

**Site Address: Formerly Alcoa Europe,
Southam Road, Banbury**

14/00628/F

**Ward: Banbury Grimsbury and
Castle**

**District Councillor: Councillors: Beere, Bell,
Bonner**

Case Officer: Linda Griffiths

Recommendation: Approval

Applicant: Standard Life Investments

Application Description: Erection of new distribution centre with ancillary offices, car parking, service yard and access

Committee Referral: Major

1. Site Description and Proposed Development

- 1.1 The application site is located approximately 2.5km from Banbury Town Centre on the northern edge of the town. The site was previously occupied by SAPA Profiles and was originally the home of the Northern Aluminium Company. SAPA Profiles vacated the site at the end of 2008 and it has not been in use since that time. The former use was primarily a B2 use with ancillary offices and warehousing facilities.
- 1.2 The site is bounded by employment uses to the east, Oxford Canal to the south, Southam Road (A423) to the west and Noral Way to the north with Hardwick Business Park. There are three residential cottages to the south-west of the site adjacent to the canal and Southam Road and Hardwick Farmhouse, a Grade II* Listed Building to the north.
- 1.3 The site has now been cleared, including the original rolling mill building, although the Grade II listed office building, memorial garden and gatehouse remain. A disused railway embankment which ran along the southern boundary of the site has been removed and a new landscaped embankment constructed slightly closer to the canal to allow a greater area within the site for redevelopment. This new bund was permitted as part of a previous application relating to the redevelopment of the site (10/01575/OUT refers).
- 1.4 The application seeks detailed planning permission for the redevelopment of the eastern part of the site adjacent to the old Hella building for B8 purposes with ancillary offices. The total area of the site is 4.14ha and the application proposes a single building measuring 220m x 97.5m, 17m to eaves and a maximum overall height of 19m. A new access to serve this part of the site is proposed directly from Noral Way to serve the development. The car park is proposed to provide for 140 parking spaces and the service yard will accommodate 20 dock levellers, three level access doors, 30 trailer parking spaces, pallet storage area and fuel tank.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notices and an advert in the local press. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Banbury Town Council: raise no objections

Cherwell District Council Consultees

- 3.2 Ecology Officer: The application contains no information on any ecological enhancements, something which would be expected on a development of this size. Given the height of the building and its location close to the canal and reservoir, it would be ideal for the placement of swift nest boxes. The self-contained nest boxes can be affixed to the building exterior at a height of no less than 3 metres, ideally higher. The design of this building is such that the placement of swift nest boxes under the canopy of the southern façade would have no impact on any occupants or users of the building. If this option is ruled out, then a swift nesting tower should be installed along the southern boundary. These are large free-standing structures, similar to a dovecote, with a total height of around 4 metres. Banbury Ornithological Society would be able to provide more information on this type of structure. A condition regarding the above is therefore suggested.
- 3.3 Conservation Officer: has been involved in pre-application discussions and raises no objections

Oxfordshire County Council Consultees

- 3.4 Highways Liaison Officer: raises no objection, the submitted proposals for vehicular access, parking and manoeuvring areas are appropriate. The site was previously used on a more traffic intensive scale and land use. Therefore the traffic impact as a result of the planning application is negligible and mitigation measures not justified. However, in the interests of sustainable development, softer measures should be used to encourage greater use of sustainable modes of transport and reduce private car use. The travel plan is acceptable in principle, although some amendment is required and provision should be made for cyclists in terms of cycle storage and shower facilities. In addition a financial contribution is sought to provide bus stops closer to the site on Southam Road. A number of conditions are suggested relating to the above comments.
- 3.5 Drainage Officer: no comments received
- 3.6 Ecologist Planner: advises that advice should be sought from the CDC's in-house ecologist
- 3.7 Planning Archaeologist: previously requested that an archaeological watching brief be undertaken on undisturbed areas of the site as a condition on the outline planning application. Further information was submitted which showed that the area of development had been heavily disturbed by previous works on the site and this condition was discharged. No further archaeological investigations are required and there are therefore no archaeological constraints to this scheme.

