

Phase 3 Apollo Office Park
Ironstone Lane
Wroxton

16/02113/F

Case Officer: Bob Neville **Contact:** 01295 221875

Applicant: Apollo Business Parks LLP

Proposal: Provision of 10 No. Employment Units (B1, B2 & B8), together with associated car parking and landscaping provision.

Expiry Date: 27.01.2017

Ward: Cropredy, Sibfords and Wroxton **Committee Date:** 19.01.2017

Cllr Ken Attack

Ward Councillors: Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Major development

Recommendation: Approval

1 APPLICATION SITE AND LOCALITY

- 1.1 The application relates to a 0.75 ha. brown-field site located some 0.8km 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, and accessed off, Ironstone Lane, which is in turn accessed off of the Stratford Road (A422). The site sits adjacent a recently completed extension to Apollo Business Park (which consists of B1, B2 and B8 commercial units) to the north-east, with open countryside surrounding the wider business park site. The site has been cleared of vegetation prior to the submission of this application and there are mature hedgerows and trees to the boundaries of the site with a woodland area to the west.
- 1.2 In terms of site constraints, the site is within an area of potentially contaminated land associated with the historic use of the site and the geology of the area is also known to contain naturally occurring elevated levels of Arsenic, Chromium and Nickel as seen across much of the district. The site is within a Minerals Consultation Area. The Northern Valleys Conservation Target Area is ~200m north-east of the site and environmental records show a local wildlife site (BBOWT Railway Cutting Horley) ~200m north-east of the site.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks permission for 10 no. employment units to be accommodated within three separate buildings arranged in a 'U' shape, similar to that seen on the recently completed development adjacent granted permission under ref. 14/01898/F. The building walls would be of a brick finish (Northcot Brick Limited Multi Red Rustic) and the roof would be profiled metal cladding (Kingspan KS1000RW 115mm Merlin

Grey RAL 180 40 05). The proposals would result in an additional 1638m² of floor space accommodated on two levels (ground floor and mezzanine) with an overall height to the ridge of the buildings of some 9m. The proposed uses would fall into Classes B1 (light industrial), B2 (general industrial) and B8 (storage and distribution). Access would be via the existing access off Ironstone Lane which serves the wider business park. Associated car parking, cycle parking, servicing areas and landscaping would also be provided.

3 RELEVANT PLANNING HISTORY

- 3.1 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 - permitted 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 - permitted 29 April 2005.

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 - permitted 08 July 2010.

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

14/01898/F - Provision of 10 no employment units (Classes B1, B2 & B8), car parking and associated landscaping (revised scheme following approval of 11/00473/F) - permitted 20 March 2015.

15/02281/F - Variation of Condition 2 of 14/01898/F - minor changes to floor layout, fenestration and elevations to Units 10-14 together with minor amendments to car parking layout, cycle and bin store, location and landscaping - permitted 29 January 2016.

16/00960/F - Variation of Condition 2 (plans) of 15/02281/F - minor changes to floor layout, fenestration and elevations to units 4 and 7 - permitted 23 August 2016.

4 PRE-APPLICATION DISCUSSIONS

- 4.1 The following pre-application discussions have taken place with regard to this proposal:

- 16/00166/PREAPP: Proposed provision of 10 No employment units, associated car parking and landscaping. The principle of development was supported, but it was identified that there was clearly a need for further assessment of some of the issues raised by the proposals, particularly in relation to highways matters. Report issued 25/07/2016.

5 RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2 No comments have been raised by third parties.

6 RESPONSE TO CONSULTATION

- 6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL

- 6.2 WROXTON PARISH COUNCIL: **No comments received.**

STATUTORY CONSULTEES

- 6.3 OXFORDSHIRE COUNTY COUNCIL SINGLE RESPONSE:

HIGHWAYS AUTHORITY: **No objections subject to conditions.**

'The proposals laid out in the Transport Assessment appear to address issues raised in our pre-application transport report. Although the development does not lie in a sustainable location, it is likely to generate a low trip rate. The use of the development will probably mean that the majority of (if not all) movements will be made by vehicle. Considered in the context of the application proposals, I find it necessary to make improvements along the narrow Ironstone Lane, by providing passing bays that are wide enough and suitably surfaced to accommodate the development traffic.'

Travel Plan

This is the 3rd phase of development at this site. The site does have very high car use mainly because of its location.

A framework travel plan has been submitted with this application and this has been checked against our guidance. Below are some general comments on the submitted travel plan which will need some further development.

