

**Case Officer:** James Kirkham

**Applicant:** Middle Aston Limited

**Proposal:** Demolition of existing buildings. Construction of replacement business units (buildings 2,3, 4,5 and 6 as use classes E(g) (i), E(g) ii and E (g) iii and Building 1 under Class B8) and associated external works. (Re-submission of 20/01127/F)

**Ward:** Deddington

**Councillors:** Councillor Brown, Councillor Kerford-Byrnes and Councillor Williams

**Reason for Referral:** Major development

**Expiry Date:** 11 April 2022

**Committee Date:** 7 April 2022

---

**UPDATE PAPER – ITEM DEFERRED FROM DECEMBER PLANNING COMMITTEE**

**1. BACKGROUND**

1.1. The application was reported to the December Planning Committee where members resolved to defer the application to allow engagement with the applicant into highway issues and the scale of the proposals. This update report should be read in conjunction with the original report (Appendix 1) as amended by the previous Written Update (Appendix 2) which contains the main analysis of the issues pertinent to the application.

**2. UPDATE**

2.1. Since the December Planning Committee Officers have engaged with the applicant in respect of the concerns raised by the committee. The applicant also met with the representatives of the Parish Council; however, this didn't resolve their concerns and a mutually acceptable way forward was not established.

2.2. The applicant has therefore requested that the application be reported back to Planning Committee without any amendments. However, the applicant has provided additional information in the form of a Transport Addendum Note which seeks to demonstrate that the assumptions they have made regarding the traffic impact of the development are robust. This is discussed further below.

**3. RESPONSES TO PUBLICITY ON ADDITIONAL INFORMATION**

3.1. A further 11 letters of objection have been received. The comments received can be viewed in full on the Council's website, via the online Planning Register. A summary of the issues raised are:

- Impact of traffic on narrow unsuitable lanes, the proximity of the school and highway safety concerns relating to the school and increased use of the roads.
- Increase in congestion around the school.

- The peak traffic impacts are unrealistic and coincide with the school peak times
- Visitors and deliveries are not taken account of in the submission which will increase traffic associated with the development
- A pedestrian link back to the village should be made.
- The impact of the Covid Pandemic should be discounted
- Are the units still commercially viable?
- How will the contribution to the bus service enhance the service.
- Impact of construction traffic and structural damage to houses from increase in traffic.
- Proposal is virtually wholly served by private car and other options are not available.

#### 4. RESPONSES TO CONSULTATION ON NEW INFORMATION

- 4.1. The below comments have been received on the additional information. The earlier comments on the application are outlined in the original committee report (Appendix1):
- 4.2. STEEPLE ASTON PARISH COUNCIL: **Objects.** SAPC previously submitted its objections to this application in October 2021. We consider that the proposed increase in the number of businesses on the site represents an intensification of use, which in turn will generate vehicle movement numbers that will present a danger to pedestrians, who will continue to use Fir Lane, particularly at School times.
- 4.3. The methodology used by the applicants, and apparently accepted by OCC Highways officers, fails to take into account vehicle movements due to visitors, clients, deliveries, service and maintenance vehicles and others. Find it inconceivable that a successful redevelopment with up to 85 employees and all the other associated vehicle movements which have been ignored, can be said to have a “negligible impact” on the rural lane that serves the site.
- 4.4. The Parish Council therefore remains unconvinced of the case put forward by the applicants in this additional document and stands by the objection to the application.
- 4.5. Reiterate that they are not against development of this site in principle. Our objection is to the number of businesses proposed and to the danger to pedestrians posed by the traffic generated.
- 4.6. Remind the Committee that the original planning application (96/00939/F) in 1996 for the site to be used as a business park was refused by CDC. The reason was that: *“The adjacent road network is in places narrow and of tortuous alignment and therefore traffic generated as a product of this proposal will have a detrimental physical impact causing increased hazard and a detriment to the safety and convenience of other road users.”*
- 4.7. Since that time the only thing that has changed is the increased popularity of the primary school adjacent to the site, and the encouragement of parents and children to walk to school.
- 4.8. Subsequent to the refusal, a conditional approval was given, which imposed a condition requiring prior approval for any change of use of the units specified in the application. This condition was imposed specifically because Cherwell officers clearly remained concerned about the impact of traffic generated by the development.

