

**Site Address: Land Opposite Unit 1-5
Wildmere Park, Former Plot 10,
Wildmere Road, Banbury**

15/00476/F

Ward: Banbury Grimsbury and
Castle

District Councillor: Cllr Beere, Cllr Bonner, Cllr
Cullip, Cllr Hussain

Case Officer: Nina Sharp

Recommendation: Approval

Applicant: Apperly Estates Ltd

Application Description: Erection of 3 no industrial units with B1, B2 and B8 use with trade counters.

Committee Referral: Major

Committee Date: 06th August 2015 @16:00

1. Site Description and Proposed Development

- 1.1 The site is situated in an existing industrial employment area off Wildmere Road in north east Banbury with existing access situated adjacent to Brady Europe. The site is bounded by landscaping to the north and east, existing industrial warehousing to the south and the railway line to the west. The site is currently hard surfaced and used as an informal HGV parking area. Also incorporated within the site is a further three industrial units which will share access to the south and east.
- 1.2 Planning permission is sought for the erection of three industrial units; Unit 6 is 380 Sq.Metres, Unit 7 is 509 sq.metres and Unit 8 is 637 sq.metres 636.8m². The proposed use is B1 (Business), B2 (General Industry) and B8 (Storage or Distribution). The height of the units will be approximately 8.4 metres in height and the block would have a total length of 72 metres. The development incorporates parking provision and pedestrian access.
- 1.3 The site falls within flood zone three, the land is potentially contaminated and there have been notable and UK BAP Priority and Section 41 Species identified in close proximity to the site. A Screening Opinion has been conducted (reference 15/00025/SO) and concluded that an Environmental Impact Assessment is not required for this application.

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 the 11th June 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Banbury Town Council: No Objections - Banbury Town Council would like to support Cherwell District Council's Officers in requesting trees be planted to mitigate the visual impact of the development.

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** The application site is not allocated for employment development. However proposals are consistent with Local Plan (2011-2031) Policy SLE1 which states that employment development will be focused on existing

employment sites and on existing operational or vacant employment sites employment development, including intensification, will be permitted subject to other policies in the Local Plan. The proposals are consistent with the NPPF and local planning policy in terms of providing jobs and securing economic growth. Policy SLE2 states that retail development will be directed towards Banbury town centre. The application site is in an out of centre location. It will need to be considered as to whether conditions are required relating to the trade counter uses proposed and the retail use should be ancillary to the employment uses. The application site is located close to the river Cherwell, within flood zone 3, and close to Wildmere wood and therefore proposals will need to be considered in relation to potential adverse impacts.

3.3 **Economic Development Officer:**

The proposed development would support the principles of the Council's adopted Economic Development Strategy by providing additional premises for businesses to operate from, creating employment opportunities for local residents. Through the Cherwell Investment Partnership, the lack of small business units has been raised as a concern by the business community and the future development of sites in Banbury such as Canalside will mean that alternative, affordable units such as those proposed will be required to allow local businesses to relocate within the town.

3.4 **Landscape Officer:**

Given that public access is the objective for the CDC-owned Wildmere Wood (as the designated Cherwell Country Park) immediately north the industrial units (at 7 m plus) will experienced by future visual receptors. Therefore mitigation tree planting is required in the area to the north of unit 8. A native hedgerow is required on the eastern boundary between the Environment Agency's maintenance access and the existing vegetation. 3 trees are required north of unit 8. I recommend 2 Field Maple, Acer campestre a Mountain Ash, Sorbus aucuparia (subject to structural engineers' report). All trees are to be supplied as robust 12 -14 cm standards. With the removal of native trees/thicket to accommodate the footprint replacement planting is required.

The existing structural vegetation on the northern boundary provides a screen from the Wildmere Wood side and must therefore be protected during the course of the building and ground works with a defined root protection zone, with no ground level changes (the bund is probably inappropriate), and protected with robust fencing – all requirements in accordance with BS5837.