- The 2008 survey results mentioned in the travel plan may provide some interesting points for discussion but their age makes them unsuitable for travel plan purposes. We usually recommend that surveys are no more than two years old.*
- The range of actions that are included within the travel plan are unlikely to be comprehensive enough to lead to a 10% reduction in SOV trips made by employees to and from the site. Further development will be required to develop a more comprehensive range of short, medium and longer term measures. Some further actions have been included in the travel plan but these are not all incorporated into the travel plan implementation tables. So the current implementation tables do not contain enough detail, for example, what new infrastructure will be added at the construction phase, cycle parking, improved footways?*
- An overview of the number of employees who currently work at the site and how many are expected to work there when the new units have been completed.*
- Inclusion of a summary of local bus services, although it is noted that distances to bus stops may be a barrier to their use.*
- The inclusion of a location map including walking and cycling isochrones and showing the location of available bus stops.*
- As this travel plan is now for the whole site a commitment to a new base line survey which will be carried out within three months of the occupation of the new units but will be for the whole site should be made. A copy of the survey that will be used should be included in the appendices. This survey will explore*

opportunities for increasing sustainable travel to and from the site and attempt to identify any barriers that exist.

- *Postcode information for all site users will be used in conjunction with new survey responses to see which forms of sustainable transport are most likely to be used by employees. This information should show which employees can for instance car share their journeys to and from work.*
- *Targets for each mode of travel will need to be specified for each survey year in both number and percentage terms showing how the reduction of SOV journeys to and from the site will be reduced and allow progress towards this target to be more closely monitored.*
- *The target to reduce single occupancy vehicle trips to and from the site by 10% will still mean that more employees travel to and from the site than the local 2011 census Travel to work data. The travel plan will need to explore this fully and justify that this target is challenging enough.*
- *Para 4.2.4 It is recommended that Oxfordshire Liftshare is promoted as the car sharing option of choice <https://oxfordshire.liftshare.com/>*

Para 5.2.2 Staff travel packs, employees should be given a choice of either a paper or electronic pack. The electronic version has the advantage of reducing costs and allowing employees to directly access things like car sharing web sites'.

ARCHAEOLOGY: No objections. *'The site contains the remains of the former post medieval iron stone works. The proposed development will not impact on any known archaeological deposits but may impact on standing building remains associated with this important industrial site and their setting. We would therefore recommend that the advice of your Conservation Officer should be sought regarding this application'.*

6.4 OCC MINERALS & WASTE: **No objections**

6.5 ENVIRONMENT AGENCY: **No comments received**

NON-STATUTORY CONSULTEES

6.6 CDC ARBORICULTURE: **No objections**

6.7 CDC CONSERVATION: **Verbally confirmed no objections to the proposals.** Whilst the site has been cleared, the heritage of the site has been captured with the erection of information boards and monuments to the historic use of the site.

6.8 CDC ECOLOGY: **No objections subject to conditions.** *'The submitted ecological mitigation plan is fine as regards protected species and provides some reasonable biodiversity enhancements. I would be happy for this to be conditioned as is'.*

6.9 CDC ENVIRONMENTAL PROTECTION:

- **LAND CONTAMINATION: No comments received.**
- **ANTI-SOCIAL BEHAVIOUR: No objections subject to conditions.** *'No objections subject to reasonable hours of work being conditioned in relation to B2 and B8 uses to prevent any loss of amenity arising from noise/ pollution'.*

6.10 CDC LANDSCAPE SERVICES: **No objections.** *'The planting scheme is fine. Root protection has been included which is very welcome'.*

6.11 CDC PLANNING POLICY: **No objections.** *'Paragraph B.1 of the 2015 Local Plan states that the Plan aims to support sustainable economic growth in the District and paragraph B.8 states that the Council will support limited new employment in the rural areas.'*

Policy SLE1 states that unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A.

The proposals are in principle inconsistent with Policy SLE1 of the 2015 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 is also an extension to an existing site which follows the proposed approach set out in Local Plan Part 1 for exploring extensions to existing sites in Local Plan Part 2.

Importantly, Appendix 7 of the 2015 Local Plan shows how saved Policy EMP1, in relation to rural sites, is 'retained', and therefore is not replaced by policies in the 2015 Local Plan. The site is allocated for employment use in the adopted 1996 Local Plan (saved policy EMP1). Policy EMP1 of the 1996 Local Plan (saved policies) states that employment generating development will be permitted on the sites shown on the proposals map, subject to other policies in the Plan. Paragraph 3.48 of the Adopted Local Plan (saved policies) applies to the application site and states that the site is considered suitable for development that is compatible with the local road network and would improve the appearance of the site.

