

**Site Address: OS Parcel 8184 Adjoining
and North of River Cherwell And South
West of Spital Farm Sewage Bankside
Banbury**

14/01621/F

Ward: Banbury Calthorpe

District Councillor: Colin Clarke and Alastair Milne
Home

Case Officer: Ernest Addae-
Bosompra

Recommendation: Approval

Applicant: Network Rail And Chiltern Railways

Application Description: Construction of a Light Maintenance Depot for train vehicles
with associated accommodation and associated rail sidings for train stabling.

Committee Referral: Major Application

Committee Date: 19th February 2015

1. Site Description and Proposed Development

- 1.1 The application site is located on the southern edge of Banbury. The site is approximately 4 hectares in size and is predominantly 'derelict' following its closure as a train depot in 1967. After the closure, the structures on the site were demolished, leaving various concrete slabs, platforms, and remains of steel columns above ground level. Scrub trees and shrubs have since grown across significant parts of the site.
- 1.2 The River Cherwell runs along the southern boundary and the railway line serving Banbury is located to its northern boundary. The eastern boundary is marked by railway lines between London Marylebone and Birmingham Snow Hill. The southern site boundary is marked by a linear woodland feature and the River Cherwell immediately beyond. The western site boundary is marked by a boundary fence between the site and an adjacent agricultural field in use for pasture for its length of approximately 300m
- 1.3 Within the site boundary, ground levels vary. There is an embankment along the western and southern boundaries of the site, which is adjacent to the River Cherwell. Access to the site is via Station Approach off Bridge Street. Station Approach is a private access road which reduces in width within Power Park Industrial Building. This road also serves the football ground and the Power Park Industrial Estate. Outside the surrounding area the site boundary is dominated by a mix of uses that include commercial/industrial, residential, agricultural, sports, leisure, and recreational facilities/infrastructure. The site also includes an existing vehicular route for Network Rail staff to access the western side of the railway for maintenance purposes.
- 1.4 The proposed development will comprise of a main depot building located in the centre of the site. The building will comprise of 2 tracks which will be used for light maintenance and refuelling operations. Staff accommodation, Administration and Welfare facilities will be located in a building adjacent to the Main Depot building. A bunded fuel tank area will be situated immediately south of the main depot building adjacent to a proposed staff and visitor parking areas. 4 Sidings will be located along the northern site boundary and used for the stabling of trains overnight and for internal cleaning. Adjacent to the 4 Sidings will be a Network Rail Tamper Siding which will be used to stable track engineering vehicles.

- 1.5 In addition to the main maintenance depot building, the proposed development will include the following facilities; Office accommodation for depot management, staff welfare accommodation for operational train crew and for cleaning and servicing staff, overnight stabling for train vehicles, car parking for staff and visitors, an access road through the site connected with a new track access point for Network Rail track maintenance, above ground fuel storage tanks, HGV hard standing and turning circle for fuel and spare parts delivery, rail vehicle under- frame wash facilities, controlled emission toilet facilities, driver walkways to all areas of stabling, train signalling system, relocation of a stone bunker for train maintenance.
- 1.6 The main depot building will measure approximately 156m by 18m and will be approximately 8m high to the eaves and 9m to the ridge. It will be constructed out of steel frame with insulated horizontal flat panel cladding at low level with vertical profiled plastisol finished cladding at high level. The roof colour will be light grey. The staff office and welfare accommodation building will be of steel frame construction with insulated horizontal flat panel cladding at low level with vertical profiled plastisol finished cladding. It will measure 55.7m long by 10m wide, and approximately 5m to the eaves, with a 6 degree mono-pitched roof.
- 1.7 The proposed development site is beyond the built-up limits of Banbury in open countryside and is within the proposed 'Green Buffer' as shown in the Submission Local Plan 2014. The site is also situated within the Cherwell Valley Area of High Landscape Value. Footpath 120/103 runs to the south-west of the site, although not within it. One notable/UK BAP Priority and Section 41 Species (Grey Wagtail) has been identified in close proximity, and it also contains lowland mixed deciduous woodland. The site has been identified as an Ecologically important Landscape (EILS). A minor aquifer has been identified and the site is within Flood Zones 2 and 3. The site is also within 20 metres of a 'Main' river. The land is within 250 metres of a landfill site and is potentially contaminated.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 21st October 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Banbury Town Council: raises no objections to the application

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** The proposed development site is beyond the built up limits of Banbury in open countryside and is within the proposed 'Green Buffer' shown in the Submission Local Plan (October 2014). The impact of the proposals on the provision of green infrastructure and protection of the natural environment, including the river corridor, will need to be considered.

