

Application No: 10/01575/OUT	Ward: Banbury Grimsbury and Castle	Date Valid: 19.10.10
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Applicant:	Standard Life Investments
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Site Address:	Formerly SAPA Profiles UK, Southam Road, Banbury
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Proposal: Re-development of former factory site for employment uses (Use Classes B1, B2 and B8) with Associated Car Parking, Servicing and Landscaping

1. Site Description and Proposal

- 1.1 The application site is located approximately 2.5km from Banbury Town Centre on the northern edge of the town, and has an area of 12.9 hectares. The site was previously occupied by SAPA Profiles and was originally the home of the Northern Aluminium Company. SAPA Profiles vacated the site at the end of 2008 and has not been in use since that time. The former Alcan use was primarily a B2 use with ancillary offices and warehousing facilities.
- 1.2 The site is bounded by employment uses to the east, the Oxford Canal to the south, Southam Road (A423) to the west and Noral Way to the north with the Hardwick Business Park and Banbury Office Village beyond. There are three residential cottages to the south-west of the site adjacent to the canal and Southam Road and Hardwick Farmhouse, a Grade II* Listed Building to the north.
- 1.3 The site has now been largely cleared, including the original rolling mill building, although the Grade II listed office building, memorial garden and gatehouse remain. A disused railway line embankment runs along the southern boundary of the site with an open area between this and the Banbury Canal. The embankment and associated planting currently provides a good screen to the site from the canal and the tow path. There are also established landscaping areas, including a number of mature trees along the western and northern boundaries.
- 1.4 The site is currently accessed off the Southam Road via a dedicated service road. This access also serves a car park to the north of the existing office building. The service road also provides access to the cottages to the south of the application site and adjacent to the canal.
- 1.5 This application seeks outline planning permission for the redevelopment of the site for employment purposes, these being B1, B2 and B8 with all matters except access reserved. The proposal does not include any B1(a) office development, although ancillary offices may be included within any of the new buildings proposed. The existing office building however will be retained and will be available either as an office building to be occupied independently or in association with the new development proposal. The existing gate house will be retained and the original gates reinstated.

- 1.6 As the application is in outline only, a parameters plan has been submitted as part of the application which indicates the proposed extent of the area where new buildings will be proposed together with maximum floor areas etc. These layouts have also been submitted to indicate how the site may be developed. Existing trees will be retained where possible and a detailed landscaping scheme has also been submitted as part of this application.
- 1.7 It is proposed to use the existing access from the Southam Road and existing service road, although a separate access may also be provided from Noral Way should the site be developed for a number of different users.
- 1.8 In 2008 an application was approved which sought a change of use of the existing rolling mill building constructed in 1931 from a primarily B2 use to a flexible mixed B2/B8 use, (08/01987/F refers). This was submitted to and in the marketing of the site which was at that time still owned by SAPA Profiles UK.

2. Application Publicity

- 2.1 The application was advertised by way of site notices, a notice in the local press and neighbour notification letters. As a result of this publicity the following representations have been received:-

Two Hardwick Business Park occupiers have raised concerns regarding:-

- The use of Noral Way for parking of HGV's and other delivery vehicles.
- Noral Way is not suitable for increased traffic.
- Increased accident likely at the Southam Road/Dukes Meadow Roundabout.
- Not suitable for HGV vehicles to enter and exist a depot from a minor unlit road whose footpath will meet with the entrance to the site.
- Proposal is not in keeping with current Government initiatives to encourage walking and cycling to work if Noral was to become unsafe due to the increased traffic.

One letter from the occupier of 1 Wharf Cottages on behalf of herself and her neighbour at 2 Wharf Cottages whose concerns are as follows:-

- Noise, disturbance and pollution as a result of the removal of the existing embankment and the relocation of the main access into the site on what is currently the embankment.
- Traffic generated as a result of the redevelopment of the site is likely to be heavier than previously and much closer to the cottages.
- Concerned that the removal of the embankment may result in increased flood risk to the residential properties as this has always provided a natural buffer.
- Loss of embankment will increase noise nuisance and result in development being open and visible from the cottages. Any planting will take year to mature.
- Increased parking of lorries outside the properties in the access road.