Paragraph 3.58 of the 1996 Local Plan explains that the Council will use an upper limit of 500 sq m for proposals as a guide but will have particular regard to the individual site characteristics and the nature of the proposed development which are likely to vary considerably from case to case.

Any potential significant negative impacts on the landscape and natural environment should be considered.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. Paragraph 17 states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

Paragraph 28 states that Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 17 encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Annex 2 defines previously developed land'.

6.12 BERKS BUCKS & OXON WILDLIFE TRUST (BBOWT): **No comments received.**

7 RELEVANT NATIONAL AND LOCAL PLANNING POLICY AND GUIDANCE

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

7.3 Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031)

PSD1: Presumption in Favour of Sustainable Development

SLE 1: Employment Development (site not allocated).

SLE 4: Improved Transport and Connections

ESD 1: Mitigating and Adapting to Climate Change

ESD 3: Sustainable Construction

ESD 7: Sustainable Drainage Systems

ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

EMP1: Employment Generating Development (retained with regard to rural sites – site allocated).

TR1: Transportation Funding

C14: Trees and Landscaping

C28: Layout, Design and External Appearance

ENV12: Development on contaminated land

7.4 Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

8 APPRAISAL

8.1 The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area
- Highway safety
- Ecology and Biodiversity
- Residential amenity
- Environmental Impact

Principle of development

8.2 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having three dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this proposal this would include delivering business and industrial units and securing high quality design without causing harm to local character and landscape, whilst ensuring new development is sustainably located to minimise other environmental impacts.

8.3 The NPPF seeks to secure support for the 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 and encourages Local Planning Authorities to proactively meet the development needs of rural business. Furthermore, under paragraph 21 Local Planning Authorities should support existing business sectors, taking account of expansion and be flexible enough to accommodate needs not anticipated. These aims are reflected in the policies of Cherwell's Development Plan.

- 8.4 The NPPF further encourages 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.
- 8.5 The site is within an allocation referred to within the Cherwell Local Plan 1996 as a site proposed for employment generating development and as such saved Policy EMP1 (retained with regard to rural sites) is relevant. Policy EMP1 is generally supportive of the principle of employment development on allocated sites subject to other relevant Policies in the plan. The policy's supporting text specifically refers to the site, at paragraph 3.48, stating 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'*.
- 8.6 Policy SLE 1 of the CLP2031 also seeks to protect existing employment sites whilst supporting sustainable economic growth. It states that: *'employment development will be focused on existing operational or vacant employment sites'*. Further that, *'on existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations'*.
- 8.7 The applicant indicates the proposals to represent the third and final phase of the existing business park, and the proposed site area is consistent with the land allocation within Saved Policy EMP1 of the CLP 1996. Cherwell Council has consistently shown support for the business park as can be seen from the planning history of the site. The units constructed under Phase 2 appeared to be occupied at the time of the site visit, which would suggest the park to be an attractive location and offering good facilities for potential businesses; supporting economic growth within the district.
- 8.8 The site is located less than 1km from Wroxton a Category A (most sustainable) village and is an allocated employment site within the Development Plan. Improvements to Ironstone Lane (including passing spaces) have been secured through a S278 agreement attached to a previous consent on the Apollo Business Park for Phase 2 (14/01898/F) and these works have been undertaken.
- 8.9 The Government shows a clear commitment to supporting economic growth in rural areas and there is a clear requirement for the planning system to support sustainable economic growth. The use of previously developed land to provide employment generating development, as demonstrated within this application, is considered to accord with the provisions of the NPPF.
- 8.10 Officers therefore consider that the principle of developing additional small-scale employment units on the allocated site would be largely consistent with both national and local policy guidance and is therefore considered acceptable subject to the further considerations below.

Design and impact on the character of the area

- 8.11 The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.12 Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that

proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements.

- 8.13 Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 8.14 Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.15 The existing business park and proposed development is set back off Ironstone Lane and views from this highway are largely limited to those gained at the existing access to the site. The existing business park is visible within the landscape with glimpsed and distance views available when travelling along the lanes between Wroxton and Hornton. These views are to some extent screened by existing hedgerows and trees on the boundaries of the business park site and those along the edge of the highways. The proposals would increase the built form in this location and would also be visible to the same extent as the existing business units.
- 8.16 In terms of appearance the proposals largely replicate the scale and form of the development of Phase 2 approved under ref. 14/01898/F, and in this respect would not appear out-of-place when viewed in the context of the existing commercial units.
- 8.17 As noted above, the site is situated in the open countryside and careful control of the design of the development is required to protect the character of the landscape. The proposals are supported by a landscaping scheme which looks to both reinforce existing boundary hedgerows and also introduce additional planting which would further screen and soften the appearance of the proposals within the wider landscape.
- 8.18 The Council's Landscape and Arboricultural Officers raise no objections to the proposals considering the proposed landscaping scheme appropriate and sufficient to ensure that any visual intrusion into the open countryside would not be so significant that it would warrant a reason to refuse the application on these grounds.
- 8.19 It is acknowledged that the proposals would be visible within the wider landscape, but that they would be seen against the existing business park units. On balance, and given the site is allocated for employment development and so some visual impact is to be expected, it is considered that these views would not be so significant that the proposed development would cause undue harm to the visual amenities of the site or its setting in the wider landscape. In this respect the proposals are considered as being consistent with Development Plan policies.

