

Case Officer: Katherine Daniels

Applicant: Middle Aston Limited

Proposal: Erection of three industrial buildings, replacement of former scout hut building and associated works

Ward: Deddington

Councillors: Cllr Bryn Williams, Cllr Eddie Reeves, Cllr Andrew McHugh

Reason for Referral: Referred by Assistant Director For Planning and Development for the following reasons: The Planning History and consultee responses

Expiry Date: 13 April 2023

Committee Date: 5 October 2023

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to Hatch End Business Park, which is located to the western side of Fir Lane, between Middle Aston and Steeple Aston. It currently consists of a number of low range, single storey, former agricultural units clad in timber, which have been used for a variety of commercial uses but which are largely now vacant. It also includes a scout hut store building believed to be used largely for storage in the north-western corner of this group of buildings.
- 1.2. To the north is a relatively recently constructed new dwelling. Further commercial units in separate ownership exist to the west of the site. To the south-east of the site is a further converted former agricultural unit beyond which lies a public footpath (364/5/10) and the local primary school at the edge of Steeple Aston.
- 1.3. The site rises quite sharply from the road with the units and land to the rear of the site being located on higher ground (approx. 5 to 6 metres difference between the road and the areas of parking to the rear of the existing buildings).

2. CONSTRAINTS

- 2.1. The application site is within Mid-Cherwell Neighbourhood Plan area. Immediately to the south of the site is a public footpath (364/5/10). Whilst not within the Conservation Area the Steeple Aston Conservation Area also extends along Fir Lane and is within 100 metres of the site.
- 2.2. Several mature trees exist across and adjacent to the site. These include a prominent row of roadside lime trees (Cat A trees) located adjacent to the road to the east of the site and an old avenue of mature trees (horse chestnuts and beech – Category A and B trees) immediately to the north-west of the site, which are subject to a Tree Preservation Order. There are also numerous other trees around the

boundary of the site including a belt of trees separating the site from the public footpath to the south.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal comprises the erection of three new storage, warehousing and office units, and the replacement of the former scout hut. The replacement of the scout hut building is proposed to be 107 sq m rather than 54 sq m. Units 8, 9 and 10 would both comprise of 186 sq m, with the addition of 24 car parking spaces and 10 cycle parking spaces.

4. RELEVANT PLANNING HISTORY

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

Whole site

55/00153 – Erection of poultry plant for research – Permitted

75/00367 – Residential development – Refused

82/00414 – Erection of 2 broiler houses – Permitted

82/00483 – Extension to two broiler houses – Permitted

96/00939/F - Change of use of buildings to B1, B2 and B8 uses inc. m/cycle repair workshop, car preparation, metal fabrication, vehicle maintenance, joinery store/workshop, furniture store/restoration, catering equipment store, assoc. landscaping, parking and access works (RETROS.) – Refused due to impact on highway

97/01419/F - Change of use of building Nos 2, 3, 4, 5, 8 and 9 to various B1, B2 and B8 uses (offices/general industrial/warehouses). Use of building (Jabaville) as scout hut and use of existing office building as office not assoc. with poultry farm. (RETROSPECTIVE)- This application was permitted subject to conditions and a legal agreement. The legal agreement required the removal of a number of former buildings, the laying out of the access and parking and the provision of landscaping etc. It also includes several conditions including condition 1 which only allows for the buildings to be used for the uses specified within the application in the interests of amenity and highway safety. It later appears that an informal mechanism was introduced which allowed for the occupiers to change through an exchange of letters between the applicant and with the Local Planning Authority. This however subsequently this appears to have been removed by a further letter. This consent also included conditions which restricted the use of outdoor spaces, hours of operation, parking and landscaping.

21/01123 – Demolition of existing buildings, construction of replacement business units (buildings 2, 3, 4, 5 and 6 as use Classes E(g)(i), E9g)(ii) and E(g)(iii) an Building under classes B8 and associated external works (Re-submission of 20/01127/F). Refused.

20/01127 - Demolition of existing buildings, construction of replacement business units (buildings 2, 3, 4, 5 and 6 as use Classes E(g)(i), E9g)(ii) and E(g)(iii) an Building under classes B8 and associated external works Refused.