The proposals should be considered in the context of future development proposals identified in the vicinity in the Submission Local Plan including the provision of new homes at Banbury Canalside and the future effective planning of the town. Important infrastructure operations for Chiltern Railways (and rail users) would be provided at Banbury, a sustainable location. The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposals are:

Policy R7: (The Oxford Canal and River Cherwell) states through the control of development the Council will seek to protect and enhance the recreation roles of the Oxford Canal and River Cherwell.

Policy C1: (Nature Conservation) seeks to promote the interests of nature conservation.

Policy C5: (Nature Conservation) states that the Council will seek to protect the ecological value and rural character of the Oxford Canal and river Cherwell and the flood plain of the river Cherwell through the control of development.

Policy C7 states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape. **Policy C8**

states that sporadic development in the countryside will generally be resisted. **Policy C9** states beyond the existing and planned limits of Banbury development of the type, size or scale that is incompatible with the rural location will normally be resisted.

Paragraph 9.14 further explains Policy C9. **Policy C13** seeks to conserve and enhance the environment within areas of High Landscape Value.

Policies C31 (Design Considerations), ENV1 (Pollution Control) and ENV12 (Contaminated land) should also be considered.

The main paragraphs of the NPPF which apply to these proposals from a local plan perspective are: Paragraph 14 - the 'presumption in favour of sustainable development', and Paragraph 17. In determining the planning application regard should also be had to relevant guidance in Sections 1, 4, 7, 8, 10 and 11 of the NPPF.

Annex 2 of the NPPF defines previously developed land as land that is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.....

Annex 2 states that this excludes: land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Whilst some policies within the Non-Statutory Local Plan may remain material, other strategic policies have in effect been superseded by those of the Submission Local Plan (October 2014).

The main Policies of the Submission Local Plan (October 2014) which apply to the development proposals are:

Policy SLE1 - (Employment Development) focusses employment development on existing sites. It states that proposals at Banbury will be supported if they meet certain criteria including a requirement that proposals are within the built up limits of the settlement.

Policy SLE4 - (Transport Connections) supports sustainable modes of transport.

Policy ESD6 - (Sustainable Flood Risk Management) sets out the Council's approach to flood risk management.

Policy ESD10 - (Protection and Enhancement of Biodiversity and the Natural Environment) sets out the Council's approach to protection and enhancement of biodiversity and the natural environment.

Policy ESD13 - (Local Landscape Protection and Enhancement) states that;
Proposals will not be permitted if they:

- *cause undue visual intrusion into the open countryside*
- *cause undue harm to important natural landscape features and topography*
- *be inconsistent with local character*
- *impact the setting of settlements, buildings, structures or other landmark features*
- *harm the historic value of the landscape*

The application proposals are within the Green Buffer as shown on the Key Policies Map: Banbury. **Policy ESD15 - (The Urban-Rural Fringe)** states that; Proposals for development on the edge of the built up area must be carefully designed and landscaped to soften the built up edge of the development and assimilate it into the landscape by providing green infrastructure that will positively contribute to the rural setting of the towns. Existing important views of designated or attractive landscape features will need to be taken into account. Proposals will also be considered against the requirements of **Policy ESD13 - Local Landscape Protection and Enhancement**.

In addition, green buffers as indicated on the Policies Map will be maintained to:

- Maintain Banbury and Bicester's distinctive identity and setting
- Protect the separate identity and setting of neighbouring settlements which surround the two towns
- Prevent coalescence and protect the gaps between the existing/planned edge of the towns and surrounding settlements
- Protect the identity and setting of landscape and historic features of value that are important to the identity and setting of the two towns
- Protect important views

Policy B.260a states;

'When considering essential infrastructure proposals within the green buffers the Council will assess whether the benefits of the proposals outweigh the impact the development would have on the objectives of the green buffers. Any such proposals will be expected to include appropriate mitigation strategies to reduce any potential adverse effects that may occur to the green buffer designation and wider landscapes'.

Policy ESD18 - (Green Infrastructure)

Paragraph B.275 identifies the river corridor and accessible countryside in urban fringe areas as part the Districts Green Infrastructure network and at paragraph B.278 the river corridor is named as a dominant strategic feature. At paragraph B.280 the Local Plan states green corridors consist of canals, river corridors and hedgerows, together with public rights of way and that development proposals will be expected to retain and enhance existing green corridors, and maximise the opportunity to form new links between open spaces.

