

**Site Address: Land adjacent Langford  
Locks, Kidlington**

**12/00780/F**

**Ward: Kidlington North**

**Case Officer: Tracey Morrissey      Recommendation: Approval**

**Applicant: Moss Plastic Parts Ltd**

**Application Description: Erection of warehouse and associated site works**

**Committee Referral: Major**

**1.      Site Description and Proposed Development**

- 1.1      This application relates to an irregular shaped 1.7 hectare site located on the southern side of Langford Lane and eastern side the Langford Locks approach road between Moss Plastics and Oxford Canal. The surrounding area is populated by a heavy mix of two and three storey B1, B2 and B8 use. The site currently accommodates a two-storey office building (St George's House) and storage buildings and parking to the rear; the former Tarmac site to the north-east (both accessed off Langford Lane) and the former JA Pye development land which is used partly as car parking to the south (accessed off Langford Locks).
- 1.2      The site measures approx 225m long and at its widest point 80m wide with the land sloping upwards approx. 1m from Langford Lane (north) to the south of the site. To the east is Oxford Canal which flows to the south, with a narrow footpath running between the canal and the site. A minor watercourse, Thrupp Ditch runs through the northern part of the site and is culverted beneath the southern part of the site. Also within the site is an electricity substation and foul sewer and pumping station. Rushy Meadows SSSI is located SW of the site.
- 1.3      This application follows a series of permissions on the site which are outlined in the history below, however apart from Phase I, none of Phase II consents have been implemented. This current application seeks consent to construct a building with a gross floor area of 3060 sq.m for warehouse B8 use with associated site works which include carparking, cycle storage and yard, and will be used by Moss Plastic Parts Ltd, which are located opposite the site. The St. George's office building is to be retained and the former Tarmac site remain vacant.
- 1.4      The application has been supported by a Design and Access Statement dated May 2012 and updated 16<sup>th</sup> August, Transport Assessment dated May 2012, Phase I Habitat Scoping Survey and Protected Species Assessment dated June 2011 and Reptile Survey report dated July 2011, BREEAM Industrial 2008 pre-assessment report dated 11<sup>th</sup> May 2012, Site Investigation Report dated October 2010 and Arboricultural Survey dated May 2012.

**2.      Application Publicity**

- 2.1      The application has been advertised by way of site notices and press notice. The final date for comment was the 16<sup>th</sup> August 2012. No correspondence has been received as a result of this consultation process.

### **3. Consultations**

- 3.1 Kidlington Parish/Town Council: Raises no objection but questions the cycle racks on the Canal towpath and has a concern to see the preservation of the hedge.

#### **Cherwell District Council Consultees**

- 3.2 Landscape Officer: The building is simply too close to the canal and too large for the location. It is also at a different angle to the surrounding buildings, all of which follow the alignment of the road. It is shoe horned into the site, leaving very little green space. The landscaping is very minimal. There is a large vehicular hardstanding with a very narrow strip of landscaping only 2m wide which is inadequate to screen the vehicular area.

The hedge should be retained and the building moved further away from the canal.

- 3.3 Ecologist : No objection subject to conditions. No evidence of any protected species was found on the site. It appears from the layout plans that the hedgerow alongside the canal will be removed as part of the development. This hedgerow will provide a valuable foraging and commuting route for bats alongside the canal and it should be retained if at all possible. It is also likely to be used by nesting birds, as is other scrub and trees around the site. Three large oak trees around the culvert are due to be removed as part of the development. These trees were assessed as having moderate potential for roosting bats, but were not surveyed further. Given their bat potential, they should be properly surveyed before being felled. This assessment could take place immediately before felling once the ivy has been removed to reveal any cavities, which could then be inspected by a suitably qualified bat consultant. If bats are found, the felling will need to be delayed until they have left and alternative roosting opportunities provided. A brief methodology detailing how the trees will be checked for bats prior to removal should be submitted before any works start.

The non-native and invasive species *Cotoneaster horizontalis* was found to be present on the site. This requires careful extraction and removal by suitably experienced contractors to stop it spreading off-site.

- 3.4 Biodiversity and Countryside Officer: The Oxford Canal towpath (Kidlington Footpath No 33) runs adjacent to the eastern boundary of the site, but outside its curtilage. No diversion or stopping up of the public right of way would be required to enable this development.

