

**Site Address: Land Formerly Part Of Old
Ironstone At Apollo Office Park,
Ironstone Lane, Wroxton**

14/01898/F

Ward: Wroxton

District Councillor: Cllr Douglas Webb

Case Officer: Gemma Magnuson

Recommendation: Approval

Applicant: Apollo Business Parks LLP – Mr Robert Syngé

Application Description: Provision of 10 no. employment units (Classes B1, B2 & B8), car parking and associated landscaping (revised scheme following approval of 11/00473/F)

Committee Referral: Major Development

Committee date: 19 March 2015

1. Site Description and Proposed Development

- 1.1 The application relates to a 0.73 ha. brownfield site located north-west of Wroxton village, and is part of an existing business park formerly known as the Wroxton Ironstone Works. The site is located on Ironstone Lane, accessed via Stratford Road (A422). The site is in an Area of High Landscape Value and consists of scattered scrub, a UK BAP Priority & Section 41 Habitat. The land is potentially contaminated, including naturally occurring arsenic, nickel and chromium.
- 1.2 The topography of the site is level, and is currently vacant and overgrown. The existing part of the business park is located to the north-east, with a playing field to the north, and a conifer woodland to the west with Solar PV development beyond. The surrounding landscape consists predominantly of agricultural land. The remnants of the concrete base and rail track from an original locomotive shed are adjacent to the site to the west.
- 1.3 Planning permission is sought for 10 no. employment units to be accommodated within three separate buildings arranged in a 'U' shape. The proposed uses would fall into Classes B1, B2 and B8. Associated car parking, servicing areas and landscaping would also be provided. The building walls would be constructed from brick and the roof would be profiled metal cladding. Photovoltaic roof cells are also proposed. Each unit would be identical in terms of floorspace, consisting of 99 square metres on the ground floor and 60 square metres of first floor mezzanine. A total of 31 parking spaces are proposed to serve the development.
- 1.4 A display to commemorate the former ironstone works is also proposed at the entrance to the site. The intention is for the display to include a 10 metre length of track lifted from the former locomotive shed, and a mining truck. A descriptive plaque will also be mounted upon an ironstone base.

2. Application Publicity

- 2.1 The application has been advertised by way of newspaper advert, site notice and neighbour letter. The final date for comment was 18 December 2014. One letter was received from CPRE objecting to the proposal. The following issues were raised (please note that these have been summarised, refer to file for full version):
 - Application omits any reference to the historic asset that exists on the site, being the trackway relating to the former mineral railway.
 - The asset was protected by conditions in each of three preceding applications.
 - This is a brownfield site and so principle of development is accepted.

- As proposal is speculative in nature it should be amended to include the retention of the historic asset as previously intended and the appropriate conditions should be maintained.

Amended plans were received on 19 February 2015 and these were re-consulted upon for 14 days, although the application was not re-advertised by way of newspaper advert or site notice. The final date for comment was 09 March 2015. A follow up letter to that previous received from the CPRE was received suggesting wording for a condition that, if used, would result in their objection being withdrawn. The suggested wording is as follows:

That prior to the commencement of development, a 10m length of railway track be removed from the north-eastern section of the former locomotive shed and re-positioned within the application site, together with an appropriate wagon, all to be approved by the Local Planning Authority. The remainder of the former shed site to be left in situ.

3. Consultations

3.1 Wroxton Parish Council: No objection and make the following observations:

Some of concerns about level of extra traffic through village, inclusion of additional passing places would be welcome. Traffic plan seems excessive.

Amended plans received 19 February 2015: no objections to amended plans.

Cherwell District Council Consultees (In summary)

3.2 Planning Policy: The site is identified for employment use in the adopted Local Plan (saved policies).

The proposals are generally inconsistent with Policy SLE1 of the Submission Local Plan which states that employment development should be located on the edge of Category A villages. However, the site, even though not on the edge of the village, is only 1 km from Wroxton (a Category A village) and is relatively close to labour supply at Banbury. The proposal also meets, or could potentially meet, all other policy criteria and requirements in SLE1.