Other Consultees

- 3.8 Environment Agency: has no objection to the proposal but suggests a number of conditions to be attached to any permission. Without the inclusion of these conditions we consider the development to pose an unacceptable risk to the environment.

4. Relevant National and Local Policy and Guidance

4.1 At the time of the preparation of both the adopted Cherwell Local Plan and the Non-Statutory Cherwell Local Plan 2011, the site in question was in active employment use and was expected to continue to do so for the lifetime of those plans. In 2006 the Council commissioned an Employment Land Review to study past demand, current supply and future provision of employment land within the district to aid in the preparation of the Local Development Framework. The study concluded that the site was a valid employment location and should be protected for this purpose and recommended that B2 use should be maintained if possible although it was recognised that re-occupation of this site by a single, large scale use would be unlikely.

4.2 Following the announcement that the Banbury SAPA site was to cease production, the Council produced a development brief setting out the development principles for both this site and the site to the north, previously occupied by Hella. This document seeks to provide informal guidance in relation to the Council's aspirations for proposals for the reuse/redevelopment of the site. These Development Guidelines were considered by the Executive and approved as informal guidance.

4.3 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C4: Nature Conservation
- C5: Ecology
- C28: Layout, design and external appearance of new development
- ENV1: Pollution control

- ENV12: Contaminated land
- TR1: Transportation funding

4.4 Other Material Policy and Guidance

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with particular regard to the following sections:-

- 1: Building a strong competitive Economy
- 4: Promoting sustainable transport
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change
- 11: Conserving and enhancing the natural environment

National Planning Policy Guidance

Submission Cherwell Local Plan (October 2013)

The proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on the proposed changes to the draft plan was undertaken from March to May 2013. On 7th October 2013, the draft Submission Plan was approved by the Council's Executive. The Plan was presented to Full Council on 21st October 2013 and Full Council endorsed it as the Submission Local Plan. It was submitted to the Secretary of State for Communities and Local Government on 31st January 2014. The Examination is

scheduled to begin on 3rd June 2014. At the present time the plan carries some weight, but will not form part of the Statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council.

The Plan sets out the council's Strategy for the District to 2031. The policies listed below are considered to be material to the consideration of this application:-

Sustainable Development

- Policy SLE 1: Employment Development
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy
- Policy ESD 3: Sustainable Construction
- Policy ESD 4: Decentralised Energy Systems
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the natural environment
- Policy ESD 16: The Character of the Built and Historic Environment
- Policy ESD 17: The Oxford Canal

Infrastructure Delivery

- Policy INF 1: Infrastructure

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of Development
- Transport, Highway and Access
- Designated Assets
- Landscape Impact and Design
- Flooding and Drainage
- Contamination
- Ecology

Relevant Planning History

5.2 In 2008 an application was approved which sought a change of use of the existing rolling mill building constructed in 1931 from a primarily B2 use to a flexible mixed B2/B8 use (08/01987/F) refers. This was submitted during the marketing of the site which was at that time still owned by SAPA Profiles in an attempt to make the site more desirable to prospective new purchasers.

5.3 In 2010 an application was approved which sought to redevelop this former factory site for employment uses (Use classes B1, B2 and B8) with associated car parking, servicing and landscaping (10/01575/OUT) refers. This permission was subject to a condition which sought to restrict the height and size of buildings in accordance with a parameters plan which was submitted as part of that submission. This proposal exceeds the heights indicated on the parameters plan and has therefore been submitted as a full application rather than a reserved matters.

Principle of Development

5.4 The application site is an existing established employment site which has been in use

for employment purposes since the 1930's being occupied until 2008 by the Northern Aluminium Company, later known as SAPA. SAPA vacated the site in 2008 and it has been vacant since. The majority of the site has now been cleared, the old rolling mill being demolished in 2009, although the Grade II listed office building and gate lodge still remain.