- 4.2. A number of further permissions have been granted on the site however these have generally been made personal to the intended occupier or strictly controlled through conditions. These include the permissions outlined below:

Northern western Building

00/00014/F - Change of use from storage of catering equipment (B8) to car disassembly (B2) and storage/distribution of parts (B8) – Permitted

00/00985/F - Change of use from storage of catering equipment (B8) to Prestige Car Preparation (B2) – Permitted

South western building

07/01779/F - Change of Use from sui generis use to Class B1 (business) use – Permitted (required business to be approved in writing prior to occupation)

03/01548/F - Change of use to repair of vehicles and operate coach and mini bus for private hire and HGV freight (RETROSPECTIVE) – Permitted (personal consent)

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **2 June 2023**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:

- Outside the confines of Steeple Aston
- Accessibility and Safety Issues
- Limited services (Bus, Walking, Cyclepaths)
- Damage to Historic Buildings (through vibration)
- Erodes the gap between Steeple and Middle Aston
- Construction Traffic
- Impact on residential amenity through increase in noise and disturbance
- 30% increase of the site, 50% car parking spaces
- Lack of Biodiversity enhancements

- 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. STEEPLE ASTON PARISH COUNCIL: **Objects** on the grounds of no justification, expansion of the site and the impact upon the highway network, increase the use of travel by car, pedestrian safety and the impact on the school. The Travel Plan is not credible.

OTHER CONSULTEES

- 7.3. CDC BUILDING CONTROL: Full plans building regulations application will be required
- 7.4. CDC LAND DRAINAGE: **No objections** subject to planning condition relating to drainage details and surface water management plan.
- 7.5. CDC ENVIRONMENTAL PROTECTION: Have **no objections** provided conditions are imposed relating to noise, contaminated land and lighting.
- 7.6. CDC ARBORICULTURE: An impact assessment should be submitted to the local planning authority
- 7.7. OCC HIGHWAYS: **No objections** subject to conditions and S106 contributions.
- 7.8. OCC LEAD LOCAL FLOOD AUTHORITY: **Objects** due to no drainage strategy or report and no flood risk assessment
- 7.9. THAMES WATER: **No objections** however recommends informative

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 (CLP 2015)

- Policy SLE1 - Employment Development
- Policy SLE4 - Improved Transport Connections
- Policy BSC12 - Indoor Sport, Recreation and Community facilities
- Policy ESD1 - Mitigating and Adapting to Climate Change
- Policies ESD3-ESD5 – Sustainable construction and renewable energy
- Policies ESD6 – 7 – SUDS and flood risk
- Policy ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

- Policy ESD13 - Local Landscape Protection and Enhancement
- Policy ESD15 - Design and the Built Environment
- Policy ESD17 - Green Infrastructure
- Policy Villages 1 - Village Categorisation

Saved Policies of the adopted Cherwell Local Plan 1996 (CLP 1996)

- Policy EMP1 - Allocation of sites for employment generating development
- Policy TR7 - Minor roads
- Policy TR10 - Heavy Goods Vehicles
- Policy C8 – Sporadic Development in the Open Countryside
- Policy C15 - Coalescence
- Policy C28 - Design Considerations

Mid-Cherwell Neighbourhood Plan (May 2019)

- Policy PD4 - Protection of Important views and vistas
- Policy PD5 - Building and Site Design
- Policy PD6 - Control of Light Pollution
- Policy PC1 - Local Employment

Other

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Steeple Aston Conservation Area Appraisal
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area including heritage impact
- Highways matters
- Residential amenity
- Ecology impact
- Flood Risk and Drainage
- Other matters

Principle of Development

Policy Context

9.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise and case law has determined that the Development Plan is the starting point for decision making. In this case the Development Plan consists of the CLP 2015, the Saved Policies of the CLP 1996 and the Mid Cherwell Neighbourhood Plan (2019) ('MCNP').