There is a previous expired planning permission for employment use associated with this site, however this was for a different scheme so impacts would need to re-considered.

The Submission Local Plan and the NPPF is clear on the need to provide for economic growth. Environmental impacts would need to be considered.

3.3 Urban Design Officer: I have reviewed the Design and Access Statement, site layout and elevations relating to application 14/01898/F phase 2 at Apollo Business Park Wroxton. It is disappointing that the scheme has not moved on from the scheme presented at pre-app (14/00124/PREAPP), on which significant advice was provided. It is also disappointing that the scheme has moved so fundamentally from the spirit of the previous permission 11/00473/F.

My main concerns relate to the lack of analysis contained in the Design and Access Statement; there is no assessment of the opportunities and constraints, design concept development and testing are not included and there is no

assessment/analysis of the adjacent phase 1 development. Without the benefit of this work there is no evidence as to how the two developments relate to each other, or develop specific design principles that respond to the site. As such the layout appears poorly considered and represents a disappointing response to the site, particularly in comparison to the previously approved scheme. It is also disappointing that all reference to the proposed PV solar panels and other 'green' features have been removed, as this could have helped drive a more suitable layout.

I remain concerned at the proportion of timber cladding / kingspan cladding proposed and feel that the units would benefit from a higher proportion of brick. I would also suggest that the applicant consider using natural ironstone as per the previous application.

The section of disused railway line, considered a non-designated heritage asset should be plotted on the plans to ensure due consideration.

While the principle of development on this brown field site is generally considered to be positive, it is unfortunate that the proposed scheme has moved so significantly from the original scheme. While it may be necessary to make changes to the spec and features of the development to meet the current demand/ climate for this scheme, there are design elements that could be improved at limited cost to the developer. As presented the scheme does not demonstrate a high quality design response, informed by the application of site specific design principles and I would therefore be unable to support an approval.

I would recommend that the layout, configuration of buildings and parking, materials and unit design (particularly principal elevations) are reconsidered to show better integration with phase 1 as referenced in pre-application advice 14/00124/PREAPP.

- 3.4 **Conservation Officer:** The issue with this application is the less than adequate level of background historic and landscape analysis submitted. My concern is principally that I feel the context of the site has not been addressed in this application and therefore the impact that the current proposal will/may possibly have on the archaeology that remains has not been addressed. Contrary to NPPF policy 128.

Comments on amended plans received 19 February 2015: Design & Conservation support the proposal to create an historically relevant display based on the re-use of an appropriate mining truck towards the entrance to the site. The site is quite degraded and although of important industrial archaeological interest does not retain enough of the original structures/fabric to merit pursuing the option of statutory listing.

Environmental Protection Officer: no comments received at time of writing.

- 3.5 **Arboricultural Officer:** I have no arboricultural objections to the proposal. Although it is indicated that a number of trees are to be planted the Landscape plan does not show where each species is going and how many of each species. I would like to see a diagrammatical view of the proposed planting pits. The tree pits should include perforated watering tubes. No objection subject to conditions.

- 3.6
3.7 **Landscape Officer:** The site is well concealed in the wider landscape and since it has also had a previous consent on it I don't see a problem. Landscape plan required by condition.

Comments on amended plans received 19 February 2015: I've had a look at the planting plan which will need to be amended to accommodate the installation of the track and rail waggon. Since this site is in a rural area I would prefer to see native tree species used so an alternative to Liquidamber would be welcome. I would omit Rosa canina from the native shrub planting as it quickly smothers other plants.

- 3.8 **Ecology Officer:** The submitted reptile and badger reports are fine. The recommendations within them should ensure that harm to protected species is minimised and should be conditioned. The landscaping plan does not appear to include the recommendations within the reptiles mitigation strategy and these should be included in order to ensure the on-going conservation of these species on site. Conditions recommended.

Economic Development Officer: no comments received at time of writing.