Paragraph B.283 the Local Plan explains that south of the Canalside development (Policy Banbury 1) the opportunity exists to turn part of the existing flood plain of the river Cherwell into a managed habitat.

Policy Banbury 1 - (Banbury Canalside) proposes the redevelopment of an area of land shown on the Local Plan Inset Map – Banbury 1 for mixed uses.

Policy Banbury 11 - (Open Space and Recreation) states;

As part of measures to address current and future deficiencies in open space, sport and recreation provision in the town we will:

Retain the long-term objective of seeking to establish a series of open spaces based on the Oxford Canal and River Cherwell linked by public footpaths/cycleways, with the intention of creating a linear park and thoroughfare from the north of the town and Grimsbury reservoir to the new park to be provided as part of the committed development south of Bankside. Development that would prejudice this objective will not be permitted.

In November 2009 the Council produced a draft Supplementary Planning Document (SPD) for the Canalside area (Policy Banbury 1) for public consultation. The SPD proposed larger 3 and 4 bed housing on the southern part of the site, near to the application site. The Canalside Viability Study (September 2013) also showed that residential development in this part of the site would be viable. The application proposals in this position could adversely affect the amenity of new dwellings in this part of the site and compromise access to the open countryside which currently remains free from built development to the west of the railway line. Proposals could affect the delivery and viability of the proposals at Canalside. This however should be considered in the context of existing rail operations within the Canalside site and their potential removal. There are also existing and planned (Policy Banbury 6 – Submission Local Plan) industrial uses in relatively close proximity to the east of the railway line.

In addition, access to the proposal site is shown through the Canalside site in the planning application which may compromise the planning of the site ahead the production of an SPD for Canalside. This site has been promoted through the Local Plan process

Development in this location would be in the open countryside and therefore inconsistent with the adopted Local Plan (saved Policies) (1996) in this regard. Proposals are beyond the built-up limits of the settlement and therefore do not comply with Policy SLE1 of the Submission Local Plan (October 2014). The proposals are also potentially inconsistent with the future planning of the town including in relation to residential amenity and green infrastructure provision.

Proposals should also be considered against a number of the saved policies in the adopted Local Plan and the Submission Local Plan (October 2014) in terms of determining impacts particularly in relation to the countryside, landscape, biodiversity, the urban/rural fringe (green buffers) the role of the river corridor and green infrastructure provision.

The site could be considered as one where previous structures have blended into the landscape in the process of time and therefore potentially not defined as previously developed. However it is explained that the site still has some current function including for access purposes.

It is clear that these operations are required and are part of the future planning of the town in terms of infrastructure provision. They will create jobs and encourage the use of sustainable modes and therefore are consistent with policies in this regard. Chiltern Railways explain how they have explored various alternative locations but state that, to improve services, a facility is required at Banbury and the proposed site is the only viable option available.

Banbury is a sustainable location but considering the potential policy conflicts identified above, alternative sites need to have been explored in Banbury or elsewhere in the District if necessary and reasons provided as to why they have been ruled out. If the application is permitted landscaping and planting should be provided to limit the impact of development.

3.3 **Anti-Social Behaviour Manager**; states that sections of the Environmental Statement that relate to noise, dust and the separate report that deals with lighting of the site have been examined.

From the Noise perspective the report prepared by Spectrum Acoustics considers the three key areas likely to be of concern, construction noise, construction traffic noise and operational noise.

The report predicts the effect of construction noise on the nearest receptors to the site and concludes that subject to no out of hours working taking place the impact of construction site noise will not be significant. Notwithstanding this prediction, it is

recommended that a planning condition be imposed requiring the prior approval of a 'Construction Environmental Management Plan' that sets out the applicants proposals for controlling construction noise (and other potentially polluting or nuisance aspects of the project), proposals for the on-going monitoring of these parameters and an action plan for dealing with exceedences. Noise from construction related road traffic has been assessed and the impact predicted as negligible. The assessment of operational noise predicts no significant impacts at the nearest noise sensitive locations.

The dust assessment indicates whilst there is a potential for dust generation for the construction phase of the scheme the use of best practical means detailed in a Construction Environmental Management Plan are capable of reducing the potential effect to 'minor'.

The details of the proposed external lighting scheme will comply with requirements of the Institute of Lighting Practitioners design guidance and are therefore considered acceptable. Subject to the inclusion of the recommended condition above there will be no objection to the approval of this planning application.