- 4.9. Therefore, requests the Planning Committee to similarly restrict any approval which it is minded to give to the current application, so that the “worst-case” scenario set out in the Transport Addendum 2 document is enforceable by planning officers. For example, in Table 2.1 of the document it is stated that 61 employees would be the worst case generated by the 732sq.m. of office floorspace recommended for approval. Consider, in the circumstances, that it would be perfectly reasonable for CDC in due course to monitor the floor areas allocated to each type of use as set out in the table, and to monitor the numbers of employees (note: not FTE as the concern is car usage) generated by each use class. If either of these indicators was to be exceeded at any time, CDC would be able to enforce compliance under such a planning condition.
- 4.10. OCC HIGHWAYS: **No objection** subject legal agreement and condition. In response to Cherwell District Council planning committee's deferment, the applicant has submitted further transport analysis and information in the form of Transport Addendum 2 (TA2) which addresses the following issues.
- The use of employment densities to determine trip generation;
  - Clarification of the suitability of the mode share data presented and its impact on forecast traffic generation
  - The provision of a footway into Steeple Aston on Fir Lane.

#### Trip Generation

- 4.11. The methodology in TA2 employs the land use allowance to which it applies employment densities taken from the Homes and Communities Agency Employment Densities Guide. This methodology determines that the employment density of the site would be 1 employee per 26m<sup>2</sup> and the resulting number of employees would be 85.
- 4.12. TA2 then goes on to determine that the employment density represented by the TRiCS trip rate survey sites used in the Transport Statement is 1 employee per 24m<sup>2</sup>.
- 4.13. The employment densities determined by these two separate approaches are very similar and it is considered that the TRiCS approach employed in the Transport Statement is therefore validated. It is acknowledged that the employment density approach does not allow for visitor trips, deliveries and building servicing. However, the slightly higher trip rate implied by the TRiCS approach would go some way to covering this element.

#### Mode Share

- 4.14. The Addendum notes that:

*"The interim mode share had been based upon the standard approach applied in Transport Statements for the above purpose and for employment land uses, whereby the 'method of travel to work' data had been sourced from the 2011 Census for the most applicable area to the site and development proposals. On this basis, the Cherwell 010 Middle Super Output Area had been selected."*

and that:

*"...the selected area covers Middle Aston and Steeple Aston and is otherwise a largely rural area of Cherwell District. There are no other locations within this area that would be expected to differ significantly to the site's location in terms of availability of sustainable travel connections. Moreover, the fact that the majority of the area is very rural, the corresponding mode share may mean that, if anything, the overall mode share will provide an underestimation of sustainable travel mode share in Middle Aston / Steeple Aston."*

- 4.15. The County Council considers that the Cherwell 010 MSOA represents the best observed measurement of mode share that could be applied to the development site. Furthermore, given that it is largely rural in nature comprising mainly villages and with the largest settlements being Deddington and the emerging development at Heyford Park, the County Council considers this data source to be entirely appropriate.
- 4.16. It is noted that the TRiCS trip generation estimate does not rely on the mode share since it is based on actual surveys of vehicles entering and leaving TRiCS subject sites. The mode share presented in the Transport Statement is presented only as a baseline for comparison against future mode shares surveyed as part of the Travel Plan monitoring exercise.

#### Footway on Fir Lane

- 4.17. TA2 examines the possible provision of a footway on Fir Lane between the development site and the village of Steeple Aston in the context of paragraph 110 of the NPPF. It concludes that opportunities to promote sustainable travel have been taken up and that safe and suitable access to the development has been provided. It also argues that it may not be possible to build such a footway, although this argument is not fully substantiated.
- 4.18. Regardless of the above, the County Council has already indicated that an internal pedestrian connection to a public footpath which borders the western boundary of the site and connects with Fir Lane will provide a suitable pedestrian route between the site and Steeple Aston to the south. However, the County Council would take this opportunity to specify that the internal pedestrian connection should be accompanied by improvement works to the surfacing of the public footpath to which it connects.

