary Ecological Appraisal by Ecology by Design, Dated: January 2021 and received by the Local Planning Authority on the 02/07/2021.

Preliminary Bat Roost Assessment by Ecology by Design, Dated: 20th September 2019 and received by the Local Planning Authority on the 02/07/2021.

Planning Statement by Oxford and Country Planning Dated: June 2021 and received by the Local Planning Authority on the 02/07/2021.

Energy Statement by Blew Burton Ltd. Dated: July 2021 and received by the Local Planning Authority on the 20/07/2021.

Drawing No: 1803047-03 Rev: E, Entitled: Proposed Access Arrangement, Undated, and received by the Local Planning Authority on the 21/10/2021.

PVSol Report by BeBa Energy, Dated: 21/06/2021 received by the Local Planning Authority on the 21/10/2021.

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.

Unexpected Land Contamination

3. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

Construction Environmental Management Plan (CEMP)

4. No development or demolition other than landscaping, shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - 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;

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

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

Schedule of Materials

5. A schedule of materials and finishes to be used in the external surfaces of the development hereby approved 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.

Vision Splays

6. Prior to the occupation of the building hereby permitted vision splays shall be provided at the access to give clear visibility over a distance of at least 120 metres to the West and 215 metres to the East from a point at least 1.5 metres back from the centre line of the access, measured from and along the near edge of the carriageway. The vision splays shall be kept clear of all obstructions, levelled and maintained at a height not exceeding 0.6 metres above the adjacent carriageway level

Reason: To ensure that adequate visibility is retained in the interest of road safety in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Plan of Parking Provision

7. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking and turning, loading and unloading provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), has been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning, loading and unloading facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking, turning and loading/unloading spaces shall be retained for the parking, turning, and loading/unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning, loading and unloading and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Cycle Parking

8. 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 have first been submitted to and approved in writing by the Local Planning

Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

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

Detailed Drainage Details

9. Construction shall not begin a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme 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”;
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive infiltration testing across the site to BRE DG 365;
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; Details of how water quality will be managed during construction and post development in perpetuity
 - Confirmation of any outfall details.
 - Consent for any connections into third party drainage systems

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework

Sustainable Drainage SuDS

10. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - (a) As built plans in both .pdf and .shp file format;
 - (b) Photographs to document each key stage of the drainage system when installed on site;
 - (c) Photographs to document the completed installation of the drainage structures on site;
 - (d) The name and contact details of any appointed management company information.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011–2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Scheme of Written Archaeological Investigation

11. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with Government guidance contained within the National Planning Policy Framework.

Archaeological Evaluation and Mitigation

12. Following the approval of the Written Scheme of Investigation referred to in condition 11, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

Pedestrian and Cycle Access

13. Prior to the first use or occupation of the development hereby permitted a plan showing the additional pedestrian and cycle access as indicated on Drawing No: shall be submitted to and approved in writing by the Local Planning Authority the submitted plan shall provide details of the route and surfacing of a track suitable for pedestrians and cyclists linking this access to the existing hard surfacing within the site. The track and access shall thereafter be maintained in accordance with the approved details.

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