Oxfordshire County Council Consultees

- 3.4 **Transport Officer:** Negligible traffic impact upon the local highway network at peak times. The proposed arrangements for access, parking and manoeuvring are appropriate. The site is accessible by a number of modes of transport providing alternatives to private car use, albeit the travel demands of employees may limit the practicality and attractiveness of some modes. No objection subject to conditions.
- 3.5 **Archaeology:** The site has been heavily disturbed by the development of the Banbury light maintenance depot which is likely to have disturbed any surviving archaeological deposits. There are therefore no archaeological constraints to this scheme. No objections

Other Consultees

- 3.8 **Thames Water;** No objections raised. With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. A Grampian style condition is recommended should the application be approved. . There is a Thames Water main crossing the development site which may need to be diverted at the developers cost or necessitates amendments to the proposed development design so that the aforementioned main can be retained. An Informative is recommended. More information is required regarding the proposed pumped connection to the existing Thames Water rising main. The impact of the proposed discharge will need to be assessed to ensure that the proposed connection does not have a detrimental impact on the existing Thames Water Sewage Pumping Station (SPS) and the rising main.
- 3.9 **Environment Agency:** No objection to the application as submitted, subject to the inclusion of a number of conditions. Without the inclusion of these conditions it is considered the development will pose an unacceptable risk
- 3.10 **Network Rail:** has no objection.
- 3.11 **Natural England:** states that the application is not likely to result in significant impacts on statutory designated sites, and landscapes. Consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that "when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. 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'. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending the amended consultation, please assess whether the changes proposed will materially affect any of the advice previously offered.

Canals and River Trust; There is no requirement to consult as Statutory Consultees.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C1	Nature Conservation
C5	Area of High Landscape Value
C7	Demonstrable harm to topography and character of landscape
C8	Sporadic development in the Countryside
C9	Development incompatible with rural location
C13	Areas of High Landscape Value
C28	Layout, design and external appearance of new development
C31	Design Consideration
R7	The Oxford Canal and River Cherwell
ENV1	Pollution Control
ENV12	Contaminated Land

Non Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material consideration superseded by those in the Submission Local Plans, other strategic policies have in effect been superseded by those of the Submission Local Plan (October 2014)

EN30	Sporadic development in the countryside
EN31	Beyond the existing and planned limits of Banbury & Bicester
EN34	Conserve and enhance the character and appearance of the landscape Banbury Canalside Draft Supplementary Planning Document (2009) was published in November 2009, and addresses proposals for the regeneration of the area between the town centre and the railway station. The SPD has not yet been adopted as formal policy Policies in the Non Statutory Cherwell Local Plan 2011 are reviewed and updated by the Draft SPD

4.2 Other Material Policy and Guidance

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections. The policies contained within the document should be taken as a whole.

- 4: Promoting sustainable development
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

The Planning Practice Guidance (NPPG) states at Paragraph 014 that “ Planning should promote cohesive and vibrant neighbourhoods” “ The health, wellbeing and quality of life of those who will be using an area will be influenced by its cohesion

Submission Local Plan 2006 – 2031

- 4.3 Submission Local Plan (January 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to enable the Council to prepare modifications to the Plan to accommodate additional homes in the district in light of outstanding objections to some policies which have yet to be resolved. Examination in Public reconvened on 9th December and finished on 23rd December. The Inspectors report is expected in March 2015. Policies listed below are considered to be relevant to this proposal:

Policy SLE1 (Employment Development)
Policy SLE4 (Transport Connections)
Policy ESD10 (Protection and Enhancement of biodiversity and the Natural Environment)
Policy ESD13 (Local Landscape Protection and Enhancement)
Policy ESD15 (The Urban – Rural Fringe)
Policy B.260a (essential infrastructure)
Policy ESD18 – (Green infrastructure)
Policy Banbury 1 (Banbury Canalside)
Policy Banbury 11 – (open Space and Recreation)

5. Appraisal

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

- Planning Policy and Principle of the Development
- Economic Benefits
- Design and Access Statement
- Alternative Sites/Location
- Landscape and visual amenity
- Ecology and biodiversity
- Noise and vibration/Air Quality and Dust
- Traffic Generation/Highway Safety
- Contamination
- Conclusions.

Planning Policy and Principle of the Development

- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable economic development and in the context of this application would include delivering business and industrial units and securing high quality design. Chiltern Railways have explained that the new depot facility will involve use of the site for servicing, cleaning and fuelling. The proposed development site is beyond the built up limits of Banbury in open countryside and therefore inconsistent with the adopted Local Plan (saved Policies). Proposals are beyond the built-up limits of the settlement and therefore do not comply with Policy SLE1 of the Submission Local Plan (October 2014).