Highway Safety

- 8.20 The application is supported by a Framework Travel Plan and a detailed Transport Statement which addresses issues relating to vehicular movements, access, parking, and highway improvements. The Highways Authority (H.A.) has assessed the proposals and supporting documentation and raises no objections subject to conditions considered necessary to secure specific details in relation to access, parking, drainage, construction management and an appropriate Travel Plan. Officers see no reason to disagree with the opinion of the Local Highways Officer.
- 8.21 The proposals utilise the existing access for the business park site and incorporate both vehicular (40 spaces) and cycle (10 spaces) parking provision which are considered appropriate by the H.A. for the levels of commercial development proposed. As Cherwell Council does not have any adopted parking standards, officers have no reason to dispute the H.A.'s conclusions in this respect. Whilst given its rural location the proposals would result in additional vehicular movements to and from the site it is considered that the improvements already made to Ironstone Lane (the addition of passing bays) allow for an increase in traffic along this route without

causing any significant detrimental impacts on the safety and convenience of other highway users.

- 8.22 Comments were initially made by the H.A. with regard to the need for additional highway improvements, however these were retracted following it being highlighted that the improvements shown within the application (the provision of passing bays) were in fact those secured through the S278 Agreement attached to the previous permission 14/01898/F, which had now been implemented.
- 8.23 The application is supported by a Framework Travel Plan which looks to promote more sustainable travel options for the business. The H.A. notes several amendments that would be required to the details contained within this document for it to be considered acceptable. It is considered that the requirements of the H.A. could be secured through appropriate conditions attached to any such permission.
- 8.24 Further comment was also made by the H.A. with regard to the need for a legal agreement to secure Travel Plan monitoring fees. Paragraph 203 of the NPPF states that: *'Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'*. Paragraph 204 further states that: *'Planning obligations should only be sought where they meet all of the following tests:*
- *necessary to make the development acceptable in planning terms;*
 - *directly related to the development; and*
 - *fairly and reasonably related in scale and kind to the development'*.
- 8.25 In this instance the securing of a payment in relation to Travel Plan monitoring fees is not considered necessary to make the proposed development acceptable in planning terms as it has not been demonstrated that the administrative work required to monitor the Travel Plan will require additional resources, such that a contribution may be justified. Therefore such an obligation would fail to meet the tests set out within the NPPF; in light of this, such an obligation is not considered appropriate and officers have not pursued any such legal agreement, on this basis.
- 8.26 On balance, the proposed development is considered to have a negligible impact upon highway safety, and in conjunction with an acceptable Travel Plan and further specific details sought via condition, is considered to accord with the requirements of the NPPF in terms of sustainable transport.

Ecology and Biodiversity

- 8.27 The NPPF - Conserving and enhancing the natural environment, requires that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures" (Para. 109)
- 8.28 Paragraphs 192 and 193 further add that, "The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question".
- 8.29 One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application.

The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- 8.30 Local planning authorities must also have regard to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 8.31 In respect to the application site, an Ecological Survey and Biodiversity Enhancement Scheme (dated September 2016) report has been submitted with the application. The Council’s Ecologist has reviewed the survey and its findings and recommendations and raises no objections subject to the development being carried out in accordance with the report.
- 8.32 The site has previously been cleared of vegetation and the report indicates that the proposals would not result in any significant ecological impacts, but does make several observations and recommendations to ensure the protection of identified elements of ecological interest (including reptiles previously known to be present within the vicinity of the site) particularly during the construction phase of the scheme; it is considered appropriate to condition that any such approval is carried out in accordance with the details of this report, to ensure that the development does not cause harm to any protected species or their habitats and to ensure that there would be a net gain in opportunities for biodiversity.
- 8.33 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue to be safeguarded notwithstanding the proposed development. The proposal therefore accords with the Framework - Conserving and enhancing the natural environment and Policy ESD 10 of the CLP.