- 2.2 Banbury Civic Society comment as follows:-

- The Civic Society would support any proposal that creates high quality,

settled employment but the application as submitted appears to be speculative large sheds for a number of possible uses/occupiers.

- Height and scale of buildings relative to the listed offices, gates, war memorial and Southam Road and the Oxford Canal, Cherwell Water Meadows and Area of High Landscape Value.
- Proposed buildings would undoubtedly overwhelm and dominate the setting of the listed offices.
- Gatehouse is locally listed and should be retained and is the last surviving element of the original 1931 Wallis, Gilbert and Partners build who were also the architects of the Hoover and Firestone factories.
- Would like to see the gates and gate lodge reunited.
- New access to war memorial/garden of remembrance from the Southam Road will lead to parking issues and access for veterans and ex-employees
- Removal of old railway embankment will open up views of the development site from the canal, canal towpath and Cherwell Water Meadows. In the absence of details regarding the design of the new buildings it is too early to consider the merits of opening up the site in this way.
- Proposal needs to be assessed against Policies C28 and C29 of the adopted Cherwell Local Plan.
- Under EMP1, the Local Plan says of development adjacent to Alcan and Hardwick Farm (para 3.15) that 'The Council will seek a prestige and attractive development on this site in keeping with its location adjacent to the countryside which has been designated as an Area of High Landscape Value'.
- Policies D10 and EN28 of the Non-Statutory Cherwell Local Plan are also relevant.
- The parameters proposed are set far too wide given the sensitivities of the site and its surroundings.

In respect of the revised application, Banbury Civic Society welcomes all the proposed alterations but makes the following additional comments as summarised below:-

- Whilst keen to see the site brought back into beneficial employment use, Meeson Williams are carrying out research into industrial and commercial provision in Oxfordshire which has highlighted a need in Banbury for units of small and medium size.
- Remain concerned in respect of the eaves height in relation to the listed offices. Historically the tallest buildings and listed offices were separated by a low aisle which was of a similar layout to the listed offices resulting in a transition between the low offices and the much taller rolling mills. The listed offices will therefore be overwhelmed by the proposed sheer vertical face of the proposed big shed directly behind. Applicants should give further consideration to a transitional aisle.
- Notwithstanding the improvements to the southern landscaping scheme remain concerned about visual appearance of such huge buildings from the canal. The former buildings were scarcely visible over the disused railway embankment.
- A condition should be imposed requiring the restoration of the lodge, posts,

gates and lanterns to the site frontage.

- Revisions overcome previous concerns in relation to the War Memorial and Garden of Remembrance.
- In the absence of a detailed application, it is too early to support the removal of the old railway embankment, and the proposed new landscaping will take years to mature.
- Regretfully oppose the application on the grounds of PPS5, C28, C29 and EMP 1 of the Cherwell Local Plan and Policies D10, EN28 and EN45a of the Non-Statutory Cherwell Local Plan.

2.3 Banbury CPRE comment as follows:-

- Proposal is acceptable in principle being a brownfield site of former employment.
- Scale and massing of proposal in relation to listed offices.
- Memorial Garden should continue to be accessed from within the site.
- Gatehouse retained and gates re-erected in their original position.
- Policies C18 and C20 of the adopted Cherwell Local Plan are relevant
- Concern at the proposed removal of the mineral railway embankment. It has a heritage value in that it was constructed in 1917 to serve the ironstone quarries at Wroxton and is a physical monument built by German POW's to these industrial activities of the past Century.
- Embankment should be retained as it provides both a visual and acoustic screen from the Oxford Canal. The arboricultural report identifies trees upon it to be 'desirable for retention' and currently provide a wildlife corridor.
- The removal of the embankment will result in the need to provide further acoustic treatment along this boundary. A new security/acoustic fence would detract from the visual amenities of the Oxford Canal and may attract graffiti.
- Internal access and servicing arrangements could remain as existing.
- No necessity or requirement to remove the embankment.
- Canal is an important gateway protected by Policies C5, C29, R7 of adopted Cherwell Local Plan.
- The amended plans have addressed the concerns in respect of the memorial garden and gatehouse and gates and consider the propose bund to be an improvement, but it is not of sufficient height to be of an effective acoustic value as required by the Acoustic Report. Still consider that the existing embankment should be retained to protect the amenities of the Oxford Canal and countryside.