- 5.3 Policy SLE1 (Employment Development) which focusses employment development on existing sites states that proposals at Banbury will be supported if they meet certain criteria including a requirement that proposals are within the built up limits of the settlement. Development in this location would be in the open countryside and therefore inconsistent with the adopted Local Plan in this regard. Proposals are beyond the built-up limits of the settlement and therefore do not comply with Policy SLE1 of the Submission Local Plan (October 2014). The proposals are also potentially inconsistent with the future planning of the town including in relation to residential amenity and green infrastructure provision.
- 5.4 Policy B.260a of the Submission Local Plan requires that in considering essential infrastructure proposals within the green buffers the Council will assess whether the benefits of the proposals outweigh the impact the development would have on the objectives of the green buffers. It is therefore necessary that a balancing exercise is required in order to determine whether the important infrastructure operations for Chiltern Railways can be justified in relation to the economic, social and environmental benefits of the proposal. The benefits of the proposal must be weighed against the potential policy conflicts such as the development being located beyond the city limits of Banbury in open countryside, impact of the proposals in the provision of green infrastructure and protection of the natural environment including the river corridor.

- 5.5 The applicant has explored various alternative locations and the proposed site is the only viable option available. The Framework provides at paragraph 14 that applications which accord with the development plan must be approved without delay, and where the relevant development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless the adverse impacts of development would "significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicated that development should be restricted". Paragraph 14 of the NPPF makes it clear that there is still a requirement to carry out a balancing exercise in order to determine whether a scheme can be justified. Paragraph 49 states that the NPPF must be read in the context of delivering sustainable development. It is not therefore intended simply to carry out development but continue to place sustainable growth at the centre of decision making. Paragraph 7 of the framework sets out what the Government means by sustainability and this includes 3 specific roles; economic, social and environmental. All three needs to be considered together and not in isolation. The development would constitute sustainable development and, consequently there are benefits to the economy and the environment which far outweigh any perceived notion of harm.

Economic Benefits

- 5.6 The proposed operations are required as part of the future planning of the town in terms of infrastructure provision and the requirement to provide additional capacity required on the Chiltern Main Line route and to meet existing demand and forecast continuing growth in demand on the route. The provision of additional stabling capacity on the site will enable existing stabling of 30 train vehicles on other sidings at Banbury which is close to residential areas to be relocated to the application site. This will reduce the noise nuisance affecting the residential areas arising from early morning starts and train preparation. The proposed operations will lead to a more efficient use of the existing Network Rail depot site for station car parking and may facilitate the delivery of the wider Canalside redevelopment aspirations in due course. The proposal would have a significant and demonstrable economic impact. It is important to the economy of Banbury that the development should not significantly impact the efficient operations of the railway line. The development will minimise the generation of trips by motor vehicles, Access to the Labour markets will be important to local authorities in the area as a means of assisting in the achievement of their economic objectives. It will boost linked trips by improving access to the Town Centre

and there will be employment benefits during the construction period. The economic benefits will impact the South East region by creating sustainable growth of the economy and creating access to the labour markets in the region and beyond. Banbury is considered a sustainable location and the proposed development would have the ability to promote linked trips.

Design and Access

- 5.7 Government guidance contained within the NPPF attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Saved Policy C28 of the adopted Cherwell Local Plan seek to control new development to ensure that it is sympathetic to the character of its context, and that new development is compatible with the appearance, character, layout, scale and density of new developments. The development is consistent with Government guidance contained within the NPPF – *Requiring Good Design* attaches great importance to the design of the built environment as good design is a key aspect of sustainable development. Paragraph 9.69 of Policy C30 states that “The Council wishes to secure environmental enhancement through new development. Proposals that would detract from the character of an area owing to obviously poor design will be resisted.
- 5.8 Other developments on the site will include a staff Office and Welfare Accommodation, Refuelling Apron, Under-Frame wash facility, fuel storage, surface and foul water drainage, local access road, pedestrian access and car parking, low level lighting columns, Allowance in the layout has been made for a future train simulator to be located alongside the staff accommodation block. All the roofs to the buildings are formed from a steel frame structure with insulated metal panel cladding externally. Hard landscaping to the depot site includes all the tarmac roads and parking locations plus the concrete hard-standing to the perimeter of the depot and the refuelling apron. Soft landscaping has been restricted to lawned areas, tree planting and specific perennial shrub borders to minimise the required maintenance to the site. 35 parking spaces are shown on the scheme layouts which are sub-divided between staff (25 spaces), visitors (10 spaces) plus 2 accessible spaces. A small hardstanding area has been provided to accommodate 5 motor bikes.
- 5.9 Given that the site is located within an Area of High Landscape Value careful control of the scale and type of development is required to protect the character of the landscape and particular attention needs to be paid to the siting and design of the development in order to comply with Policy C13 of the adopted Cherwell Local Plan. The height of the main depot building, staff accommodation building, and bunded fuel tank area together with an innovative design and external use of material ensures that the development as a whole is integrated into the landscape and along with the implementation of a comprehensive landscaping scheme will not harm the character and appearance of the area. The proposal regenerates the site and makes more efficient use of previously developed land and consequently accords with the provisions of national and local policy.