- 9.3. Policy SLE1 of the CLP 2015 relates to employment development and in respect of existing employment sites states that employment development will be focused on existing employment sites, including in the rural area and that intensification will be permitted subject to compliance with other policies in the Plan and other material considerations. The policy then 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 (as defined by Policy Villages 1).
- 9.4. Policy SLE1 then goes on to list a set of criteria against which proposals new employment proposals in rural areas will be considered. However, given that this proposal is for the expansion of an existing employment site these criteria need to be considered in this context and in light of the earlier statements in this policy that employment development will be focused on existing employment sites and permitted on existing and vacant employment sites in the rural areas including intensification.
- 9.5. Policy ESD1 states the Council will mitigate the impact of development on climate change by distributing growth to the most sustainable locations as defined in the Local Plan and by delivering development that reduces the need to travel.
- 9.6. Policy PC1 of the MCNP also considers employment development and states that continued commercial use of premises providing local employment within the neighbourhood area or otherwise benefiting the local economy will be encouraged. It goes onto state that proposals for the establishment of new small businesses will be considered favourably where they:
- a) provide diverse employment opportunities for people living in the neighbourhood area or otherwise benefit the local economy or enhance agricultural production.
 - b) do not have an adverse effect on the surrounding built, natural or historic environment that is not clearly outweighed by the economic benefits of the development.
 - c) are unlikely to generate a volume of goods traffic that would have a significantly harmful effect on road safety or congestion or cause unacceptable noise and disturbance for local residents or to the rural environment and would not adversely affect on-street residential parking.
- 9.7. The NPPF also highlights that significant weight should be placed on the need to support economic growth and should enable the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings. Paragraph 85 states planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Assessment

- 9.8. The application site is an existing employment site within the rural area of the district. It is therefore not a new employment site for the purposes of planning policy where the more rigorous tests outlined in Policy SLE1 relating to justifying the

principle of the use in a rural location would apply. The area of land to be developed largely remains within the historically approved site area and a small extension is proposed to this area it is not considered to be significant in policy terms given the site's visual containment and its proximity to Steeple Aston, a Category A village, which benefits from a food shop, public house, primary school and post office. The site is also previously developed land.

- 9.9. Therefore, as the current proposal comprises an intensification of an existing employment site in the rural area close to a Category A village, the principle of development is broadly supported by Policy SLE1 of the CLP 2015 and PC1 of the MCNP. It is acknowledged that the current site appears to have historically operated at a very low level, but *the existing floor space could be used - i.e. the use could significantly increase - without further consent.*
- 9.10. The site would also provide a number of small units which may provide employment opportunities for local people which is supported by PC1 of the MCNP.
- 9.11. Concerns have also been raised that the applicant has not demonstrated a need for the development to be in this location. However, given the fact the site is an *existing* employment site of a similar scale in the rural area where Policy SLE1 supports intensification this is not considered reasonable to require and would be more appropriate in circumstances for where a *wholly new* employment site is proposed (i.e where the site is not the redevelopment of an established employment site as is the case here).
- 9.12. Concerns have been raised regarding the locational sustainability of the site in regard to opportunities for walking, cycling and public transport. The site is located near to Steeple Aston, a Category A village, and opportunities to walk and cycle to the site would be available to residents albeit some of this would be in the road carriageway as the public footpath from the village on Fir Lane terminates at the access to the school and does not extend to the site (see the following paragraph). Notwithstanding the site's relative locational sustainability, the application relates to an *existing employment site* and the decision maker must have regard to the existing situation, which may be considered a fallback position, and that the proposal would not result in any new net floor space over the existing.
- 9.13. During the course of the application, the applicant has agreed to provide a footpath link through the site to link to the public right of way which exists in the tree belt to the south of the site and to the north of the school playing field. This would not provide a continuous footpath link back to the village via a segregated footpath, and people would still need to walk on the verge or in the road for approximately 120 metres. However, it would provide an *improved* connection back to the village compared to the existing situation. Whilst this is not ideal in terms of a pedestrian connection and a continuous route would have been more desirable, OCC has confirmed that it considers the arrangement put forward by the applicant to be acceptable in safety terms. On balance, given (1) the current site is already an existing employment site of a similar size and (2) the views of the Local Highway Authority re the footpath, the proposed arrangement is considered acceptable.
- 9.14. The closest bus stops to the site are on located on South Side approximately 1km to the south of the site and are served by the S4 Gold Service, which operates between Oxford and Banbury every hour Monday to Saturday. The service is hourly, although the distance to the bus stop is further than ideal. Oxfordshire County Council has requested £28,377 to support the S4 route. The applicant considers this is not reasonable, as OCC has not requested similar on another application (The Apollo Business Park, Wroxton). Each case is considered on its own merits, and different circumstances may apply that warrant different conclusions. OCC has

clearly indicated that the proposal is likely to cause an increase in demand of trip generations. It is clear that Steeple Aston has a bus service, whereas the Apollo Business Park is located in a less sustainable location than this application site. The application is also accompanied by a Travel Plan to encourage sustainable forms of travel to the site which is considered acceptable and would require a monitoring fee to be secured through a legal agreement.