3.9

Oxfordshire County Council Consultees (In summary)

- 3.10 **OCC Transport:** No objection subject to conditions. The site benefits from a previous similar planning permission, when the provision of passing places was agreed as appropriate mitigation. This proposal reiterates that provision and similar 'standard' conditions are recommended to ensure there is not any significant impact upon the safety or convenience currently enjoyed by highway users. Further information is required with regard to the drainage scheme; the submitted plan being limited in detail. A pre-commencement condition is recommended therefore. The submitted framework travel plan, whilst thorough in its approach, requires some minor amendments and additions such as, contact details and monitoring criteria. An amended plan is recommended and the County Council would be pleased to advise appropriately.

Other Consultees

- 3.11 **Environment Agency:** no objection subject to condition regarding contaminated land. Without the inclusion of this condition we consider the development to pose an unacceptable risk to the environment. Same response received with regard to amended plans received 19 February 2015.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 Saved Policies:

EMP1: Employment Generating Development – site allocated.

EMP4: Employment Generating Development in Rural Areas

TR1: Transportation Funding

C2: Protected Species

C13: Area of High Landscape Value

C28: Layout, Design and External Appearance

ENV1: Environmental pollution

ENV12: Contaminated Land

4.2 Other Material Policy and Guidance

Planning Practice Guidance

National Planning Policy Framework

Non-Statutory Cherwell Local Plan 2011 Policies:

TR3: Transport Assessment and Travel Plan
TR4: Transport Mitigation Measures
TR5: Road Safety
TR11: Parking
EMP1: Employment Generating Development – site not allocated.
EMP4: Existing Employment Site

Submission Cherwell Local Plan (January 2014)

Submission Local Plan (October 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 allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015. The Policies listed below are consider to be material to this case:

PSD 1: Presumption is Favour of Sustainable Development
SLE1: Employment Development – site not allocated.
ESD 1: Mitigating and Adapting to Climate Change
ESD 3: Sustainable Construction
ESD 5: Renewable Energy
ESD 7: Sustainable Drainage Systems
ESD 10: Protection & Enhancement of Biodiversity & the Natural Environment
ESD 13: Local Landscape Protection & Enhancement
ESD 16: The Character of the Built & Historic Environment
Policy Villages 2 – Distributing Growth
INF 1: Infrastructure

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development
- Visual amenity, including design, landscape impact and AHLV
- Non-designated heritage asset
- Residential amenity
- Highway safety
- Protected species
- Contaminated land

Relevant Planning History

5.2 Phase 1 – Bentley Drivers Club/Units 2- 3

04/01234/F - Demolition of existing buildings and erection of 2 No. units for B1 (business) and B2 (general industrial) use with associated parking and landscaping (as amended by plans accompanying agent's letter received in the department on

21.09.04) – approved 15 October 2004.

05/00457/F - Demolition of existing buildings, erection of units for B1 use with associated parking, landscaping and vehicular access. Amendment to permission 04/01234/F – approved 29 April 2005.

5.3 Phase 2 - Current Site

10/00134/F – Proposed erection of 3 no. B1 units set within and below earth moundings, improvements and enhancement to railway line, car parking and associated landscaping on existing derelict brownfield site to form extension to existing Phase 1 development – approved 08 July 2010.

11/00473/F – Variation of Condition 7 and 9 (of 10/00134/F) – revised highway mitigation measure and revised travel plan – approved 21 November 2011. Expired 21 November 2014.