Alternative Sites/Location

- 5.10 Considering the potential policy conflicts and physical constraints identified, alternative sites were explored and it was concluded that Banbury was the most sustainable site. 20 locations were initially assessed for its feasibility and suitability. A feasibility sifting exercise was carried out and 16 sites were discounted because they did not have the capacity to accommodate the required 18 additional vehicles to meet the service

increase/demand growth. The four 'shortlisted' sites included Banbury, Wembley, Tyseley (Birmingham) and Leamington Spa. The criteria used to assess the 4 sites included accessibility, capacity, site and location and location on the network. The Banbury site is the only option which satisfies all the selection criteria. It is close to a nearby railway, not adjoined by residential properties and therefore less noise impact to the community, most optimal location for minimising inefficient empty journeys, large site to accommodate the entire proposed infrastructure, and the Banbury re-signalling project could be relocated to the site. The alternative sites exercise demonstrated that other existing depots have little or no capacity, other facilities identified are at capacity. The only site capable of meeting the site selection criteria is the most preferred location.

Landscape and Visual Amenity

5.11 Paragraph 7 of the Framework states that, there are 3 dimensions to sustainable development: "economic, social and environmental". These dimensions give rise to the need for the planning system to perform a number of roles: an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. Allied to these three dimensions are the core planning principles which include, amongst others, the need to take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

5.12 The effects of the development on landscape character, visual amenity and lighting were assessed and it was concluded that there are no likely significant effects. Due to the schemes location and ability to integrate with surrounding built environment and because it is located on previously developed land there is a low level magnitude of impact. The landscape Character Area closest to the proposed development is 'River Meadowlands'. The protection of the woodland on the existing river embankments will help maintain the wider character and lead to a minor adverse residual effect on the 'River Meadowlands Landscape Character Area'.

5.13 In terms of the overall visual context, it is considered that the existing site is not a dominant feature. The site is currently derelict and possesses limited visual value. It is considered that the proposed maintenance depot will blend into the urban fabric of Banbury and the railway station near the site. The construction impacts will have an overall impact on visual amenity from certain viewpoints and the scheme will add a vertical built element to the existing setting. Apart from views from the east of the site, views towards the site from other locations are considered to be screened by vegetation or buildings, thereby reducing the massing of the scheme. The 'Goosewing grey' colour of the proposed depot roof is considered a mitigation measure to lessen the visual impact of the Scheme. It is considered that lighting impacts will have a negligible effect as they will be temporary and fit in with the surrounding context. The Environmental Statement (ES Volume 1: Main Statement) which forms part of the supporting documents states at Paragraph 14.1.4 that "The assessment of Landscape and Visual Amenity has identified during Scheme construction moderate adverse effects, and during operation minor adverse effects."

Ecology and Biodiversity

- 5.14 Chapter 11 of the NPPF “Conserving and enhancing the natural environment” sets out the Government’s policies on biodiversity. The NPPF requires that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Refuse planning permission if significant harm cannot be avoided, adequately mitigated, or, as a last resort, compensated for. The presence of a protected species is a material consideration when a planning authority is considering a development proposal.
- 5.15 Local planning Authorities must also have regard 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 license 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.
- 5.16 Given the derelict nature of the site and the amount of scrub land within it, an Ecological appraisal has been undertaken which has identified flora and fauna habitats, although none are considered to be of significant intrinsic value and no part of the site is subject to any statutory or non-statutory nature conservation value. The site currently supports a medium sized population of common lizards, active badger setts and medium potential for foraging bats. It is considered that the natural habitat of any identified protected species is protected and that the derogation is not detrimental to the maintenance of the population of the species. Natural England: when consulted states that the application is not likely to result in significant impacts on statutory designated sites, landscapes. The key mitigation measure following the findings of an Ecological Impact Assessment carried out by Mott Macdonald recommends hedgerow planting between the southern site boundary and the existing trees to the south of the site. Condition would however be necessary to ensure that the scheme is undertaken in accordance with the ecological appraisals and that if necessary further surveys are undertaken prior to the commencement of the development to ensure that up-to-date details and activity is known and dealt with accordingly.
- 5.17 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 NPPF and Policy C1 of the adopted Cherwell Local Plan.