- 9.15. Opportunities also exist for cycling to the site. Whilst it is noted there are limitations regarding the opportunities for sustainable transport options, given the site is an *existing employment site* of a similar scale and the proposal is considered to comply with the Policy SLE1, which is supportive of intensification of existing rural employment site, this would not warrant a reason to refuse the scheme.
- 9.16. It is noted that previous planning permissions on the site have sought to restrict the businesses that operate from the site with the use of planning conditions (see planning history section for further information), and it appears that this requirement has been relaxed overtime albeit without any formal application to vary or modify the condition. However, the current application has to be assessed against the relevant planning policies that exist today and these historic conditions do not alter the fact that the site is an authorised employment site.
- 9.17. As noted elsewhere in this report Use Class E has been introduced and has a much wider range of uses that can operate under this use class. Many of these uses, such as offices, retail and restaurants etc., are 'main town centre uses' as defined by the NPPF, which would not be considered appropriate on this site at this scale without strong and robust justification given conflict with other planning policies.
- 9.18. Officers consider this balance of uses to be acceptable in principle having regard to current planning policy. Whilst offices (Class E (g) (i)) are defined as a 'main town centre use' in the NPPF, on balance and having regard to the context of the site (including history, scale and location) the extent of office use on the site is considered to be 'small scale rural offices' and therefore would be exempt from the sequential assessment in accordance with paragraph 89 of the NPPF.
- 9.19. In addition to the above, during the course of the application the extent of the application site has been reviewed and no longer includes the land between Lakeside Business Park to the west and the application site and relates much more closely to the previously consented application site. Any future application on this land outside of the red line would need to be considered on its own merits.

Conclusion

The proposed development is considered to be a redevelopment and intensification of an existing rural employment site, which is supported by Policy SLE1 of the CLP 2015 and Policy PC1 of the MCNP. The site is located close to Steeple Aston, a relatively sustainable category A village allocated for additional housing in the MCNP, and would provide opportunities for local employment given the range of uses. The type of uses proposed now more closely align with the employment uses supported by local planning policy. Overall, therefore, the principle of the redevelopment of the site is considered acceptable, with overall acceptability subject to compliance with other policies and other material considerations.

Character and appearance including heritage impact

Policy context

- 9.20. Policy ESD13 of the CLP 2015 states proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local landscape character or harm the setting of settlements. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting which positively contributes to an areas character and identity. It also requires new development to conserve, sustain and enhance the setting of heritage assets such as Conservation Areas.
- 9.21. Saved Policy C8 of the CLP 1996 seeks to resist sporadic new development in the open countryside and Saved Policy C15 also states the Council will prevent the coalescence of settlement by resisting development in areas of open land, which are important. Saved Policy C28 states that all development should ensure that the layout, design and external appearance are sympathetic to its context.
- 9.22. Policies PD5 and PD56 of the MCNP are also relevant and sets out that proposals should have full regard to the Heritage and Character Assessment of the Neighbourhood Plan, should be sensitively designed and should minimise the risk of light pollution.
- 9.23. The NPPF advises that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character and history. In regard to heritage assets the NPPF states assets should be conserved in a manner appropriate to their significance and great weight should be given to assets conservation. Where development would lead to harm (including setting) it should require clear and convincing justification. Where development would lead to 'less than substantial harm' this harm should be weighed against the public benefits of the scheme.