3. Consultations

- 3.1 Banbury Town Council welcome the redevelopment of this site for employment, but would like to see the retention of the locally listed gatehouse. Re-development must have due regard to the listed office building.
- 3.2 Oxfordshire County Council – Archaeologist advises that the site lies within an area of some archaeological interest to the south of Hardwick Deserted Medieval Village. Field systems associated with this village and farmhouse are likely to extend into

the area of this development although modern truncation associated with the building of Alcan in the 1930's would have disturbed much of the site. The Desk Based Assessment submitted with the application concludes that although much of the site has been disturbed, archaeological deposits may survive in areas of the site. An archaeological watching brief condition is therefore recommended to be attached to any consent.

- 3.3 Thames Water in respect of waste, have identified an inability of the existing waste water infrastructure to accommodate the needs of this application and therefore recommend a Grampian style condition requiring the submission for a drainage strategy.

In respect of surface water drainage, Thames Water advise that the applicants need to ensure that storm flows are attenuated or regulated into the receiving public network through or off-site storage. Petrol/oil interceptors should be fitted in all car parking/washing/repair facilities.

- 3.4 Highways Agency initially directed that consent not be granted as the Transport Assessment had not adequately addressed the trip assignment between the site through to A422 Hennef Way and to Junction 11 of M40. This direction has since been removed and the Highways Agency now raise no objection.

- 3.5 Environment Agency initially objected to the proposal and recommended refusal on the grounds that the Flood Risk Assessment as submitted failed to comply with the requirements of PPS25 on the grounds that it failed to demonstrate that the development will not increase surface water flood risk on the site and the surrounding area and does not demonstrate the development will not increase fluvial flood risk in the surrounding area. The sequential test is accepted.

Following the receipt of the Level 3 Flood Risk Assessment and a review of the modelling, the Environment Agency have withdrawn their objection on flood risk grounds subject to the imposition of a number of conditions.

A number of informatives are also advised in respect of flood risk, site waste management, contamination and surface water run-off. Following revisions to the remediation strategy, no objections are raised in this respect.

- 3.6 Highway Authority raise no objections. The second access shown from Noral Way is acceptable as Noral Way has appropriate width and construction to accommodate goods vehicles and the access would be able to provide appropriate geometry and visibility.

The capacity of the local highway network has been tested within the Transport Assessment and technical notes which provide a fair model. The proposal is in outline for a flexible mix of uses, without any future users or specific use being identified. To provide a robust assessment the TA has considered a worse case scenario with the most traffic intensive use mix being assessed during peak times, which has shown that additional flows resulting from the development would not be significant. The applicant has agreed in principle to contribute towards the local transport strategy, the provision of new bus stops along Southam Road. Highway works, provision and alteration of access will be subject to a Section 278 Agreement.

3.7 Cherwell District Council Consultations

Arboricultural officer gives detailed comments regarding the arboricultural report and its recommendations as submitted with the application. In summary however objections are raised to the proposal overall on the grounds that although generic advice has been supplied with the pre-development tree survey with regard to ground protection and construction methods, details (as per BS: 5837) have not been provided and recommendations in the pre-development tree survey (Section 3) have been ignored. The loss of the railway embankment is unacceptable as the replacement planting does not mitigate for its removal in terms of wildlife benefits or the larger amenity provided, and the scale of the overall development means that because the ground level on which any new planting would be undertaken is lower, screening would be difficult. An arboricultural method statement and tree protection plan as per BS: 5837 Trees in Relation to Construction needs to be provided and its recommendations considered when designing the development. The embankment provides screening to the site and although individual trees are of average condition, as a linear landscape feature it provides significant amenity as well as wildlife habitat being part of a larger green corridor running along the line of the old railway. Numerous trees within the site and adjacent to it are worthy of retention.