- 5.5 In 2006 the Council commissioned URS Ltd to undertake an Employment Land Review to study past demand, current supply and future provision of employment land and premises within the District and to aid the Council in the preparation of the Local Development Framework. In summary this review concluded that the site was in a valued employment location and should be maintained if possible. This review was updated in 2012 where it is identified as vacant but developable land for employment uses. The study also recognises that there is likely to be a demand for B8 warehousing in Cherwell up to 2026 which has a strong tradition of warehousing and logistics due to its location on the M40.
- 5.6 In October 2008, planning permission was granted for a change of use of the existing rolling mill building from B2 to B2 and/or B8 purposes (08/01987/F) refers. When assessing the merits of that application, it was considered vitally important to ensure that the site continued to play an important role in the provision of employment within Banbury. It is vital to ensure that Cherwell remains a 'District of Opportunity' and the Council's Economic Development Strategy therefore seeks to maintain the currently relatively low level of unemployment. To ensure that this site continues to be important economically and is brought back into economic use, it is essential that a flexible approach should be taken in terms of the use and size of buildings and the redevelopment of the site.
- 5.7 In 2010 outline planning permission was granted for the redevelopment of this former factory site for employment uses (use classes B1, B2 and B8) together with the retention of the existing listed offices, reinstatement of the listed gates and retention and refurbishment of the gate house. The principle of the redevelopment of the site for the use proposed has therefore already been established by that permission (10/01575/OUT refers).
- 5.8 It is also important to assess the proposal in relation to national and local plan policy. At the heart of the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. The framework states that there are three dimensions to sustainable development: environmental, social and economic.
- 5.9 At paragraph 14, the NPPF clarifies the principles of plan-making and decision-taking and states that for decision-taking this means approving development proposals that accord with the Development Plan without delay. The NPPF also clarifies the position that where Development Plans are absent or where plans are silent or out of date, where planning permission should be granted unless;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole, or
 - Specific policies in this framework indicate development should be restricted
- 5.10 In seeking to build a strong, competitive economy the government is committed to securing economic growth in order to create jobs and prosperity...ensuring that the planning system does everything it can to support sustainable economic growth. The adopted Cherwell Local Plan does not have policies specific to this site as at the time of producing the plan the site was in full economic use. However there are other policies within this plan which remain relevant to the re-development of the site, and are consistent with the NPPF and carry weight in determining the application.
- 5.11 Saved policies of the adopted Cherwell Local Plan 1996 will be considered later

within the report. However, in assessing the principle of the development, it is considered that the proposal is consistent with the provisions of the NPPF and the Council's Economic Strategy and is therefore acceptable.

Transport, Highway and Access

- 5.12 The whole site is currently accessed from the A423 Southam Road via the existing service road parallel to the Southam Road and utilising the priority junction serving the site onto the A423.
- 5.13 It is proposed to serve this new building from a new access to be created from Noral Way adjacent to the site which currently serves the former Hella site and Hardwick Business Centre. Noral Way is served via a roundabout to the A423 Southam Road. Noral Way is of an appropriate width and construction to accommodate goods vehicles and HGVs generated by the proposal. Consent for a second access from Noral Way was approved as part of the previous consent relating to the redevelopment of the site and the principle of this new access is therefore already established (10/01575/OUT refers).
- 5.14 The impact of the proposed development on the local highway network has been considered in the submitted transport Assessment which has been assessed by the Highway Authority. The proposal utilises previously developed land and would generate fewer trips than the extant use of the site and the impact of the development is negligible and mitigation not justified. However, in the interests of sustainable development softer measures should be used to encourage greater use of sustainable modes of transport and reduce private car use. The travel plan proposed is acceptable in principle, although some amendment is required and provision should be made for cyclists in terms of cycle storage and shower facilities. A condition is recommended by the highway authority in respect of a travel plan to be submitted and approved. In addition a financial contribution is sought by the Highway Authority to provide bus stops closer to the site on the Southam Road. The Unilateral Undertaking relating to this aspect has already been signed by the applicants and the money paid to Oxfordshire County Council in conjunction with the proposed application.
- #### **Designated Heritage Assets**
- 5.16 The SAPA premises were originally occupied by the Northern Aluminium Company which produced the majority of aviation grade aluminium during WWII. The original rolling mills, which have since been demolished, were constructed in 1931. The office building located at the front of the site was constructed in 1936-7 in Art Deco style and still contains many of the original features It was designed by noted Oxford architect Gilbert Gardner and became a grade II listed building along with the gates and memorial garden in 2008.
- 5.17 The application submission must therefore be assessed in relation to the above heritage assets. The former 1930s rolling mill sheds were of a height, massing and overall architectural design which reflected that of the associated offices, being of the same era. These buildings measured only 10m to eaves and were less than 16m to ridge at their highest point. These buildings also had a complex section and lower side aisles and multi-windowed facades which helped to break up the monolithic appearance of these industrial buildings.
- 5.18 Section 12 of the NPPF 'conserving and enhancing the historic environment' sets out planning guidance in respect of heritage assets. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.