Assessment

- 9.24. The existing site lies outside the built limits of the village and has a rural character and appearance. The trees around the site, including along the frontage, make a positive contribution to the character and appearance of the locality. Whilst the existing buildings on the site are of limited architectural merit, they are existing structures and maintain a strong agricultural character and appearance, associated with their previous use as poultry sheds. The site currently contributes to the rural setting of the villages and the Conservation Area. The Conservation Area Appraisal includes the 'Peripheral Areas' Character Area closest to the application site and states '*As the name suggests, these areas are set at the extreme edges of the historic core and have a less formal feel to them when compared with the traditional streets. Despite being separated, these entrances to the village are similar in their low-key rural approaches to the historic areas.*' The visual appraisal for the area identifies significant trees and important hedges and vegetation in the area.
- 9.25. The proposed three new units on site extends the built-up area to the west, but would not result in any loss of any existing vegetation on site. The proposal would, however, be constructed within the bank. The overall design of the buildings is similar to the existing buildings. There would be a step up but it would be seen as part of the existing site, not having a detrimental impact on the character and appearance of the locality. The existing vegetation would remain on site i.e. would not be removed.
- 9.26. In terms of Saved Policy C15, which seeks to prevent coalescence of settlements, the proposed built form on the proposed development is largely located on the footprint of existing buildings and contained within the extent of the authorised site and would remain relatively low profile. Therefore, the impact in terms of

coalescence between Middle Aston and Steeple Aston is considered limited in this case.

- 9.27. Full details of the materials of the development and any lighting scheme can be controlled through condition to ensure they are appropriate for the site and surroundings.
- 9.28. It is acknowledged that the site would appear more developed than is currently the case given the increase in height and bulk of the buildings and the likely increased level of activity on the site over present levels. Overall, however, the existing buildings are of no significant architectural merit and it is considered that the proposed development, for the reasons outlined above including scale and relatively simple design, is an appropriate design response for the site which would provide an improved employment offering on the site whilst also preserving the setting of the Conservation Area and the verdant and rural character and appearance of the locality including the setting of the villages. The proposed development is therefore considered to be acceptable in design terms.

Highway matters

Policy Context

- 9.29. Policy SLE4 of the CLP 2015 states that development which is not suitable for the roads that serve the development and which have severe traffic impacts will not be supported. It also states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Saved Policy TR7 states that development that would attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted and Saved Policy TR10 has a similar trust in regard to HGV movements.
- 9.30. Policy PC1 of the MCNP notes that favourable consideration will be given to proposals for employment development that are unlikely to generate a volume of goods traffic that would have a significantly harmful effect on road safety or amenity.
- 9.31. Paragraph 108 of the NPPF states that in assessing development proposals it should be ensured that safe and suitable access to the site can be achieved for all users; and the significant impacts from the development on the transport network or on highway safety can be cost-effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 9.32. The current proposal would retain the existing access onto Fir Lane to serve the development. The visibility from this is considered acceptable and to be in excess of the Manual for Streets stopping sight distance given the recorded 85th percentile recorded speeds and the LHA raises no objection to the application in this respect.
- 9.33. As part of the consultation on the application, local residents and the parish councils have raised significant levels of concerns regarding the impact of the development in respect of traffic generation, the adequacy of the highway network and highway safety matters alongside concerns over the amount of parking at the site. The roads serving the site are relatively narrow rural lanes with several pinch points being single width in some locations.