Principle

- 5.4 In establishing the acceptability of the principle of the development of the land for employment generating use regard is paid to Government guidance contained within the NPPF and Policies contained within the adopted Cherwell Local Plan. The Policies contained within the Non-Statutory Local Plan 2011 and Submission Local Plan 2014 are also material considerations.
- 5.5 One of the key principles of the NPPF is to contribute to the achievement of sustainable development. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 5.6 The Government is committed to ensure that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Local Planning Authorities are asked to take a positive approach to sustainable new development and to promote a strong rural economy through the support of sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 5.7 Another of the core planning principles of the NPPF is to encourage the effective use of brownfield land by reusing land that has been previously developed, whilst actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be, made sustainable. However, the Government recognises that different measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 5.8 The site as a whole is an allocated site and referred to within the adopted Cherwell Local Plan 1996 as a site proposed for employment generating development. Saved Policy EMP1 therefore applies to the development and is generally supportive subject to other relevant Policies in the plan. The supporting text relating specifically to the site in question, at paragraph 3.48, states that the site is suitable for small scale employment generating development that is compatible with the local road network and would improve the appearance of the site. Paragraph 3.58 states that the Council will use 500 metres square as a guide for an upper floorspace limit in order to place restraint on growth in the rural areas. However, the Council will have particular

regard to the individual site characteristics and the nature of the proposed developments which are likely to vary considerably from case to case.

- 5.9 Furthermore, saved Policy EMP4 of the adopted Cherwell Local plan states, inter alia, in rural areas proposals for employment generating development within an existing acceptable employment site, including redevelopment, will normally be permitted.

However, the site is not allocated for employment generating development in either the Non-Statutory Cherwell Local Plan 2011 or the Submission Local Plan 2014.

- 5.10 Policy EMP4 of the Non-Statutory Local Plan states that a balance needs to be achieved in relation to the following:

- i) The proposal and any associated employment activities can be carried out without undue detriment to the highway network and the appearance and character of the landscape;
- ii) The proposal for small firms (up to 500m²) or for firms whose source of supply, commercial linkages, labour supply and markets make a specific location necessary for them, and;
- iii) The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.

- 5.11 The Submission Local Plan 2011-2031 (January 2014) as proposed to be modified, aims to support sustainable economic growth in the District. Limited new employment development in the rural areas will be supported to help strengthen the rural economy and increase employment opportunities throughout the District.

- 5.12 Submission Local Plan Policy SLE1 states that unless exceptional circumstance are demonstrated, employment development in the rural areas should be located within or on the edge of those villages listed in Category A of Policy Villages 1. Wroxton is considered at Category A village and the site is located 1km north-west of the village.

- 5.13 Whilst I consider the proposal to comply with the requirements of Policy EMP 4 of the Non-Statutory Cherwell Local Plan 2011, as with the previously approved scheme, due to the position of the site beyond the edge of the village of Wroxton the development would not strictly comply with the requirements of Policy SLE 1 of the Submission Local Plan 2014. Proposals in the rural areas on non-allocated sites should also meet a number of criteria, including justification as to why the development should be located in the rural area on a non-allocated site.

- 5.14 The applicant has tried and failed to market the previously approved scheme over a three year period. This situation has been put down to the high cost of the project and current market demand being for more flexible small business units rather than high end offices. Interest in the current scheme from small business owners has already been shown.

- 5.15 The Policies relating to extensions to existing employment sites will be considered for Local Plan Part 2.

- 5.16 It is considered that a balanced approach needs to be taken in determining the acceptability of the principle of the proposed development. Given the clear Government commitment to supporting economic growth in rural areas and the requirement for the planning system to support sustainable economic growth, and for the use of previously developed land, this employment generating development is considered to accord with the provisions of the NPPF.

- 5.17 Saved Policy EMP1 of the adopted Cherwell Local Plan identifies the site for

employment use and the site has previously benefitted from planning permission for employment generating development that expired on 21 November 2014. The site comprises previously developed land that is positioned adjacent to an existing office park. The site is not within, or on the edge of, the village of Wroxtton, but it is in close proximity to the village which is listed in Category A of Policy Villages 1 of the Submission Local Plan.

- 5.18 Therefore, whilst the proposal does not strictly accord with Policy SLE1 of the Submission Local Plan, the development is compliant with saved Policy EMP 1 and guidance in the NPPF, which currently hold more weight than the Submission Local Plan. The principle of the development is considered acceptable.