However, it appears from the layout plans that the hedgerow alongside the canal will be removed as part of the development. The removal of this hedgerow, together with the size of the new building and the fact that its north eastern corner will be so close to the towpath, will adversely affect the amenity value of the path and the enjoyment of its users.

- 3.5 Environmental Protection Officer: comments awaited

- 3.6 Anti-social Behaviour Manager: Raises no objections

#### **Oxfordshire County Council Consultees**

- 3.7 Highways Liaison Officer: No objection subject to conditions and a developer contribution of £38,673 towards transport infrastructure in Kidlington as part of a legal agreement.

- 3.8 Archaeologist : The site lies in an area of some Archaeological interest, however from

the details supplied it would seem unlikely that the small scale nature of the proposals would justify and Archaeological response. However, the possibility of finds occurring during the construction should be borne in mind by the applicant. If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that a site visit may be made or otherwise advise as necessary.

- 3.9 Minerals and Waste Officer: Raises no objection on the grounds of minerals sterilisation.

#### **Other Consultees**

- 3.10 Thames Water: Raises no objection
- 3.11 Environment Agency: Previous objection regarding culvert has now been removed and therefore no objection subject to conditions.
- 3.12 Canal & Rivers Trust: Previous objection regarding proximity of building to canal has now been removed and therefore no objection. Seeks developer contributions of £10,500 to be paid to British Waterways for towpath improvements in the area. This sum would be used to help mitigate against any increase in maintenance costs as a result of additional usage by those using the towpath to access the site.
- 3.13 Natural England: Raises no objection
- 3.14 London Oxford Airport: Raises no objection

#### **4. Relevant National and Local Policy and Guidance**

- 4.1 Development Plan Policy

##### Adopted Cherwell Local Plan (Saved Policies)

- C1: Nature conservation
- C2: Protected species
- C4: Ecology – habitat creation
- C5: Ecology – protection along the Oxford canal and river Cherwell
- C14: Trees and landscaping
- C28: Layout, design and external appearance of new development
- ENV7: Water quality
- ENV12: Contaminated land
- TR1: Transportation funding
- EMP3: Employment generating development

##### South East Plan 2009

- CC1: Sustainable development
- CC2: Climate change
- CC4: Sustainable design and construction
- CC6: Sustainable communities and character of the environment
- CC7: Infrastructure and Implementation
- RE1: Contributing to the UK's long term competitiveness
- RE3: Employment and land provision
- RE5: Smart growth
- T4: Parking
- T5: Travel plans and advice
- NRM2: Water quality

- NRM4: Sustainable flood risk management
- NRM5: Conservation and improvement of biodiversity
- BE1: Management for an urban renaissance
- BE2: Suburban intensification

## 4.2 Other Material Policy and Guidance

### National Planning Policy Framework

#### Cherwell Local Plan – Proposed Submission Draft (May 2012)

The draft Local Plan is out for public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- SLE1: Employment development
- ESD1: Mitigating and adapting to climate change
- ESD3: Sustainable construction
- ESD7: Sustainable Drainage Systems
- ESD8: Water resources
- ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
- ESD16: Character of the Built Environment
- ESD17: The Oxford Canal
- INF1: Infrastructure

#### Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- EMP4: Existing Employment Sites
- TR5: Road Safety
- TR11: Parking
- TR9: Cycle Parking
- TR4: Mitigation Measures
- EN24: Protection of sites and species
- R14: The Oxford Canal and River Cherwell
- D3: Local distinctiveness
- D5: Design of the public realm

## 5. Appraisal

### 5.1 The key issues for consideration in this application are:

- policy context
- history and principle of development
- design, layout and amenity
- highways
- ecology
- sustainability

## **Policy context**

- 5.2 Since Members resolved to approve the last application on this site (Sept 2011), the National Planning Policy Framework (NPPF) has been published and is now a material consideration. The main theme of the NPPF is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicated development should be restricted.
- 5.3 With regard to the acceptability of the proposal in principle, the NPPF states that the government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything that it can to support sustainable economic growth. It continues by stating that Local Planning Authorities should plan proactively and investment in business should not be overburdened by the combined requirements of planning policy expectations, and that potential barriers to investment should be addressed.
- 5.4 This site is classified an existing acceptable employment site in both the Adopted and Non-Statutory Cherwell Local Plan 2011. Policy EMP3 of the Adopted Cherwell Local Plan and EMP4 of the Non-Statutory Cherwell Local Plan 2011 are criteria based and seek to avoid harm to the character and appearance of the locality, residential amenity, highway safety and visual impact.