- 9.34. The application has been accompanied by a Transport Statement and Framework Travel Plan. These have been subject to consultation with the LHA, which raises no objection to the application subject to a legal agreement securing financial contributions to the bus service and travel plan monitoring and a number of conditions.
- 9.35. The Transport Statement reviews the traffic impact of the development which has included a baseline study of the vehicle trips associated with the existing land uses at the site (factored to take account of the vacant units) using a manual traffic count at the site. A forecast of the vehicle trips likely to be associated with the proposed development has been calculated through the interrogation of comparable site surveys in the TRICS database which is common industry practice for Transport Statements. This takes account of all trips to the site including visitors. The difference in traffic associated with the existing use of the site and the forecast traffic from the proposed development provides the net traffic generation. The mode share (i.e. whether people walk, cycle, use public transport or drive) for the development is based on the travel to work census data for the local area. Despite criticism of these methodologies by objectors, this approach and the trip generation and net impact is considered acceptable by OCC Highways who provides the District Council with expert advice in this regard.
- 9.36. The submitted details show that in the AM peak (0800-0900) there is estimated to be a total of a 9 net increase of movements associated with the proposed development and 7 additional movements in the PM peak (17:00-18:00). Over the course of the day (07:00-19:00) there is forecast to be 48 additional movements. The visits of heavy good vehicles to the site are likely to be limited due to the small size of the commercial units and be similar to the existing situation.
- 9.37. The LHA has considered this information and the characteristics of the site and surrounding road network and advises that the increase in trip generation is unlikely to cause a significant adverse traffic or road safety impact on the surrounding transport network so would be acceptable in this regard and not lead to a severe impact which is the high threshold for refusal set by the NPPF in regard to such matters.
- 9.38. Concerns have been raised by local people and the Governing Body of the School regarding the impact of the increase traffic on the road safety at Dr Radcliffes C of E Primary School, which is located to the south of the site and, like many schools, has peaks of traffic at school drop off and pick up time including parking on the highway. The LHA has considered this in detail on the previous applications to which they stated: *The County's Traffic and Road Safety Team has reviewed this matter twice since 2012 and again in the light of the previous planning application under 20/01127/F. It has further been reviewed by the County in response to this planning application. As a result the County still concludes that the additional traffic generated by the development does not give rise to a safety concern that the County needs to address.* Therefore, whilst the concerns of residents in this respect are noted, it is considered that the level of traffic associated with the development would not lead to road safety concerns that would justify refusal of the application.
- 9.39. In regards to vehicle parking, the proposed development would provide an additional 14 parking spaces. OCC Highways have considered these and advises the level of parking to be acceptable to serve the development and should not lead to unwanted on street parking. The level of cycle parking proposed, 10 spaces, is considered acceptable.

- 9.40. The application is accompanied by tracking plans and these demonstrate that the site would operate in a safe and efficient manner allowing vehicles to enter and leave the site in a forward gear.
- 9.41. The submission also included a Construction Traffic Management Plan. The LHA has raised a number of concerns regarding the details therein, but these matters can be controlled through a condition of any planning permission given. The concerns of residents regarding construction traffic are noted; however, given their temporary nature and with the submission of an amended CTMP this is not considered to be a matter which would justify refusal of the application.
- 9.42. Overall, the development is considered acceptable from a highways perspective and is considered to comply with the relevant planning policy and is not considered to result in a severe highway impacts or result in unacceptable highway safety impacts.

Residential amenity

- 9.43. Policy ESD15 of the CLP 2015 requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space.
- 9.44. Saved Policy ENV1 of the CLP 1996 state development which is likely to cause materially detrimental levels of noise, smell, fumes or other types of environmental pollution will not normally be permitted.
- 9.45. The proposed development is considered to be located a sufficient distance from the neighbouring properties to ensure it does not significantly impact on their residential amenity. The scale of the buildings would be slightly taller than the existing buildings and would be clearly visible from the windows in the side elevation of the new dwelling to the north of the site, Millbrook House. However, given the distance, approx. 55 metres, the scale of the proposals, the impact on this light or outlook to this property is not considered to be significant. By the nature of the uses proposed (use class E(g) allows for uses which can be carried out in a residential area without detriment to its amenity) for the majority of the site they are considered to be appropriate for a residential area. The unit which is proposed to be used for storage and distribution is located to the to the northern part of the site. The Council's Environmental Protection Officer has raised no objections to the application in this respect and officers agree with this assessment.
- 9.46. Concerns have also been raised that additional traffic through the villages would be raise to unacceptable levels of noise, disturbance and vibration. However, given the relatively small scale of the development this is not considered to be significant in planning terms.

Ecology Impact

Legislative context

- 9.47. 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.

- 9.48. 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.
- 9.49. 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.
- 9.50. 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.

Policy Context

- 9.51. Paragraph 174 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.
- 9.52. Paragraph 180 states that when determining planning applications, local planning authorities (LPAs) 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.
- 9.53. Paragraph 185 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.

- 9.54. Policy ESD10 of the CLP 2015 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.
- 9.55. 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.
- 9.56. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.57. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.58. A number of conditions are required to protect the ecology and biodiversity of the site including measures during construction, a lighting scheme to ensure it is not harmful to wildlife and a Landscape and Ecology Management Plan with a biodiversity enhancement plan to ensure a net gain in biodiversity is secured on the site.
- 9.59. The proposal did not submit an ecological statement or a biodiversity net gain assessment as part of the application. Given that the development is for the erection of 3 new buildings and a replacement building (to which the replacement of unit 3 has been carried out) it is considered unlikely the proposal would have a detrimental impact on ecology, although it is recommended that a condition is imposed to ensure biodiversity enhancement measures are provided.