Visual Amenity, Design, Landscape and AHLV

- 5.19 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.
- 5.20 Saved Policy C13 seeks to protect the environment within Areas of High Landscape Value (AHLV). Saved Policy C28 of the adopted Cherwell Local Plan seeks to control new development to ensure that it is sympathetic to the character of its context.
- 5.21 The site is situated in the open countryside and an Area of High Landscape Value and careful control of the design of the development is required to protect the character of the landscape. The site benefits from a lower land level, dense boundary planting to the boundaries of both the site and adjacent plots and a setback of approximately 120 metres from Ironstone Lane.
- 5.22 The proposed units have a functional 'U' shaped layout that maximises the plot potential whilst providing sufficient parking, manoeuvring and servicing areas for each unit. Landscaping has been incorporated to boundaries. The structures would reach a height of 8.7 metres; 1.5 metres taller than the previously approved height. The design, again, is functional, consisting of large openings for servicing within the front elevations. No openings are proposed within the rear elevations, and only one within each gable end. The construction materials would consist of red brick, as with the structures at Phase 1, and profiled metal roofing. Phase 1 included large areas of timber cladding and artificial timber cladding at first floor level, although the appearance of both have now deteriorated. It is considered that a more desirable long-term solution is to omit the timber cladding from the current proposal with all walls being constructed from red brick.
- 5.23 It is considered that the proposed units are sympathetic to their context, being of similar design and appearance to the existing units at Phase 1, and well screen from public vantage points.
- 5.24 The Landscape Officer has raised concern regarding the detail on the landscaping scheme, although a satisfactory scheme can be sought via condition. The disappointment of the Urban Design Officer regarding the significant departure from the previous scheme is both noted and shared, although on balance, it is not considered that the current proposal would cause significant harm to the visual amenities of the locality that is so significant as to warrant the refusal of the application on these grounds.
- 5.25 The proposal accords with Government guidance contained within the NPPF and saved Policies C13 and C28 of the adopted Cherwell Local Plan in terms of visual amenity.

Non-Designated Heritage Asset

- 5.26 The site once formed part of the North Oxfordshire Ironstone Company, which was the largest producer of ironstone in the Oxfordshire Orefield. The company was established in 1917 and went into liquidation during 1967. The site is considered to have played an important role in the industrial heritage of the area, and holds significance as a non-designated heritage asset. Immediately adjacent to the red line site for the current application lies the remnants of a long rectangular locomotive shed. The former shed sat upon a concrete plinth with a corrugated iron sheet clad steel frame forming the walls and roof of the structure. The walls and roof have since been removed, although the concrete plinth remains largely intact complete with tracks.
- 5.27 A detailed survey of the site has confirmed that the tracks and plinth do not extend beneath the footprint of the proposed units and so will not be directly affected by the development. However, concern was raised over the relationship of the proposed units to the plinth and the treatment of the feature during construction itself. The applicant has agreed to remove a ten metre section of the track and relocate it at the entrance to the site to form a commemorative feature. A mining truck will be sourced and positioned upon the track, with an ironstone mounted plaque to inform visitors of the history of the site. The finer detail of this display would be sought via condition. The Conservation Officer has commended this proposal.
- 5.28 Whilst the feature would not be specifically incorporated into the layout of the site, as with the former scheme, the provision of a display is considered to provide public benefit by educating visitors of the significance of the site, and result in the direct preservation of an element of the non-designated heritage asset through its use in the display.
- 5.29 Government guidance contained within the NPPF requires Local Planning Authorities to make a balanced judgement when weighing applications that affect directly or indirectly non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.30 Whilst the layout of the scheme would poorly relate to the alignment of the plinth and track, the provision of an educational display is considered to outweigh the harm that would be caused to the non-designated heritage asset. A building recording investigation was prepared as part of the Phase 1 development during January 2005. This investigation included the locomotive shed and the report was deposited with Oxfordshire and Swindon libraries. The photographs and site archives were deposited at the Oxfordshire County Council museum store at Standlake. It is therefore considered unnecessary to require this recording to be undertaken again. The proposal is considered to accord with Government guidance contained within the NPPF in terms of non-designated heritage assets.