- 5.19 Paragraph 28 states that ‘ in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’.
- 5.20 Paragraph 129 states ‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the propose’
- 5.21 Paragraph 32 states ‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a grade II listed building should be exceptional’.
- 5.22 The NPPF at paragraphs 133 and 134 go on to say that where a development will lead to substantial harm it should be refused, or where it will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
- 5.23 The application site abuts the recently designated Oxford Canal Conservation Area which runs the length of the Oxford Canal through the district. This has been designated a conservation area since the consideration of the previous application in 2010. The canal dates from before the railways, and as such, had a great impact on the socio-economic development of the district, particularly Banbury. It now has a place in the recreation, culture, water management and tourism which brings people to the district. The quality of new development along the canal is therefore an important consideration in respect of this application proposal.
- 5.24 The application proposal has been assessed in terms of its impact upon the adjacent heritage assets, the listed Grade II office building and the memorial garden and the Oxford Canal Conservation Area. The Conservation Officer assessed the proposal at pre-application stage and raised no objection. It is considered that due to the distance from the listed office building and the memorial garden, that the proposed building will not cause harm to their setting and is therefore acceptable and in accordance with the above advice. In terms of the adjacent Oxford Canal Conservation Area, it is considered that the presence of the newly constructed landscaped buffer and the design of the building indicating a barrel vaulted roof design with overhanging eaves and curtain walling reduces the overall visual impact of the building from the canal and the towpath, thereby preserving the character and appearance of this heritage asset in accordance with the advice within the NPPF and Policy C18 of the adopted Cherwell local Plan.
- 5.25 The County Archaeologist is satisfied that following the archaeological investigations that had been carried out in connection with the previous application that there are no archaeological constraints to this scheme as the watching brief showed that the area of development had been heavily disturbed by previous works on the site.

Landscape Impact and Design

- 5.26 The site is located on the northern edge of Banbury, but due to the topography of the Southam Road and the existing tree and hedgerows, the site is reasonably well screened on the approach into Banbury from the north. The site and building will however be visible across the open fields and adjacent former Hella site from the M40. The site is also currently open to views from the adjacent Hanwell Fields development. The site is reasonably well screened fro the Oxford Canal by a recently

constructed landscaped bund which was part of the outline consent (10/01575/OUT) which replaced the former railway embankment and was removed as part of the redevelopment of the site. This embankment will screen the lower sections of the building and the service yard from the adjacent canal and towpath. The application site which relates to only part of the former SAPA site proposes a single building which will occupy the far eastern end adjacent to the former Hella site. The service yard and car parking are accessed from Noral Way and is provided on the western side of the building away from the canal. The building is positioned lengthways on the site with the narrower gable end towards the canal, thereby reducing its impact when viewed from along it.

- 5.27 The height of the building required by the occupier is 16m internal clear height. In order to accommodate this internal height and avoid an uninteresting box, a barrel vaulted roof design is proposed with overhanging eaves. This results in a roof height ranging from approximately 17m at the eaves to 19m at the highest point. The buildings appearance is further broken up by the insertion of vertical glazing at intervals on the prominent elevations. Different metal cladding finishes are also added to add further visual interest. Extensive curtain wall glazing is used to the office elevations facing Noral Way and tuning the corner into the site. Whilst the building in terms of its overall height exceeds the parameters set out in the outline application, the proposal is not considered unacceptable and has been specifically designed for the proposed user.
- 5.28 The building itself will be visible from the Oxford Canal above this new embankment, but the building has been designed to provide a modern, contemporary, attractive unit using robust materials to appeal to this particular occupier. The variety of materials and colours enhance the appearance of the building when viewed from the various vantage points. Having regard to the above, it is considered that the building proposed is acceptable in design terms and choice of materials and will not have an unacceptable visual impact upon the locality and is therefore in accordance with Policies C28 and C29 of the adopted Cherwell Local Plan.