Noise and Vibration/Air Quality and Dust

- 5.18 Paragraph 109 of the NPPF refers to the natural and local environment and bullet point 4 refers to “ preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;” In addition at paragraph 123 it states that planning policies and decisions should aim to “ Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”

- 5.19 Paragraph ID: 32- 001 of the NPPG states that “Odour and dust can also be a planning concern, for example, because of the effect on local amenity”. Paragraph ID: 32- 005 require that: “whether or not air quality is relevant to a planning decision will depend on the proposed development and its location”. Paragraph ID: 32 - 008 states that; Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact”. Paragraph ID: 32 -009 indicates that if the development anticipated gives rise to concerns about air quality and additional information requested will suggest unacceptable risk from air pollution, then the “proposal could be amended to make it acceptable or where not practicable, consider whether planning permission should be refused”.
- 5.20 Policy ENV1 refers to ‘Development likely to cause detrimental levels of noise, or smell, smoke, fumes or other type of Environmental pollution will not normally be permitted’. Policy ENV1 comes under the broad heading “Environmental Protection”. The Policies in this chapter seek to protect the environment and prevent pollution through the control of development. Developments likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted. The Council will seek to ensure that the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution.
- 5.21 The noise impact resulting from construction of the development and the noise as a result of the operation of the scheme has been assessed. The assessment allowed for a worst case condition. The noise impact was assessed by reference to both methods of noise impact assessment set out in BS5228. In both methods, the noise impact is within guidelines and considered to be not significant. The assessment has shown the increased noise level as a result of construction is small and so is a minor impact. Operational noise has been assessed by reference BS4142. This standard compares operational noise levels to the baseline noise level, and the difference between the two noise levels has shown the noise impact to be negligible.
- 5.22 The report predicts the effect of construction noise on the nearest receptors to the site and concludes that subject to no out of hours working taking place the impact of construction site noise will not be significant. Notwithstanding this prediction it is recommended that a planning condition be imposed requiring the prior approval of a ‘Construction Environmental Management Plan’ that sets out the applicants proposals for controlling construction noise (and other potentially polluting or nuisance aspects of the project), proposals for the on-going monitoring of these parameters and an action plan for dealing with exceedences. The dust assessment indicates whilst there is a potential for dust generation for the construction phase of the scheme, the use of best practical means detailed in a ‘Construction Environmental Management Plan’ are capable of reducing the potential effect to ‘minor’. The details of the proposed external lighting scheme will comply with requirements of the Institute of Lighting Practitioners design guidance and are therefore considered acceptable. Subject to the inclusion of the recommended condition above there will be no objection to the approval of this planning application.

Contamination

- 5.23 The site was the location of a former locomotive depot which was constructed in 1908 and was decommissioned in 1966. Surrounding land uses have included a former gas works, engineering and heavy industrial land use dominated to the west and north of the site. There is potential for contamination to be present relating to the former land use, as a result of leaks and spills. The gas works is a potentially significant off-site contamination source, The scheme is not expected to have any significant major residual effects on the geology and soils of the site. Potential impacts during construction and during the operation phase of the scheme will be mitigated through

the implementation management plans and by following current best practice for the storage and handling of hazardous materials, storage of fuel on site, interception and drainage of surface water on site and ground protection measures. This is consistent with Chapter 11 of the NPPF, 'Conserving and enhancing the natural environment', which sets out Government policies on biodiversity, landscape and geological conservation. No cumulative effects are predicted and no significant effects are predicted. The development will constitute re-use of previously developed land, the development will protect geological conservation interests and soils and it will not be adversely affected by unacceptable levels of soil, air, water, or noise pollution or land instability.

Traffic Generation and Highway Safety

- 5.24 The Local Highway Authority assesses planning applications and takes into consideration the existing characteristics of a site. On balance the construction activities will result in a negative impact of negligible to minor significance. Construction traffic will have a major impact for only three days. This is not considered significant as it will constitute only 1% of the total construction programme. Construction Mitigation measures are proposed such as Travel Plan, approved vehicle routing agreement and exploring the use of rail for deliveries where practicable. A Travel Plan is proposed for the operational phase of the development with the aim of reducing single occupancy vehicle trips to and from the site in favour of more sustainable modes of transport. The traffic forecast to be generated by the operational phase of the development is anticipated to be negligible. This is consistent with the NPPF which sets out government planning policies stating that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment alongside a Travel Plan covering the operational phase of the development which will be delivered by planning condition.