A standard landscape condition is required where plant species, planting distances and nursery-supplied sizes are to be indicated on a landscape proposal drawing. All plant supply, handling, soil cultivations, planting operations and aftercare are to be in accordance with the Horticultural Trade Association's National Plant Specification.

It is important to note that there is a right of access to the west of the site for CDC officers and the Environment Agency and their contractors to maintain Wildmere Wood and the flood alleviation bund. The EA own the land between the site and Wildmere Wood. The right of access should be kept open and in an acceptable condition at all times, especially during the course of the construction works.

The applicant is to ensure that the red line application boundary is accurate in respect of the adjoining EA land ownership. HMS Land Registry plans are to confirm this.

3.5 **Environmental Protection Officer:**

I have no objections to this development but recommend the full contaminated land conditions are applied to this development requiring a phased risk assessment. I have read the design and access statement which accompanies the application and this isn't sufficient to constitute a desk study and site walkover to demonstrate the site

is safe from land contamination. There are aspects shown on my historical records which haven't been referred to i.e. the use of the concrete hard standing area on, and adjacent to the site which may have been for vehicle refuelling, the only source of contamination considered seems to be from vehicles parked on the area and inferences made relating to an absence of phytotoxic substances to the rear isn't an absolute that the risk to the development from land contamination has been adequately considered.

I have no objection to this development in relation to air quality given the scale of the development if the proposed number of vehicle movements referred to in the design and access statement are deemed by the LPA and highways to be an accurate assessment i.e. 9 trade customers across three units, and 12 staff across the three units, utilising seven cars. It is noted this site is close to one of the existing air quality management areas (on Hennef Way) and vehicles travelling to and from this site are likely to travel through the area. As the traffic to the site is likely to be contributing to the air quality issues but there is not an air quality action plan in place for this area yet, it may be prudent to apply a condition which allows for air quality to be taken into account during the process.

3.6 **Ecology Officer:**

No objections to the proposals on ecological grounds however I have a number of queries/comments which need to be addressed:

The outline of the site appears to include some substantial vegetation (shrubs/trees) on my database. This is referred to as low vegetation on a bund in the text. Some banking to the back seems to be being retained in the proposed plans but they do not mention landscaping of this or any planting which would be expected. Where trees or shrubs are being removed they should be done so outside of the bird breeding season and replacement planting should be carried out on site.

There is some possibility of reptiles utilising this piece of land and the applicant should be aware of their legal protection. I would recommend all initial vegetation removal should be carried out in a directional manner at a time when reptiles are active (March – October) to ensure they can move on.

The site backs onto Wildmere wood one of the aims of which is to increase biodiversity value. I would be concerned that the proximity of these industrial units may impact this aim either through noise and in particular lighting at a later date and would like there to be conditions regarding the minimal lighting of the units and in particular the North of the buildings where light would spill onto the woodland vegetation which could disturb or dissuade bats from utilising the wood. The woodland edge will need to be protected during all works by appropriate fencing. The fencing should allow access for badgers underneath however.

There are no biodiversity enhancement proposals which in line with the NPPF recommendations we should be seeking. Currently, due to removal of vegetation and proximity of the buildings to the woodland this development represents a net loss for biodiversity. The landscape officer's recommendations regarding the planting of replacement trees and a hedgerow to the east for visual reasons would have equal benefits as regards offering some enhancement for wildlife if managed appropriately (allowed to reach a height of 2m) and I would therefore recommend these proposals are put in place.

Oxfordshire County Council Consultees

3.7 **Highways Liaison Officer:**

Initially objection was recommended on the basis that the application did not include

a full assessment of the impact it may have on the local transport network, and it did not demonstrate that safe and suitable access can be provided for all people. However, it is anticipated that these deficiencies can be overcome if further information is supplied.