Residential Amenity

- 5.31 Due to the isolated position of the site, there are no residential properties in close proximity that would be affected in terms of a loss of amenity as a result of the proposed development. The development accords with Government guidance contained within the NPPF that seeks development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and saved Policy ENV 1 of the adopted Cherwell Local Plan that states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

Highway Safety

- 5.32 Oxfordshire County Council Highway Authority have raised no objection to the proposal, subject to conditions, one of which being the implementation of the proposed widening of Ironstone Lane that was approved as part of the former application: 10/00134/F. The scheme referred to by the Highway Authority was subsequently amended as part of application: 11/00473/F, with no objection from the Highway Authority, to provide passing places along Ironstone Lane as an alternative to widening. The provision of passing places, as agreed as part of 11/00473/F, is therefore considered acceptable, and the detailed comments provided in the Highway Authority response to the current application refer to the passing places as appropriate mitigation. The suggested condition has therefore been re-worded accordingly.
- 5.33 The proposed development is considered to have a negligible impact upon highway safety, and in conjunction with an acceptable Travel Plan sought via condition, is considered to accord with the requirements of the NPPF in terms of sustainable transport.

Protected Species

- 5.34 Government guidance contained within the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.35 Saved Policy C2 of the adopted Cherwell Local Plan states that development that would adversely affect any species protected by Schedule 1, Schedule 5 and Schedule 8 of the 1981 Wildlife and Countryside Act, and by the E.C. Habitats Directive 1992 will not normally be permitted.
- 5.36 A Badger Survey and Method Statement, and Reptile Mitigation Strategy, have been submitted with the application. No evidence of recent badger activity was found as a result of the survey although a number of recommendations are made for avoiding harm to the badgers if they do access the land or use it as their foraging area.
- 5.37 The Reptile Mitigation Strategy was undertaken as a result of the land being identified as potential reptile habitat as part of the ecological survey undertaken as part of the previous application. A number of mitigation measures have been suggested as part of the Strategy. Biodiversity enhancements are also proposed as part of this.
- 5.38 The CDC Ecology Officer has assessed the proposals and considers the surveys and recommendations acceptable, subject to them being incorporated into the final landscape plan. The proposal accords with Government guidance contained within the NPPF in terms of conserving and enhancing the natural environment, and saved Policy C2 of the adopted Cherwell Local Plan in terms of protected species.

Contaminated Land

- 5.39 Government guidance contained within the NPPF requires the planning system to contribute to and enhance the natural and local environment by preventing both new and existing development from contribution to or being put at unacceptable risk from, or being adversely affected by unacceptable level of soil, air, water or noise pollution or land instability, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Saved Policy ENV12 of the

adopted Cherwell Local Plan states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site and the development is not likely to result in contamination of surface or underground water resources.

- 5.40 Given the former use of the site as a quarry the land is considered to be potentially contaminated. The Environment Agency have raised no objection to the application subject to a condition requiring a remediation strategy to be submitted to the Local Planning Authority for approval if contamination is found during development. The strategy is required in order 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.

Engagement

- 5.41 With regard to the duty set out in paragraphs 186 and 187 of the Framework, concerns were raised during a meeting with the Agent regarding the design and layout of the scheme, and the relationship with the non-designated heritage asset. Additional and revised plans were sought and received. It is considered that the duty to be positive and proactive has been discharged through discussion with Agent regarding concerns.

Conclusion

- 5.42 The principle of the erection of 10 no. employment units on this site, that is allocated for employment use by saved Policy EMP1 of the adopted Cherwell Local Plan, is considered acceptable. Whilst the design and layout of the scheme vastly differs from that previously approved, it is not considered that it would result in significant harm to the visual amenities of the area or the environment within this Area of High Landscape Value. The development would not result in harm to highway safety and would both conserve and enhance biodiversity. The living amenities currently enjoyed by residential dwellings would not be affected. The proposal accords with Government guidance contained within the National Planning Policy Framework and saved Policies EMP 1, EMP 4, C2, C13, C28, ENV1 and ENV12 of the adopted Cherwell Local Plan.