Engagement

- 5.25 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 recommending approval for a scheme which represents sustainable development and is compliant with adopted and emerging local plan policy.

Conclusion

- 5.26 Based on the assessments made above, it is considered that the potential benefits of the development far outweigh the impacts or policy conflicts. The application is acceptable because it offers convincing arguments to justify approval. There are strong environmental, economic and social benefits that will ensure that the proposal is considered sustainable and complies with the relevant development plan policies and national policy guidance. In conclusion and taking into account the above appraisal it is considered that the proposal is acceptable and complies with the Government guidance contained in the NPPF and other relevant development plan policies listed above

6. Recommendation

Approval, subject to 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 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.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents and the materials and finishing details included therein: Application forms, Design and Access Statement, Drawing No. MCN/BAN/P100 Rev A, MCN/BAN/P101Rev A, MCN/BAN/P103 Rev A, MCN/BAN/P104 Rev A, MCN/BAN/105 Rev E, MCN/BAN/P106 Rev A, MCN/BAN/P107 Rev A, MCN/BAN/P108 Rev A, MCN/BAN/P109 Rev A, DPC-BAN-P110-A, and DPC-BAN-P111

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 The National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule

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 contained within the National Planning Policy Framework

4. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

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 contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

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 contained within the National Planning Policy Framework

6. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework

7. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details

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 contained within the National Planning Policy Framework

8. 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:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (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 surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps

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 and Government guidance contained within the National Planning Policy Framework.

9. 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 and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.

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 and Government guidance contained within the National Planning Policy Framework

10. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS: 5837:2012 and all subsequent amendments and revisions [specify appropriate section if required] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

12. 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

13. Prior to the commencement of the development hereby approved, 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. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the

drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework.

15. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of the development hereby approved, including any demolition, any works of site clearance and prior to the introduction of any construction machinery onto the site, protective fencing and warning notices shall be erected on the site in accordance with the approved construction method statement. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

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 contained within the National Planning Policy Framework.

17. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the submitted desk study (Phase1 Geo-Environmental and Geotechnical Assessment at the proposed Banbury depot, Ground investigation and Pilling Limited, 16th September 2013, ML/21362) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - Previous activities at this site may have resulted in contamination. Potential source of contamination have been noted on this site. This site is located above a secondary aquifer, and directly adjacent to a watercourse. Groundwater may occur at shallow depth beneath the site. As such from a controlled water perspective this site is located in a reasonably sensitive location. Controlled water receptors which could be impacted by any contamination present on this site. Further investigation would be required to determine the extent of any contamination present and to what extent it poses a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that the site does not impact on controlled water receptors. This may include remedial works to resolve contamination issues.

19. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason- To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters.

20. 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 any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water.

21. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - Run off from areas associated with the proposed site could contaminate controlled waters. We would require details of the surface water drainage arrangements, outlining how any contamination risks will be mitigated.

22. No development shall take place until a scheme for the provision and management of an 10 metre wide buffer zone alongside the River Cherwell shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan

Reason - Development that encroaches on watercourses, ponds and wetlands has a potentially severe impact on their ecological value. Insert site specific examples, e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

Land alongside watercourses, wetlands and ponds is particularly valuable for wildlife and it is essential this is protected.

This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve 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. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

23. No soakaways shall be constructed in contaminated ground.

Reason - To prevent pollution of groundwater and in order to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

24. No sound-amplifying equipment shall be installed or operated on the premises without the prior consent of the Local Planning Authority.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

25. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

26. All buildings 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.

Planning Notes

1. The site drainage involves out-falling to the river Cherwell; requirements regarding the amount of discharge and water quality will be dictated by EA
2. The flood Risk Assessment for Banbury Light Maintenance Depot by Mott MacDonald, Rev C, dated September 2014, has demonstrated that there will be no impact from the proposed development on floodplain storage. We will recommend that finished floor levels for the proposed development are raised 300mm above the 1 in 100 year with an allowance. We would recommend that finished floor levels for the proposed development are raised 300mm above the 1 in 100 year with an allowance for climate change undefended flood level, OR, where this is not practical, incorporate flood resilience/resistance measures up to the 1 in 100 year with an allowance for climate change undefended flood level. This is to manage the residual risk of flooding to the proposed development in the event of the defence failing
3. Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres metres of the top of the bank of the River Cherwell, designated a 'main river'.

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 recommending approval for a scheme which represents sustainable development and is compliant with adopted and emerging local plan policy.