Key issues:

- Flexibility of use
- Traffic impact: inadequate assessment provided – trip generation likely to be underestimated.
- Car parking – insufficient depending on final use
- Concerns over displaced HGV parking.
- Safe pedestrian/cycle route across the site not indicated
- Cycle parking location unsuitable
- HGV tracking not supplied
- Drainage – more detailed strategy required
- New bus stops and hard standing required
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Legal agreement required to secure:

Should the Local Planning Authority be minded to grant permission, a Section 106 contribution of £5000 would be required towards the provision of a hard-standing area and two bus stop pole/flag/information case units.

Depending on the scale and nature of displaced HGV parking, it may be necessary for the developer to provide alternative facilities.

There would also be a requirement to provide a designated safe pedestrian and cycle route from Wildmere Road to the units.

Flexibility of use:

The flexibility of use is of concern unless the categories are restricted by condition. If they were to be fully B1 for example, the peak hour trip generation could be much greater and the parking and cycle parking would be significantly inadequate. If they were to be fully B8, the goods vehicle trip generation could be much greater.

Assessment of traffic impact:

To fully appraise the transport impact of the proposed development, more information needs to be provided on the likely traffic movements from the development and existing traffic flows for Wildmere Road. Vehicles going to and from the site will inevitably travel through the M40 Junction 11 and the Ermont Way / Wildmere Road / Hennef Way / A422 roundabout. Hennef Way has also been declared an Air Quality Management Area. It is important that transport implications (great or small) are detailed in full within the Transport Statement so an assessment of the impact on the surrounding highway network can be carried out.

Estimated trips per day have been provided in the Design and Access Statement, with no justification. It is assumed that half the employees will cycle to work, which is highly unlikely at this location. A quick comparison with the TRICS database suggests that trip generation is underestimated, although peak hour impact is unlikely to be severe.

Assessment of parking provision:

The parking as shown would be well below the maximum standards for some combinations of use. Justification of the amount of car parking space is required.

Displaced HGV parking:

The proposed development is to be built on land which is currently used as an overflow/temporary parking for HGV's. Whilst some mention is made in the Transport Statement as to the lack of impact on the use of parking of industrial units on the south side of the application site, I have concerns regarding where the displaced HGV's will go to park if the informal overflow site is no longer available. There is currently a lack of HGV parking and welfare facilities in the area, and HGVs regularly

park on street overnight in the area. Clarification on this matter (and on how many HGV's are currently using the site as a place to park) is needed.

Safe pedestrian/cycle route:

There do not appear to be defined safe routes to the development from Wildmere Road, and pedestrians and cyclists would need to cross an open expanse of hard standing, mixing with HGV traffic. Safe routes should be indicated and should be provided by the developer, including appropriate lighting.

Cycle parking:

The cycle parking is located at the rear of the building in a very isolated position. This could result in concerns over personal safety and risk of theft, which may discourage people from cycling to the site. The cycle parking should be close to the main entrance, overlooked and lit. It should be of the Sheffield stand variety and the number of stands should meet the Oxfordshire cycle parking standards.

HGV tracking:

The site is currently open but it is not clear whether it would be fenced off. Clarification is required, as well as HGV tracking to demonstrate that vehicles can enter and exit in forward gear.

Public transport:

The site is remote from the current public transport network. However, a new bus service will commence in autumn 2015 between Banbury Town Centre and the Gateway retail park currently being constructed. This will provide access to the Wildmere industrial area for future employees and visitors.

To provide this public transport access, a pair of bus stops is required near to the Acorn Way/Wildmere Road junction. However, there is no footpath on the eastern side of the road, so the construction of a hard-standing area is required. The developer would be expected to provide this.

Drainage:

The information supplied is insufficient to make a proper assessment of this development.

3.8 Ecology Officer:

The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>

Other Consultees

3.9 Thames Water:

Advises that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

3.10 Environment Agency:

We object to the application and recommend refusal of planning permission on this basis for the following reasons:

The site lies within Flood Zone 3 defined by the Technical Guide to the National Planning Policy Framework as having a high probability of flooding where the risk to life and property, both within the development and in upstream and/ or downstream locations from fluvial inundation would be unacceptable if the development were to be allowed. In particular the proposed development will impede flood flow and reduce

storage capacity thereby increasing the risk of flooding.