## **5. ASSESSMENT**

- 5.1. Following the comments of a number of members of the Planning Committee about the robustness of the transport information submitted that applicant has provided additional information in respect of the following:
- Trip generation calculations
  - Further clarity surrounding mode share and what impact this has on forecast traffic generation
  - The provision of a footway into Steeple Aston on Fir Lane
- 5.2. These are discussed in turn below.

#### Trip generation calculations

- 5.3. Criticisms have been made by the public and the Parish Councils that the trip generation calculations used by the applicant significantly underestimate the level of traffic likely to be associated with the development. As outlined in the original committee report the trip generation rates of the proposed development have been calculated using the TRiCS database which is industry practice and is considered to be acceptable by the local highway authority (LHA) who provide the district with expert advice in this regard.
- 5.4. The applicant has now sensitivity-tested the traffic generation forecast by applying employment densities (i.e. how many people are likely to be employed per m<sup>2</sup> of floorspace) to the proposed uses using the 'Homes and Communities Agency (HCA) Employment Densities Guide'. This calculation takes into account the maximum amount of each type of employment floor space which could be occupied at the site (which is controlled by the proposed condition 29 outlined in the original committee report).

- 5.5. This concludes that as a worst case scenario 85 people (1 person per 26m<sup>2</sup> of floor space) are likely to be employed at the site. This assumes 100% occupation and with the maximum allowable E(g) (i), (ii) and (iii) use classes allowances applied as these are the higher density employment uses.
- 5.6. Based on a mix of uses, with lower employment densities (e.g. use class B8), that would also be allowed under condition 29 the site could be expected to employ 32 employees (1 person per 70m<sup>2</sup> floor space).
- 5.7. Therefore, based on the employment densities and the controls imposed by proposed condition 29 the site is likely to accommodate between 32 (1 person per 70m<sup>2</sup>) and 85 (1 person per 26m<sup>2</sup>) employees depending on the nature of the uses at the site.
- 5.8. To compare the results of the employment density exercise (as outlined above) against the TRICS database, which has been used to forecast traffic generation, the applicant has used the information in the TRICS database (which includes details of number of employees and uses) of the sites used from the TRICS database to work out the employment densities of these sites. This has been used to calculate the employee density of the TRICS sites and gives an overall aggregate average of employee density across all of the TRICS site surveys used (i.e. the total floor area across the sites divided by the total employees across the sites). This gives an aggregate average employment density of 1 employee per 24m<sup>2</sup> for the TRICS sites used.
- 5.9. Therefore, the sites used in the TRICS database have a slightly higher (1 employee per 24m<sup>2</sup>) employment density than the employment density that arises when applying the employment densities for the proposed development using the HCA guidance (worse case of 1 employee per 26m<sup>2</sup>). The use of the TRICS data for the original assessment is therefore considered to be robust for the purposes of calculating the traffic generation modelling and presents a worse case than the HCA employment densities.
- 5.10. The conclusions on the traffic impact of the development outlined in the original Transport Statement and the original Committee Report are therefore considered to be robust and the LHA continues to raise no objection in this respect.

Further clarity surrounding mode share and what impact this has on forecast traffic generation

- 5.11. At the committee meeting concerns were raised the mode share (i.e. whether people walk, cycle, drive, etc to the site) appeared highly optimistic and that this assumption may impact on the traffic generation presented with the application.
- 5.12. It is important to note that the TRICS trip generation estimate, for which the application is being assessed against, does not rely on the mode share since it is based on actual surveys of vehicles entering and leaving TRICS subject sites. The mode share therefore does not impact on the traffic generation figures. The mode share (which residents contest) presented in the Transport Statement is presented only as a baseline for comparison against future mode shares surveyed as part of the Travel Plan monitoring exercise and therefore does not impact on traffic generation estimates presented in the original committee report (paragraph 9.40).
- 5.13. Notwithstanding the above, the interim mode share adopted at the site is based upon the standard approach applied in Transport Statements, whereby the 'method of travel to work' data has been sourced using data from the 2011 Census for the area. In this case this census area is a largely rural area covering Deddington, Heyfords, the Astons, Somerton, Fritwell and Duns Tew. This is therefore considered appropriate to use for the assessment and the most appropriate evidence to use.