Ecology

- 5.29 The site has been the subject of a series of ecological surveys in conjunction with previous applications. In 2010 an extended habitat and protected species survey was undertaken to inform the outline application. This report concluded that the site was of low ecological significance but identified the need to re-survey the site prior to the start of works to check for water vole, otter, badger and bats and breeding bird surveys if vegetation was to be removed during the bird breeding season. Prior to any works commencing on site a protected species survey including badger, water vole and otter was undertaken and the results submitted in respect of the discharge of the condition on the outline consent relating to ecology. No evidence of protected species on the site was found during these surveys. This condition was discharged in October 2011.
- 5.30 Section 11 of the NPPF 'conserving and enhancing the natural environment' requires at paragraph 109 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 establishing coherent ecological works that are more resilient to current and future pressures.
- 5.31 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity, and;
- 5.32 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European protected

species are affected.

5.33 Following the results of the above, it was not considered necessary to carry out further surveys in conjunction with this application as the application site has been cleared of all buildings and vegetation. The Council's ecologist has not disagreed, but does recommend a condition requiring ecological enhancements, such as the positioning of swift boxes to the exterior of the building adjacent to the landscaped bund and canal or the erection of swift nesting towers along the southern boundary.

5.34 Consequently, having regard to the above and the surveys already undertaken on the site, it is considered that article 12(1) of the EC Habitats Directive has been duly considered. The proposal therefore accords with the NPPF and Policies c2 and C5 of the adopted Cherwell Local Plan and Policy ESD10 of the Submission Local Plan January 2014.

Flooding and Drainage

5.35 The Environment Agency's flood maps indicate that the site lies within Flood Zone 3, an area with a high probability of flooding. However, the site is part of a wider site which already has outline planning permission. Works have already taken place on the site to provide flood compensation and surface water drainage for the wider site and during these works the ground levels at the proposed development site have been raised. BWB have undertaken further flood modelling (which has previously been approved by the Environment Agency), providing a revised flood map which shows that the proposed development site has now been removed from Flood Zone 3, although areas of the site still remain in Flood Zone 2.

5.36 A preliminary surface water drainage plan has previously been agreed by the Agency, including suitable SUDS arrangements. Comments were given to the applicants by the Environment Agency in 2011 regarding the proposed location of attenuation areas as these were originally located within the flood compensation areas. It is now proposed to provide storage for the 1 in 100 year plus climate change event with large scale filter drain around the property boundary. During events greater than the 1 in 100 year plus climate change some flooding of the car park may occur. However, buildings will be raised to prevent internal flooding during these extreme flood events. A limited discharge rate for the wider site was previously agreed resulting in a 30% reduction on pre-development discharge rates.

5.37 The Environment Agency have assessed the Flood Risk Assessment submitted as part of this application and with the provision of the flood compensation works, raising of ground levels and provision of suitable above ground Suds systems we have no objection to the proposed development on flood risk/surface water drainage grounds. A number of conditions will be attached to the permission relating to flood risk and drainage as recommended by the Environment Agency.

Contamination

5.38 This site has had a number of potentially contaminating uses in the past, including a small gas works. Contaminated land investigations on this site have encountered very significant quantities of contamination in soil and groundwater. Significant amounts of remedial works have already been undertaken on the site following the granting of the outline consent (10/01575/OUT refers). This included the removal of large quantities of free product (oil).

5.39 The validation report submitted in conjunction with the above included details of where contamination was left in situ as risk assessments have shown that this will not pose a risk to controlled water receptors. Further intrusive investigations in conjunction with this application are therefore not required.

5.40 The only exception to the above would be if any unexpected, not previously

investigated contamination was encountered during the development. A careful watching brief for areas of contamination should therefore be maintained during the development.