Following the submission of revised plans and details, the tree protection plan and arboricultural method statement in particular to the retained mature trees along the frontage still has not been included. A map with the appropriate root protection areas marked, the position of protective barrier fencing and details and method of installation within or close to the RPA's will be required. The original tree survey lists these and advises that they will be necessary.

- 3.8 Conservation Officer raises objections to the alterations to the memorial garden by isolating it from the main site and introducing a new access directly from the Southam Road. The original gates should be retained and reinstated in their original position adjacent to the Gate Lodge. The height, scale and massing of the new development and its proximity to the listed office building will significantly harm the setting of the listed office building. Concerns also regarding the impact on Hardwick Farmhouse, a Grade II* listed building in respect of the new access which is proposed onto Noral Way. The removal of the railway embankment has major repercussions for the setting of the canal since the proposal is to move the southern boundary for the lorry parking area closer to the canal and to enclose a great area for lorry parking. This has major implications for the setting of this heritage asset. Proposal is contrary to advice in PPS5, Policies C28 and C30 of the adopted Cherwell Local Plan. Following the receipt of revised plans and documentation.

In respect of the revised plans, the Conservation Officer considers that the applicants have come a long way to overcoming the previous concerns and a refusal on those grounds could not be defended at appeal.

- 3.9 Landscape Planning Officer – Proposals are very tight with little scope for landscaping. Existing railway embankment forms an effective screen to the site, removal would leave the south side of the site very open to views from the canal towpath and reservoir. The buildings and truck parking would be very close to the canal, and without the embankment likely cause noise, light pollution and visual intrusion. Removal of embankment will result in the loss of an existing wildlife

corridor.

The woodland edge mix contains some ornamental species, gorse is a heath land plant thriving on this dry soil and is not appropriate for land adjacent to the canal which is likely to be water logged. Woodland does not have enough trees to provide an effective screen and will remain very open in the Winter.

Acoustic fence will be ugly adjacent to the canal. Parking should not encroach onto the existing grass verges in front of the building.

Following the receipt of revised plans and proposals the only comments relate to the use of Elm in hedge which due to the risk of Dutch Elm disease should be kept to a minimum and a disease resistant variety should be used.

- 3.10 Ecology Officer – The ecological appraisal and supporting documents submitted is of sufficient scope and depth for the current outline application. Update surveys will be necessary prior to any development for badgers, water vole and otter. The three trees identified as having potential for bat roosts should be retained if possible. The hedgerow should be retained as it qualifies as BAP habitat. Any scrub and trees should be cleared outside of the bird breeding season or checked by an ecologist for nesting birds prior to any works.

An ongoing management plan for the area adjacent to the canal should be produced to safeguard this area and maximise benefit to wildlife. In addition method statements for protecting the canalside and associated habitat as well as other green spaces, retained trees and hedgerow during any construction and demolition work should be devised. To reduce impact on wildlife, the lighting should be minimal and preferably absent adjacent to the canal.

- 3.11 Environmental Protection Officer in respect of land contamination and the remediation works has reviewed the remediation strategy submitted in support of the application and the submitted supporting reports and can confirm that the remedial target concentrations are acceptable, although gas risk has not been fully considered at this stage due to the significant groundworks and ground disturbance involved in the site preparation. A number of conditions relating to the above are suggested.

The remedial strategy does not include a risk to services on site and a condition is suggested to assess the risk assessment in this respect.

Odour management will need to be adopted during the remedial works and throughout the development, to ensure that odour pertaining from the development is controlled beyond the site boundaries.