It needs to be shown that any increase in built footprint within the 1 in 100 year plus 20% allowance for climate change flood extent can be directly compensated for. This is necessary to prevent the new development reducing floodplain storage and displacing flood waters, thereby increasing flood risk elsewhere. Level for level floodplain compensation is the preferred method of mitigation because voids, stilts or undercroft parking tend to become blocked over time by debris or domestic effects leading to a gradual loss of the provided mitigation. If it is not possible to provide level for level floodplain compensation then other forms of mitigation may be considered if agreed with the local planning authority. The FRA must demonstrate that level for level compensation has been considered, explain why it was not possible to provide it and detail how any associated risks from the chosen form of mitigation can be minimised. In addition to this the Local Authority must be satisfied that they can enforce a condition to maintain these voids as designed and that an adequate maintenance plan is in place to ensure the voids remain open for the life time of the development.

We would also expect that finished floor levels for the proposed development are raised 300mm above the 1 in 100 year with an allowance for climate change 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 flood level, This is to protect the proposed development from flooding.

If the Local Authority are not satisfied that alternative mitigation measures are appropriate then the applicant should revise their development proposals to ensure that there will be no increase in built footprint on this site.

- 3.11 **Network Rail:**
No comments

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

4.1 Development Plan Policy

Cherwell Local Plan (2011-2031)

- SLE1: Employment
- SLE2: Retail
- ESD6: Sustainable Flood Risk Assessment
- ESD7: Sustainable Drainage System
- ESD10: Protection and Enhancement of Biodiversity and the natural environment
- ESD13: Local Landscape Protection
- ESD16: Character of the Built and Historic Environment
- ESD18: Green Infrastructure

Adopted Cherwell Local Plan (Saved Policies)

- C5: Nature Conservation
- C14: Trees and Landscaping
- C28: Layout, design and external appearance of new development
- ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle
- Highways
- Flood Risk and drainage strategy
- Landscape, Ecology and Contaminated Land
- Other Matters

Principle

5.2 Wildmere Road is an established out of centre industrial area situated in north east Banbury. The proposal consists of three Warehouse type units varying in floorspace and approximately 8.5 metres in height. The design, scale and siting of the proposal is appropriate to its context and benefits from existing access of which is also utilised by the adjacent units. The site, although is not allocated for employment development, it is situated within an area of land which is currently an employment site with similar use class and is considered a very obvious extension to the that use.

5.3 Land situated to the north of the site is subject to planning permission 12/00302/CDC which permitted a change of use incorporating flood alleviation methods.

There is no planning policy objection to these proposals in principle subject to no unacceptable impacts on the natural environment or in relation to flood risk being identified.

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Highways

5.4 The initial comments as detailed in section 3.7 of this report were based on information submitted with the application. Amendments have been forthcoming which are considered to adequately address the concerns initially raised.

5.5 Flexibility of use and traffic impact concerns have been addressed through the amended scheme to incorporate parking and manoeuvring provision based on maximum trip generation anticipated to be achieved through all three units being used for B1 use (the worst case scenario in parking terms).

5.6 The car parking provision has been increased from 23 to 40 spaces suitable to accommodate B1 use across all three units. Secure cycle parking has been increased and relocated to the front of the units which significantly reduces the concerns relating to personal safety and theft. A safe pedestrian and cycle route has been created off Wildmere Road to the site.

5.7 The HGV tracking and manoeuvring has been demonstrated and does not interfere with car parking spaces or compromise the existing parking and manoeuvring established at the adjacent industrial units.

5.8 As previously identified, a new bus route which will in part serve Wildmere Road will commence in autumn 2015 providing access to the industrial area for staff and visitors. It is considered that the proximity to the nearest intended bus stop is sufficiently close, and as such there is not a necessity to provide an additional stop.