Residential amenity

- 8.34 ESD15 of the CLP 2031 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority and states that: ‘new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’.
- 8.35 Given the context and isolated position of the site and that there are no residential properties in close proximity, it is considered that there would be no impact on residential amenity and that the proposals would be acceptable in this regard. As such 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, and saved Policy ENV 1 of the adopted Cherwell Local Plan 1996 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.
- 8.36 Whilst the comments of the Environmental Protection Officer in respect of regulating the hours of operation are noted, given that the proposals would not affect residential amenity and there are no such restrictions on existing units at the wider business park, it is considered that it would not be appropriate to restrict opening hours through condition; as this would not meet the tests for the use of conditions set out within the NPPF.

Other Matters

- 8.37 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 CLP 1996 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'*.
- 8.38 The site once formed part of the North Oxfordshire Ironstone Company, which was the largest producer of ironstone in the Oxfordshire Orefield. Given the former use of the site the land is considered to be potentially contaminated. Whilst no formal comments have been received from the Environment Agency or the Council's Environmental Protection Officer in relation to the current application, no objections have been received in relation to previously approved development on the site or adjacent land; with the matter being dealt with through an appropriate condition being added to any such decision. Whilst it is unlikely that contamination would affect the development, the strategy is required in order to ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water.
- 8.39 With regard to Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1, this states that "all new non-residential development will be expected to meet at least BREEAM "Very Good" with immediate effect". It goes on to state that this should be demonstrated through an Energy Statement. It also states that all development proposals should demonstrate sustainable construction methods such as minimising energy demands, incorporating the use of locally sourced materials, and reducing waste and pollution and making adequate provision for the recycling of waste.
- 8.40 The applicants have provided a brief Energy Statement which states that it is not considered feasible to install roof-mounted PV solar panels on the buildings, and also that it is not considered practical or necessary to include a scheme for rainwater harvesting. However the Statement does not set out what positive measures will be implemented to contribute to reducing energy consumption and improve sustainable construction. As such a revised Energy Statement is recommended to be secured by condition.

9 CONCLUSION

- 9.1 Given the above assessment, it is considered that subject to proposed conditions, the proposal considered within this application is an acceptable form of development, which would support economic growth in an appropriate rural area within the district allocated for employment development and which does not conflict with the policies of the adopted Local Plan. The development causes no significant harm to residential amenity or highway safety; the design is sympathetic to the character of the context of the existing business site whilst not significantly intruding into the open countryside. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

10 RECOMMENDATION

10.1 That permission is granted, subject to the following conditions.

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 condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, 'Design and Access Statement', Ecological Survey and Biodiversity Enhancement Scheme (dated September 2016) and drawings labelled: 2975-13B, 3120/01B, 3120/02D, 3120/03C, 2318-301 and 2318-302.

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

3. The development hereby approved shall be carried out strictly in accordance with the sections titled 'Reptile Mitigation Plan' and 'Biodiversity Enhancement Scheme' within the Ecological Survey and Biodiversity Enhancement Scheme for Phase 3, Apollo Business Park, Wroxton, submitted with the application, which was prepared by Philip Irving dated September 2016.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. 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. 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 Saved Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented for the duration of the construction phase of development and shall be operated in accordance with the approved details.

Reason - In the interests of highway safety during the construction period and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of development a scheme for the surface water

drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented prior to the first occupation of the development and operated in accordance with the approved details.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, an amended Energy Statement shall be submitted detailing the measures to be employed during the construction and operational phases of development to reduce energy use and waste, and to make efficient use of resources. Thereafter the development shall be carried out in accordance with the approved Energy Statement.

Reason - In the interests of sustainability and to mitigate the impact of development on climate change, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use or occupation of the development hereby approved, and notwithstanding the details submitted, an amended Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Framework Travel Plan shall thereafter 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 Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. 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 Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. 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.

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 Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. The units hereby permitted shall be used only for purposes falling within Classes B1, B2 or B8 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose(s) whatsoever.

Reason – In the interests of sustainable development and in order to maintain the character of the area in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policies SLE1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved building shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in the interests of sustainability and in order to safeguard the amenities of the area in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. 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 the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason – In order to safeguard the visual amenities of the area in accordance with Saved Policies ENV1 and C28 of the Cherwell Local Plan, Policies ESD 13 and 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.
3. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
4. The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact: County Archaeologist, Archaeology Planning Regulation, County Hall, New Road, Oxford OX1 1ND, (Telephone 01865 328944).
5. With regard to condition 9, you are advised to refer to the comments of Oxfordshire County Council's Highway Authority dated 21 November 2016 made in respect of the Framework Travel Plan. The revised Framework Travel Plan should seek to respond to these comments.