## **History and principle of development**

- 5.5 The site and adjacent site has been of interest to commercial developers for a number of years and there have been various schemes for developing the site and surrounding land for office and light industrial use, the most recent of which include:
- 02/01950/OUT – 2 storey B1 building. Approved
- 05/02266/OUT – construction of 4650 sq.m B1 office development. Approved
- 06/00263/OUT – 2 storey B1 building (renewal of 02/01950/OUT). Approved
- 07/01426/F – 2 no. 3 storey office buildings. Approved
- 08/00852/F – 2 no. 3 storey office buildings (resubmission of 07/01426/F – revised siting). Approved
- 11/00906/F – Erection of 4 no. 2 storey buildings for B1, B2 or B8 use. Approved
- 12/00091/F – Erection of 2 no. light industrial buildings for a mix of B1, B2 and B8 uses. Withdrawn
- 5.6 Taking the above history into account, it is considered that the principle of commercial development remains acceptable. The further acceptability of the principle is also informed by the detailing of the scheme; the landscaping, highway safety issues, materials and relationship to the character of the context of the site and mitigation measures in respect to ecology.
- 5.7 Also material to this case is the market, as no development has taken place since the last approved scheme in 2008, it is clear that there is no overriding demand for B1 office accommodation within the locality. The most recently approved consent

allowed for flexible commercial accommodation to be used for B1, B2 and B8 occupiers in order to attract the redevelopment of this site.

- 5.8 However, the land has now been sold to Moss Plastic Parts Ltd, who have occupied the site opposite since the 1950's and currently employ 160 people and is a dedicated manufacturing site in the UK. The proposal seeks to provide a further building to be used as a warehouse for the business and will create an additional 10 no. jobs as a consequence.

### **Design, layout and amenity**

- 5.9 The application has been amended taking into account concerns about its proximity to the Oxford canal. The building has been narrowed and now measures 72m (l) x 42m (w) x 15.2 (ridge height) and has been orientated to relate to the eastern boundary of the development site and set-back a minimum 10 metres from the footpath to Langford Locks and 7 metres from the Oxford Canal towpath. A triangular shaped area of land is formed to the north-west for operative and visitor car parking, and an open delivery yard to the south. The layout achieves a sense of openness when entering Langford Locks and although there is limited scope for landscaping to soften the development a landscape scheme shall be conditioned.
- 5.10 The concerns about the loss of the eastern boundary hedgerow along the canal side have been noted by the applicant, who has confirmed that the existing hedgerow is to be retained and enhanced, thus reducing the impact on the canal. Notwithstanding the proposed repositioning, the applicant's agent has advised that the neighbouring office building is actually positioned nearer to the canal and whilst 14.6m to the ridge, given the topography (approx 1m difference between the sites), the proposed development will be on a lower level.
- 5.11 The building design includes the use of different cladding materials and introduction of large windows, the roof has been designed with a single span, low pitch roof to minimise the height of the development, while ensuring a clear 11 metres is provided to underside of steel frame to allow for racking (storage) requirements. The dark panel below the eaves will reduce the massing of the building, the roofs are grey profiled cladding at a shallow pitch. The design and choice of uniform material is contemporary but respectful of neighbouring buildings and context and appropriate landscaping will enhance the site and provides an acceptable form of development within this industrial and commercial site context.
- 5.12 The GIA proposes 3060 sq.m of ground floor area with an additional 460 sq.m being created by a mezzanine above the loading bays for additional storage and office accommodation. Five sectional loading bay doors are provided and access is afforded into the building via a glazed lobby to the east corner of the building.
- 5.13 The seating areas with cycle-stands along the canal towpath have been removed following concerns by The Canal & Rivers Trust and Parish Council. Access to the canal will be via bespoke design gates that will contribute towards a public art feature.
- 5.14 Policy C5 of the Adopted Cherwell Local Plan and NRM5 of the South East Plan 2009 seek to protect and where appropriate enhance the Oxford Canal and biodiversity measures, and supports enhanced public access and opportunities for recreation amenity provided by canal corridors. It is considered that the proposal now amended to reposition the building further away from the canal towpath, would not result in a detrimental impact on the amenity of the Oxford Canal and is therefore acceptable in this regard.