- 5.9 In conclusion, it is considered that the scheme in its current form has adequately addressed the concerns raised in relation to transport. Further details are required which will be obtained via condition pertaining to construction, layout, surfacing and drainage incorporating a full drainage strategy.

Flood risk and drainage strategy

- 5.10 The site falls within flood zone 3 which is defined as land assessed as having a 1 in 100 or greater probability of river flooding. The appropriate uses suggested for flood zone 3 are water compatible and less vulnerable uses should only be permitted. Government Guidance contained within Planning Practice Guidance Flood Risk and Coastal Change paragraph 66 Table 2 defines the use classes identified in the proposal as Less Vulnerable. Notwithstanding this, it is considered that a full flood risk assessment is required together an appropriate drainage strategy. Furthermore, it is considered necessary that the flood alleviation methods proposed as described in section 5.3 of this report be considered and related to the scheme to satisfy Environment Agency concerns. The EA's conclusions are awaited

Landscape, Ecology and Contaminated Land

- 5.11 The existing topography within the curtilage of the site is relatively flat and screened to the north and east with vegetation. Immediately beyond the north and east boundaries is land allocated as a Country Park. In response to both the Landscape and Ecology Officer I concur that it is necessary to reinforce this boundary treatment so as not to compromise the integrity of the Country Park's visual or ecological status.
- 5.12 Whilst there are no objections on the grounds of contaminated land, historically there have been uses identified on adjacent sites that have not been considered and which potentially could have contaminated the land. With regards to this, and in the absence of a land contamination study submitted with the application it therefore necessary to require further information to ensure the safety of the users on and adjacent to the site.

Other Matters

- 5.13 The design and layout is considered to be appropriate given the character of its context. The locality is characterised by buildings of a similar height and function with variety in finishing including material and colour. With regards to the amendments to site layout it is considered not to adversely affect the periphery units by parking, manoeuvring, design, siting and proposed uses.

Engagement

- 5.14 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it was considered necessary to contact the agent with regards to consultation responses. Amendments were forth coming and it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.15 The proposal has undergone significant layout amendments in response to consultation concerns. Whilst there are still outlying concerns relating to flooding and landscaping, however it is considered that these concerns can be overcome by requesting additional information through conditions.

6. Recommendation

Approval, subject to the Environment Agency and OCC highways formally withdrawing their objections:

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 application form documents, Design and Access Statement and drawing numbers 214645-01 and 214645-03 submitted with the application and 214645-07A submitted via email on 02/07/2015 and 214645-02B submitted via email on 15/07/2015.

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

3. Prior to the commencement of the development hereby approved, full specification details of the parking and manoeuvring area shall be provided including pedestrian access and relationship between hard surfacing and built form including any changes in floor levels. This shall include construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the industrial units the development shall be constructed in accordance with the approved details.

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.

4. 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.

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.

5. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that 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.

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that 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.

7. If contamination is found by undertaking the work carried out under condition 6, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that 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.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that 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.

9. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details

of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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.

10. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity 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 Policies C1 and C7 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, including any demolition, and any works of site clearance, a lighting strategy, to include details of locations, designs, light spill and hours of operation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out strictly in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies C1 and C7 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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.

13. Prior to the construction 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.

14. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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. 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.

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 this decision notice.

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.

16. 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 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. until the expiration of five years from the date of this decision notice.

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. Any showroom element of the trade counter use hereby approved shall be limited to be no more than 15% of the floorspace of the unit to which it relates unless otherwise first agreed in it writing by the Local Planning Authority

Reason – To retain the preponderance of the use in the B uses classes and to prevent unrestricted retail use which would be sequentially preferable in town centres as specified in the National Planning Policy Framework and Policy SLE 2 of the adopted Cherwell Local Plan 2011-31

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

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the Framework, it was considered necessary to contact the agent with regards to consultation responses. Amendments were forth coming and it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.