6. Recommendation

Approval, subject to conditions:

1. PLANNING NOTES

The widening and provision of passing places along Ironstone Lane are subject to separate approval of the Local Highway Authority under Section 278 of the Highways Act. Please contact Oxfordshire County Council's Road Agreements Team at either by email Roadagreements@oxfordshire.gov.uk; or telephone 01865 815 008.

2. Under the terms of the Environmental Permitting Regulations 2010, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the National Customer Contact Centre on 08708 506 506 for further details.

Sewage discharges above 2M³/day or any sewage containing trade effluent going via a treatment plant to ground, would require an environmental permit. Sizing need

3. can be calculated by referring to "British Water Code of Practice – Flows and Load". It would appear likely that the sewage discharges will require an environmental permit.

STATEMENT OF ENGAGEMENT

4. 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 the decision has been made in an efficient and timely way.

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.

5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Reptile Mitigation Strategy by Philip Irving dated August 2014, Badger Survey and Method Statement by Philip Irving dated August 2014, and drawings numbered: 2975/13 dated 3/14, 2975/13 dated 02/15, 2975/11 G dated 3/14, 2318-04 Rev. B, 2318-05 Rev. A, 10016/01, 2442/01

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.

6. The premises shall be used only for purposes falling within Classes B1, B2 and B8 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason – In order to maintain the character of the area in accordance with Policies C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls and roof(s) of the development, including samples where appropriate, 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 materials.

8. Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.

9. Reason - In the interests of highway safety during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Prior to the commencement of development a scheme of drainage shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.

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

Prior to the first occupation of the development, the proposed widening of Ironstone Lane and associated access works shall be completed in accordance with the details provided within the Revised Transport Assessment number 2352/03 dated March 2011 and Drawing No. 2442/01A approved as part of Application: 11/00473/F unless otherwise agreed with the Local Planning Authority.

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

11. Prior to the first occupation of the development the access road, parking and manoeuvring areas shall be provided in accordance with the plans hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.

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

An amended Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

12. 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.

If, during development, contamination 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.

13. The remediation strategy shall be implemented as approved.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

The development hereby approved shall be carried out strictly in accordance with the details set out in the Summary and Recommendations page 6 of the Badger Survey and Method Statement submitted with the application, which was prepared by Philip Irving dated August 2014.

- 1.4 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.

The development hereby approved shall be carried out strictly in accordance with the details set out in the first six bullet points within Summary and Mitigation Strategy on pages 4 and 5 of the Reptiles Mitigation Strategy submitted with the application, which was prepared by Philip Irving dated August 2014.

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.

15. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement to include plans, locations and on-going management for enhancing the site for reptiles, in accordance with the details contained within Summary and Mitigation Strategy on page 5 of the Reptiles Mitigation Strategy submitted with the application, which was prepared by Philip Irving dated August 2014, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the enhancement measures shall be carried out and retained in accordance with the approved details.

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.

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:-

16. (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.

17. 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.

18. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.
- In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the first occupation of the development.
19. 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.
- Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, 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 details and specifications.
20. 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.
21. That full details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- Reason – In order to safeguard the visual amenities of the area in accordance with Policies ENV1 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
1. Prior to the commencement of the development, full details of the commemorative display, including details of the mining truck and length of track to be removed from the former locomotive shed for use in the display, shall be submitted to an approved in writing by the Local Planning Authority. The approved display shall be erected within six months of the date of the first occupation of the development and retained in accordance with the approved details at all times thereafter.
2. Reason - To secure the proper preservation of the non-designated heritage asset which is of historic importance, to advance understanding of the heritage asset in the context of the site and to comply with Government guidance contained within the National Planning Policy Framework.
- 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.

3.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason – In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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