Flood Risk and Drainage

- 9.60. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 9.61. The site is located in Flood Zone 1, which is the lowest areas of flood risk and is also not shown to be at risk of surface water flooding. Surface water from the existing site is connected to a pipe to watercourse to the east of the site.

9.62. The LLFA has objected to the proposal due to the lack of a Flood Risk Assessment. As the proposed development is not a Major Application, an FRA is not required, especially when the site is located within Flood Zone 1. Although the LLFA has objected to the lack of an FRA, the Council's Land Drainage Officer does not object to the proposals provided that a condition is imposed. The applicant agrees to this condition being imposed. In light of the comments received and having considered LLFA concerns and the overall size of the proposed development, the matters relating to flood risk and drainage are acceptable.

Other matters

9.63. In terms of sustainable construction, Policy BSC3 requires all new non-residential development to meet at least BREEAM 'very good' standard. The proposed development has not been accompanied by an Energy Assessment however can be conditioned to ensure the development accords with this policy. The energy efficiency measures could include good fabric insulation, improved air tightness and low energy light fitting with presence detection.

9.64. In regard to Policy ESD5 the application includes an analysis of renewable and low carbon energy provision. In this case it is likely the proposed that the units would have air-source heat pumps to provide heating and cooling as the most effective source of renewable energy. Solar panels had been considered but discounted due to the orientation of the buildings and tree coverage which would reduce effectiveness and future cost benefit to incoming tenants and air source heat pumps were considered more effective.

10. PLANNING BALANCE AND CONCLUSION

10.1. The principle of intensifying the use of an existing employment site close to a Category A village is considered to comply with Policy SLE1. The proposal is considered to protect the local environment by being sensitively designed to its rural setting and having regard to the ecological and natural constraints of the site. Whilst the proposal would lead to the creation of additional traffic on the nearby highway network this is likely to be relatively limited when compared to the existing use of the site and it is not considered to result in a severe impact on the highway network which is the high threshold set down by national planning policy. The LHA has carefully considered the highway safety matters and advises that the proposal would not result in unacceptable impacts in this respect.

10.2. The proposed development would provide economic benefits in the form of providing opportunities for new jobs and construction activities.

10.3. Overall, the proposal is considered to comply with the Development Plan when considered as a whole and there are not considered to be any material considerations which would justify refusal. The proposed development is therefore considered to constitute sustainable development and it is therefore recommended that Planning Permission be granted.

10. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO

- (a) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- (b) 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):

- **Contribution of £27,989 towards the retention and improvement of the S4 bus service (or other service) through Steeple Aston**

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 application form and the following plans and documents: Drawings numbered Proposed Site Plan (2203.PR.03 rev I), Unit 3 Floor Plans (2203.PR.08 Rev B), Unit 3 Elevations (2203.PR.09 Rev B), Units 8, 9, 10 Plan (2203.PR.05 Rev B), Unit 8, 9, 10 Front Elevations (2203.PR.06 Rev A), Proposed Unit 9 Elevations (2203.PR.07 Rev A), Section CC (2203.PR.010 Rev A), Swept Path Analysis (J32-7040-AT-A01 Rev B)

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 commence unless and 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 not be carried out other than 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.

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 development shall commence above slab level unless and until full details of the pedestrian access through the site linking to the public right of way to the south of the site have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in full 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 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

10. No development shall commence (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.

11. No development shall commence above slab level unless and until a Landscape and Ecology Management Plan (LEMP) has been 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.

12. (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.

13. 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.

14. 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.

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

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

16. No development shall commence above slab level unless and until a scheme for landscaping the site has been 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.

(e) 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.

17. 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.

18. 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

19. 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.

20. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

Reason : To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 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.

21. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason : To prevent environmental and amenity problems arising from flooding and to accord with Sections 14 and 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.

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

23. 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.

24. 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.

25. 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) with ancillary Class B8 use and for no other purpose whatsoever.

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.

26. Notwithstanding the submitted details, no development shall take place until an arboricultural survey undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions is carried out, submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of identifying and retaining important trees 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.