### **Highways**

- 5.15 The National Planning Policy Framework seeks to promote sustainable transport and provide safe and suitable access to the site, whilst Policy TR4 of the South East Plan 2009 seeks to ensure standards of road safety and parking provision are maintained, encouraging alternative methods of transport and the provision of cycle parking to OCC standards and seek developer contributions towards infrastructure and transport funding.
- 5.16 The application proposes two vehicular accesses into the site and proposes 23 car parking spaces and two disabled spaces which complies with car parking standards for a warehouse. The submitted detail states that 6 cycle parking spaces will be provided, however these are not shown on plans. According to cycle parking standards 4 cycle parking stands must be provided for visitors and 7 stands for employees (1 stand = 2 cycle parking spaces). All cycle parking should be conveniently located close to building entrances and secure, therefore this detail will be conditioned for submission and approval.
- 5.17 Vehicle access and hard-standing areas are proposed to comprise tarmac, block paving and concrete. Due to the high water table, soakaways are not proposed. Therefore details of the proposed drainage scheme shall be conditioned for submission and approval.
- 5.18 Access to the site by a variety of modes of travel is considered in the Transport Statement. The proposed building will be used by 30 members of staff. Each staff member will travel to and from the site each day, and the site will receive no external visitors.
- 5.19 The Highways Liaison officer has advised that it is unclear how many deliveries and HGV trips will be generated, nor the overall peak hour traffic generation. No information has been submitted on road collisions in the vicinity of the site. This additional information has been requested and further comment on this matter will be reported. Also if B8 use is to be approved by the Local Planning Authority the Local Highway Authority would require a Routeing Agreement for HGV traffic to prevent HGV movements via Kidlington.
- 5.20 The Transport Statement indicates that a Travel Plan will be made available to staff. Given the floor space of the proposal, a Travel Plan Statement must be submitted for consideration and approval prior to first use of the site.
- 5.21 Transport contributions towards transport infrastructure and services within Kidlington are sought via a legal Agreement. In line with Cherwell District Council's draft SPD the required figure for transport contributions is £38,673 (index-linked).
- 5.22 A construction traffic management plan will be required for consideration to cover details of contractors parking areas and ensuring that there will be no parking on the highway nor any damage caused to the highway or mud carried out onto the highway. Also deliveries should avoid peak hour traffic.
- 5.23 Subject to the submission of additional detail through conditions, it is considered that the proposal is acceptable and will not cause harm to highway safety.

### **Ecology**

- 5.24 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more

resilient to current and future pressures” (para 109).

- 5.25 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.
- 5.26 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”
- 5.27 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Under art.12(1) of the EC Habitats Directive, Member States requires that a system of strict protection of animal species be established to prohibit the deterioration or destruction of their breeding sites or resting places. The result is that there is in practice two linked systems of regulation. First under reg. 39(1)(d) it is a criminal offence to damage or destroy a breeding site or resting place but under reg.44 this does not apply if a licence has been granted for such operations and Natural England being that licensing authority. Secondly where planning permission is required reg.3(4) provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.28 Para. 98 of Circular 06/05 states that Local Planning Authorities should consult Natural England before granting planning permission and the views of Natural England would clearly have to be given substantial weight.
- 5.29 It is clear that ecological matters are a material consideration that requires up-to-date assessment under the Wildlife and Countryside Act. Consideration is needed to be given on the impact of a development upon protected species and their habitats. No protected species have been identified on the site and Natural England and the Ecology Officer have been duly consulted, their comments have been taken into account and form the basis of the ecology conditions. In respect to water voles, this particular part of the canal is used as residential moorings and the bank is concreted along this stretch, it is therefore unlikely to harbour water voles. .
- 5.30 With regard to impacts on the nearby SSSI, Natural England raises no concerns subject to conditions. Suitable landscaping will be incorporated into the site to provide opportunities for biodiversity. Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be

safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework and Policy C2 and C4 of the adopted Cherwell Local Plan.

### **Sustainability**

- 5.31 The NPPF seeks the delivery of development which is not only of a high-quality in design terms, but also places a strong emphasis on sustainable development.
- 5.32 The developer of this scheme is committed to the sustainable design, construction and use of these buildings; making the most use of passive gains, incorporating innovative thinking, innovative design and construction techniques to provide highly insulated and air-tight buildings, which can significantly reduce the environmental impact of the construction and use of the buildings as well as offer materially reduced energy consumption in-use. A BEEAM rating of Very Good can be achieved which takes account of land use and ecology, materials, energy, water, transport, waste, pollution, health and well being and overall management of the site.
- 5.33 It is considered therefore that the proposal accords with the intention of the government with regards to sustainable development and provides an opportunity to demonstrate modern development that contributes to sustainable economic growth.