It should also be noted that the soil contaminants on site (and those proposed to be left on site following remediation) may be sufficiently elevated to affect any landscaping proposals and this should be taken into consideration.

- 3.12 Environmental Health in terms of noise advises that the acoustic and noise report identifies that heavy goods vehicle movements in and out of the site would result in recommended noise levels being exceeded at the cottages south of the site unless some mitigation measures are introduced, and recommends the use of a bund or

fence along the southern edge of the site access road. A condition is therefore recommended in this respect.

In terms of addressing the issue of noise from operations the applicant's noise consultants, due to the nature of the application which does not yet have a specified use or user, they have therefore in their report taken the approach of establishing no detriment noise targets for the noise sensitive locations surrounding the site. These noise targets are set out in the report with three time based targets set out for each location, these being daytime, evening and night time. A condition is therefore recommended requiring that the cumulative rated level of noise from all fixed plant items on site shall not exceed the levels specified in that table.

4. Relevant Planning Policies

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

Following the announcement that the Banbury SAPA site was to cease production, the Council produced a development brief setting out the development principles for both this application site and the site to the north, previously occupied by Hella. This document seeks to provide informal guidance in relation to the Council's aspirations for proposals for the reuse/redevelopment of the site. These Development Guidelines were considered by the Executive on 7 July 2008 and are therefore now approved as informed guidance.

South East Plan 2009	Policies	CC1	Sustainable Development	
-		CC4	Sustainable Design and Construction	
		RE3	Employment and Land Provision	
		T4	Parking	
		T5	Travel Plans and Advice	
		NRM4	Sustainable Flood Risk Management	
		NRM5	Conservation and Improvement of Biodiversity	
		BE6	Management of the Historic Environment	
Adopted	Cherwell	Saved	TR1	Transportation Funding
Local Plan 1996		Policies	C2	Protected Species
			C5	Ecology
			C7	Landscape Conservation
			C28	Layout, Design and External Appearance
			ENV1	Pollution Control

		ENV12	Contaminated Land
Non-Statutory Cherwell Local Plan 2011	Policies	TR1	Transport Generating Development
		TR3	Transport Assessments and Travel Plans
		TR4	Mitigation Measures
		TR5	Road Safety
		TR9	Cycle Parking
		TR11	Parking
		EN3	Pollution Control
		EN6	Light Pollution
		EN7	Noise
		EN14	Flood Defence
		EN17	Contaminated Land
		EN25	Protected Species
		EN28	Protection of Oxford Canal
		EN34	Landscape Character
		EN36	Landscape Enhancement
		EN37	Trees, Hedging and Landscaping
		EN39	Listed Building
		EN44	Setting of Listed Building
		D10	Canalside Development
		D12	Protection of Views
Draft Core Strategy	February 2010		Sustainable Development Policies
			SD1, SD5, SD6, SD8, SD11
			BE1 – Employment Development
Central Government Guidance	PPS1		Delivering Sustainable Development
	PPS4		Planning for Sustainable Economic Growth
	PPS5		Planning for the Historic Environment
	PPS9		Biodiversity
	PPG 13		Transport
	PPS23		Planning and Pollution Control
	PPG24		Planning and Noise
	PPS25		Development and Flood Risk

5. Appraisal

5.1 The main issues for consideration include, the principle of development, transport, highways and access, landscape impact, design and scale of the buildings, impact on the listed offices, flooding, contamination, ecology, noise and planning obligation.

5.2 Principle of Development

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

gate lodge still remain.