Engagement

- 5.41 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.42 Having regard to the above assessment, it is considered that the erection of the B8 building on the site is acceptable, and will bring this vacant employment site back into economic beneficial use, securing jobs for Banbury and improving the appearance of this vacant site in a gateway location at the entry into the town from the north. The proposal is in accordance with the above mentioned local plan policies and government advice within the NPPF and is therefore recommended for approval.

6. Recommendation

Approval, subject to:

a) the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this consent.
Reason To comply with the provisions of Section 91 of the town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of the development hereby approved, a colour scheme for the colouring of the external cladding shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the building shall be finished and thereafter maintained in accordance with the approved colour scheme.
Reason To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell local plan and Government guidance within the National Planning policy Framework
3. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement; Transport Statement; Travel Plan; Flood Risk Assessment; Ecology position Statement and drawings numbered 30261-PL-151; 30261-PL-152A; 30261-PL-153A; 30261-PL-154B 30261-PL-155A; concept landscape sections 02 and Landscape Concept layout 01 Rev A.
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
4. Prior to the commencement of the development, full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved means of enclosure shall be erected, in accordance with the approved details prior to the first occupation of the building and thereafter maintained.
Reason To ensure the satisfactory appearance of the completed development

and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme for landscaping the site shall include details of the proposed tree and shrub planting including their species, number sizes and positions, together with grass seeded/turfed areas

Reason In the interests of the visual amenities of the area and to create a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting seasons following the occupation of the building, or on completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason as above

7. That prior to the commencement of development, full detailed plans of the proposed access to Noral way, together with the vision splats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, the access shall be provided in accordance with the approved plans.

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

8. Prior to the commencement of development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

9. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans' and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason In the interests of sustainability, to ensure a satisfactory form of development and to comply with government guidance contained within the National Planning Policy Framework

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by BWB Consultancy ref BMW/454/FRA-Unit Rev A dated April 2014 and the following mitigation measures detailed within the FRA:

- Surface water discharge shall not exceed 150l/s across a range of storm events up to and including the 1 in 100 year event with an allowance for

climate change as detailed in Section 4.0 of the above FRA

- Finished floor levels to be set no lower than 93.54m above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing, by the Local Planning authority.

Reason To prevent flooding by ensuring the satisfactory of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Government guidance contained within the National Planning Policy Framework.

11. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate;

- The surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event
- Infiltration drainage should not be located in contaminated areas

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason To prevent the increased risk of flooding, both on and off site and the protection of ground water quality, in accordance with Government guidance contained within the National Planning Policy Framework.

12. 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 To ensure that unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water, and to comply with Government guidance within the National Planning Policy Framework

13. Prior to the commencement of development, details for the provision of a minimum of 10 swift nesting boxes, or a swift nesting tower, shall be submitted to and approved in writing by the local planning authority. Details shall include the type of nest boxes to be used and their proposed location(s) on or close to the southern side of the building. The approved works shall be implemented in full prior to the first occupation of the building.

Reason To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell local Plan and Government guidance within the National Planning Policy Framework

14. The building hereby approved shall be constructed to at least a BREEAM 'very Good' standard.

Reason To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

15. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town

and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the approved building shall not be extended or altered without the prior express planning consent of the Local Planning authority.

Reason To enable the local planning authority to retain planning control over the provision of additional floor space in order to avoid congestion on the surrounding highways and junction11 of the M40, maintain a satisfactory layout and sustain an overall adequate level of parking provision and servicing within the site in accordance with Government guidance within the National Planning Policy Framework

16. Notwithstanding the provisions of Section55 (2) (a) (i) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act) and Article 2A of the Town and Country Planning (General Development Procedure) Order 1995 and Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 and its subsequent amendments, no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior express planning consent of the Local Planning Authority.

Reason As above

17. That prior to the first occupation of the building hereby approved, full details of external lighting, both on the building or within the site shall be submitted to and approved in writing by the local planning authority. The lighting shall thereafter be installed and maintained in accordance with the approved details.

Reason In order to safeguard the amenities of the area and of the Oxford Canal in accordance with Government guidance within the National Planning Policy Framework

Planning Notes

1. PN22
2. PN23

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.