### **Developer Contributions**

- 5.34 As the application is a major development there is a potential for developer contributions to mitigate the impact of the proposal and in this case on transport infrastructure in Kidlington. The County Council has requested a sum of £38,673 towards the necessary transport infrastructure and the applicant has agreed to this and therefore this will be secured through the necessary legal agreement.
- 5.35 Also to be secured through the legal agreement is £10,500 to be paid to The Canals & Rivers Trust, for towpath improvements a smaller figure was sought previously and agreed given that the canal is a sustainable transport corridor and a place for recreational use by future occupiers of the proposed development, this increased amount takes account of the increase in size of building.

### **Conclusion**

- 5.36 Taking the above consideration into account as well as the development plan, the proposal is considered to be an acceptable type, form and scale of development which is appropriately designed for the character and context of the site. It is a way forward to develop this acceptable employment site that delivers sustainable economic development. Notwithstanding that, the proposal responds well to the constraints of the site; it will not cause harm to ecology, amenity nor will it have a detrimental impact on highway safety or amenity of the Oxford Canal. The proposal is therefore acceptable and complies with the relevant development plan policies.

## **6. Recommendation**

**Approval**, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph(s) 5.34 and 5.35
- b) the following conditions:

1) Time

2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the documents submitted with the application and the following drawings: M901P1 and amended drawing nos. D001P5, D002P4, D202P6, D201P7 received 17/08/12.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance contained within The National Planning Policy Framework

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

4) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping and landscape management of the site which shall include:-

- tree and hedgerow protection measures
- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- 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,
- details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

5) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and 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 - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

6) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:

- no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved under condition no. 3 by the Local Planning Authority in writing;
- if that fencing is broken or removed during the course of carrying out the

development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;

- the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
- within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
- no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

7) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To ensure that the existing trees and hedgerows are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

8) Before the development is first occupied the access road, parking and manoeuvring areas shall be provided in accordance with the plan (D001-P5) hereby approved and shall be constructed, laid out, surfaced (bound material), drained (in accordance with SUDS) in accordance with full details which shall be submitted for approval in writing by the Local Planning Authority and shall be completed and retained unobstructed except for the access, parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction, layout and drainage for the development and to comply with government guidance contained within The National Planning Policy Framework

9) That prior to the first occupation of the development hereby approved full details shall be submitted for the prior approval in writing of the Local Planning Authority of the cycle parking facilities and refuse facilities and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use prior to the occupation of the development and retained unobstructed thereafter.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with government guidance contained within The National Planning Policy Framework.

10) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority, the drainage scheme shall incorporate oil interceptors in conjunction with permeable paving in the car parking areas. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the

Water Authorities Association's current edition "Sewers for Adoption".

Reason - The groundwater in the alluvium is likely to be shallow and we need to prevent the direct discharge of dissolved or free phase hydrocarbons to groundwater. Therefore surface water run off from large car parks should pass through an oil interceptor and a suitable unsaturated zone should be maintained between the base of any soakaway and the water table. Also to ensure satisfactory drainage of the site in the interests of public health, ecology and to avoid flooding of adjacent land and property and to comply with Policies C1 and ENV7 of the adopted Cherwell Local Plan and Government guidance contained within The National Planning Policy Framework

11) Prior to the commencement of the development and notwithstanding condition no. 17, a further survey shall be carried out to investigate the presence or otherwise of water voles, the survey and results shall then be submitted to the Local Planning Authority and if water voles are found to be present alongside the site, appropriate mitigation measures shall be agreed and implemented prior to the commencement of development to ensure they are not disturbed during the course of the development works.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

12) Prior to the commencement of the development and notwithstanding condition no. 17, no works of site clearance or development are to commence until a precautionary bat method statement has been submitted to the Local Planning Authority for approval. This is to detail how the three oak trees will be checked for bats prior to removal and provisions for them should they be found to be present. All works are to proceed in accordance with the approved document.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

13) No removal or trees or hedgerows to take place between the months of March and August inclusive, unless checked for the presence of nesting birds immediately beforehand by a suitably qualified ecologist. Should nesting birds be present, they are to be left undisturbed until the chicks have left the nest.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

14) That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the development.