- 5.14. The mode share from the above is that 81.4% of journeys are being undertaken as single occupier vehicles (SOV), a further 4.7% would travel as a car passenger, and 1% by motorcycle meaning that approximately 87% of trips will be undertaken by motorised vehicles. The applicant has also undertaken some sensitivity testing of this, using TRICS survey data to assess travel to work patterns, which demonstrates that the traffic impact is very similar.
- 5.15. The LHA continues to raise no objection to the application and the information submitted to assess the application is considered to be robust.

#### Provision of a footway into Steeple Aston on Fir Lane

- 5.16. Following the committee, the applicant was requested to consider exploring a potential to provide a footpath back to the village. However, the applicant has stated that they do not consider that this is required to make the development acceptable in planning terms and would therefore not meet the relevant tests of being necessary and fairly related in scale and kind to the development as outlined in the NPPF. Officers agree that whilst a footpath connection back to the village is desirable and have encouraged the applicant to make such provision, ultimately it cannot be insisted upon, for the reasons outlined in paragraph 9.13 and 9.14 of the original committee report. Therefore, the proposal is considered to remain acceptable in this regard. For the above reasons officers do not also consider that the latest request of the County Council to upgrade the surface of part of the public footpath which runs through the tree belt to the south of the site would be justified and this is located outside of the application site boundary.

#### Other matters

- 5.17. The Parish Council has pointed to historic refusals on the site for commercial development. However, each application has to be assessed on its own merits on the evidence before the Council at that time. The current application has been submitted with a Transport Statement which in the view of officers and the County Council is acceptable and robust. This is new evidence that was not submitted with earlier applications.
- 5.18. The Parish Council also requests several conditions. Whilst the overall floorspace for different types of uses is proposed to be controlled through condition 29, on the basis of the evidence provided, it is not considered reasonable or justified to control the number of employees or car movements at the site (as requested by the Parish Council). Furthermore, these types of conditions would be unlikely to pass the relevant test of reasonableness and enforceability given they would be very difficult, if not impossible, to monitor and enforce.

## **6. CONCLUSION ON ADDITIONAL INFORMATION**

- 6.1. The additional information is not considered to materially impact on the conclusions reached on transport matters in the earlier Committee Report. The conclusions and of the earlier report therefore remain as set out in the original report.

## 7. 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):**

### S106 HEADS OF TERMS

- Contribution of £40,989 towards the retention and improvement of the S4 bus service (or other service) through Steeple Aston,
- Contribution of £1,446 to fund the monitoring and review of the Travel Plan
- OCC Monitoring fee

### CONDITIONS

#### **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: Application forms and drawing numbers PL001(SK) – Location plan, PL002 – Existing site plan, PL003 - Existing ground floor plan, PL004 = Existing Floor Plans. PL005 - Existing Floor Plans, PL006 - Existing site sections, 139990\_P101 G – Proposed site plan, 139990\_P102 E – Site plan overall, 139990\_P103 A – Site Sections, 139990\_P104 A – Site sections, 139990\_P105 A – Proposed site elevations, 139990\_P106 – Unit 1, 139990\_P107 – Unit 2, 139990\_P108 – Unit 3, 139990\_P109 – Unit 4, 139990\_P110 – Unit 5, 139990\_P111 – Unit 6, 139990\_P112 – The Hub, 139990\_P1113 – Visuals, HATCHTRP OCT21 - Tree retention and Protection Plan and HMA-LE-GEN-XX-DR-500-S5-A1-E – Proposed Drainage Strategy

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. No development shall take place until details of all finished floor levels in relation to existing and proposed ground levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in full accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance within Section 12 of the National Planning Policy Framework. This

information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been 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.

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

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

Reason: To ensure that 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, prior to the commencement of the development hereby permitted a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.



Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. If contamination is found by undertaking the work carried out under condition 6, prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is 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.

9. No works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the Habitat and Species Regulations 2017 (as amended) and a copy thereof has been submitted to the Local Planning Authority.

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.

10. Prior to any works above slab level full details of the pedestrian access through the site linking to the public right of way to the south of the site shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

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 Government guidance in the National Planning Policy Framework.

11. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the measures in 5.2.1 and 5.3.1.1 of the submitted ecological survey and also include a plan of buffer zones and how they will be marked as well as any other timing and precautionary methodology/supervision needed for bats on site. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. Prior to any works above slab level, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of a biodiversity enhancement scheme to demonstrate a net gain in biodiversity for the site. The development shall not be carried out other than in accordance with the approved LEMP and the biodiversity enhancements shall be carried out in accordance with the approved details prior to the first use of the development hereby approved and shall be retained as such thereafter.

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

**INFORMATIVE ON CONDITION 12:**

The LEMP shall include the use of a Biodiversity Impact Assessment Metric to demonstrate a net gain in biodiversity. The Council seeks to secure a 10% net gain.

13. (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.

14. 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. This shall include samples of the proposed timber, metal cladding and a sample panel of the proposed stone walls. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to safeguard the character and appearance of the area 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.

15. 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 2011-2031 and Government guidance in the National Planning Policy Framework.

16. No development shall 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 thereafter 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 2011-2031 and Government guidance in the National Planning Policy Framework.

17. Prior to any works above slab level, a scheme for the provision of vehicular electric charging points to serve at least 25% of the parking spaces 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 shall be 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, Policy EVI8 of the Oxfordshire Electric Vehicle Infrastructure Strategy (2021) and to maximise opportunities for sustainable transport modes in accordance with paragraph 112(e) of the National Planning Policy Framework.

18. Prior to any works above slab level 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.

(d) details of any boundary fences or walls.

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 shall be retained as such thereafter and the approved soft scheme shall be implemented by no later than 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.

19. 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,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] 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.

20. Details of the any proposed external lighting including the design, position, orientation and the management of such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. It shall be demonstrated how the lighting scheme complies with the guidance outlined in Section 5.3.2.6 of the Windrush Ecology – Preliminary Ecological Appraisal (March 2021). The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of the ecological value of the site and the visual amenity and to comply with Policies, ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy PD6 of the Mid Cherwell Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework

21. 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 and shall be used for no other purpose whatsoever.

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

22. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:
- Proposed Drainage Strategy, HMA-LE-GEN-XX-DR-CE-500, Rev D
  - Flood Risk Assessment, HMA-LE-GEN-XX-RP-CE-FRA01-C-Flood Risk Assessment, March 2021

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

23. 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;
  - (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 principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

24. The development and tree protection measures shall be carried out in strict accordance with recommendations in the B J Unwin Forestry Consultancy BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for commercial re-development (18<sup>th</sup> October 2021) document including drawing HATCHTRP-OCT21 unless otherwise agreed in writing under a separate discharge of planning condition.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy 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.

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

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision, traffic generation and servicing on the site 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.

26. No goods, materials, plant or machinery (other than vehicles) shall be stored, repaired, operated or displayed outside the buildings unless otherwise approved under a separate discharge or variation of condition by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

27. The hub building hereby permitted shall be used only for purposes ancillary to the remainder of the commercial units hereby permitted and shall not and shall not be sold, leased or occupied as a separate unit.

Reason: In order to ensure the uses are appropriate to the location of the site having regard to traffic generation and Policy SLE2, SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Notwithstanding the provisions of Part 3 (changes of use) and Part 7 (non-domestic extensions and alterations), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be changed use, extended or hard surfaces laid within the site without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy 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.

29. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or enacting that Order) the site shall only be occupied for the purposes falling within Class E(g) (i), (ii) and (iii) and Class B8 and no other purpose whatsoever. No more than 732 sq m of the total permitted Gross Internal Floor Area shall be utilised for purposes falling within Class E (g)(i) at any one time and no more than 862 sq m of the total permitted Gross Internal Floor Area shall be utilised for purposes falling within Class E(g) (ii) and (iii) at any one time. The remaining floor area is restricted to those uses falling within use Class B8 or ancillary uses.

Reason: In order to retain planning control over the use of the site, to ensure residential amenities are protected and the character of the area is maintained, and to ensure the development complies with Policies SLE1, SLE2, ESD1 and 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.