Reason - To ensure the satisfactory appearance of the completed development and comply with Policies C28 of the adopted Cherwell Local Plan.

15) That prior to the commencement of the development, full design details of the proposed lighting to fixed to the buildings or within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason – In order to safeguard the amenities of the locality and in the interests of the Biodiversity opportunities for the site in accordance with Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policies C2 and C28 of the adopted Cherwell Local Plan

16) That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan.

17) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Phase 1 Habitat Scoping Survey and Protected Species Assessment by CP Ecology dated June 2011 and Reptile Survey Report by CP Ecology dated July 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the Government guidance contained within The National Planning Policy Framework and Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

18) That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

19) That the existing dropped kerbs along the boundary of the site onto Langford Locks (3 in total) must be reinstated to full-standing kerbs, details of which shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of the development.

Reason - In the interests of highway safety and to comply with Government guidance on promoting sustainable transport contained within the National Planning Policy Framework

20) That a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Travel Plan Statement shall thereafter be implemented and operated in accordance with the approved details.

Reason – In the interests of sustainability and to ensure a satisfactory form of development, in accordance Policy T5 of the South East Plan 2009.

21) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details of the measures to be taken to ensure construction works do not adversely affect the local road network around the site. Construction work shall thereafter be carried out in accordance with the approved CEMP.

Reason - In the interests of highway safety and to comply with Government guidance

on promoting sustainable transport contained within the National Planning Policy Framework

22) To ensure that no HGV traffic associated with the site shall pass through Kidlington village, a routeing agreement shall be undertaken with OCC, which shall be submitted to and approved in writing prior to the first occupation of the development hereby permitted.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

23) That prior to the commencement of the above ground works, full details of the eastern boundary gates (public art scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

24) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - This site is located over Alluvium and the Cornbrash Formation (Limestone) (both Secondary A Aquifers) and the close proximity to the Thrupp Drain suggests that the groundwater under this site is shallow. The site is located close to an area where a pollution incident involving diesel occurred and this parcel of land is likely to also have a history of industrial use. Construction of the foundations may disturb contamination, therefore any visual or olfactory contamination encountered during foundation construction should be dealt with in an appropriate manner. The site had issues with contamination in particular with an historic fuel spill, but the site investigation reports provided to date have satisfied our concerns. The data in the site investigation report was 8 years old and part of this land has been used as a car park in this interim period, therefore the applicant should be cautious during construction and deal with any hydrocarbon contamination encountered to comply with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Furthermore, the Thames River Basin Management Plan (RBMP) requires the restoration and enhancement of water bodies; to prevent their deterioration and promote their recovery. Without this condition, the impact of potential contamination leaching to the underlying 'Bicester-Otmoor Cornbrash' groundwater body may cause a deterioration in the chemical status of groundwater in this designated 'Drinking Water Protected Area'.

### **Planning Notes**

1) T1 – Third party rights

2) O1 – Archaeology

3) The applicant is advised by the Environment Agency that all sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

4) The applicant/developer is advised to contact Neil Owen on 01908 302575 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

5) The proposed two vehicular accesses will require separate consent from OCC as Local highway Authority – contact Licensing & Streetworks Team on 0845 310 1111.

6) Pursuant of condition no. 20 the CEMP will be required for consideration to cover details of contractors parking areas and ensuring that there will be no parking on the highway nor any damage caused to the highway or mud carried out onto the highway. Also deliveries should avoid peak hour traffic.

7) Pursuant of condition no. 22, the feature gates on to the Oxford Canal shall be designed and commissioned in coordination with the Council's Public Art Advisor (Abi Hehir – tel 07957154252 (Tuesdays only))

8) The applicant is advised that all sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings, has no undue adverse impact upon ecology, flood risk, highway safety or amenity of the locality. As such the proposal is in accordance with government guidance contained in The National Planning Policy Framework and Policies BE1, BE2, CC1, CC2, CC4, CC6, CC7, RE1, RE3, RE5, NRM2, NRM4, NRM5, T4 and T5 of the South East Plan 2009 and Policies C1, C2, C4, C5, C14, C28, EMP3, ENV7 and ENV12 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.