- 5.3 The current application seeks the redevelopment of the site for employment purposes. The existing office building will be retained and refurbished, as too is the gatehouse, as part of the redevelopment. There is also an existing memorial garden with war memorial and aluminium gates which are also to be restored and the memorial garden maintained as a public resource.
- 5.4 The application is submitted in outline and in order to attract interest from potential occupiers, permission is being sought for a flexible B1/B21/B8 development with 3 possible layout options being put forward within development parameters. No stand alone B1(a) offices are proposed, as any such development will be ancillary to the main B1, B2, B8 uses only.
- 5.5 In 2006, the Council commissioned URS Limited to undertake an Employment Land Review to study past demand, current supply and future provision of employment land and premises within the District to aid the Council in the preparation of its Local Development Framework. In summary, this review concluded that the site was a valued employment location and should be maintained if possible. The consultants also concluded that should the existing occupier relocate or scale back operations that it would be unlikely that large scale B2 users would be secured as replacements, but did consider that a B2 use should remain the principle use.
- 5.6 In October 2008, planning permission was granted for a change of use of the existing rolling mill building from B2 to flexible uses, Use Class B2 and/or B8 (08/01987/F refers). When assessing the merits of that application, it was considered vitally important to ensure that this site continued to play an important role in the provision of employment within Banbury. The Council consider it vital to ensure that Cherwell remains 'A District of Opportunity' and the Economic Development Strategy therefore seeks to maintain the relatively low level of unemployment. To ensure that this site continues to be important economically and is brought back into economic use, it is considered that a more flexible approach to the potential uses of the site as proposed, which also includes B8 uses, is acceptable and is in accordance with the requirement of the Development Plan, the Council's Economic Strategy, the Cherwell Community Plan and the development principles which have been drawn up for the site, which states that development comprising B1, B2 and B8 uses will be considered favourably. The Employment Land Review is currently being updated.
- 5.7 Central Government Guidance within PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and that planning applications that secure sustainable economic growth should be treated favourably subject to other considerations such as highways, access, visual impact. The redevelopment of this site for employment purposes is also fully supported by the Development Plan which also seeks to ensure the continued use of existing employment sites for employment uses and to secure additional investment in and growth of the local economy.
- 5.8 The applicant's agent in his submission is mindful of the Council's preference to see this site redeveloped for B2 uses, but states that it should be recognised that in the present economic climate, there are few B2 occupier requirements in the market, and whilst such a use should not be ruled out as an option for the site, the current

land market is predominantly driven by logistics, which has developed into a high tech advanced sector in its own right, providing significant numbers and varied job opportunities.

- 5.9 Having regard to the above therefore it is considered that the need to bring this site back into economic use for a flexible B1/B2/B8 use and the subsequent strengthening of the employment sector by doing so outweighs the desires of the District Council to retain the site for B2 purposes, particularly having regard to the current economic downturn and the more sophisticated higher employee B8 uses that are becoming more widespread than the old B8 warehousing and distribution which generated fewer and less skilled jobs generally. It is therefore considered that the proposal as submitted is acceptable in principle and complies with the advice contained in PPS1 and PPS4, Policies CC1 and RE3 of the South East Plan.

5.10 Transport, Highway and Access

The site is currently accessed from the A423 Southam Road. Vehicular access to the site is proposed via the existing service road parallel to the Southam Road utilising the priority junction serving the site onto the A423.

A potential secondary access is also shown to Noral Way which runs along the northern boundary of the site and currently serves the adjacent Hardwick Business Units, and the former Hella site. It is served via a roundabout to the A423 Southam Road. The main access from the Southam Road has a right turning lane which facilitates the turning of cars and goods vehicles without delay into the site and without detriment to other road users. Noral Way is of an appropriate and construction to accommodate goods vehicles and HGV's generated by the proposal. It would also be possible to provide an access to Noral Way with the appropriate geometry and visibility without detriment to the safety and convenience of other highway users.

- 5.11 The impact of the proposed development on the local highway network has been considered in the Transport Assessment and the additional technical notes, together with an assessment of a number of junctions. The assessment shows that the trip generation and resulting impact on the adjacent highway network varies considerably between the different development scenarios that have been assessed as proposed. In considering the impact of the proposal, consideration must be given to the previous use of the site and associated traffic generation. The proposal is in outline, for a flexible mix of uses, without any future user or specific use identified. To provide a robust assessment the TA has considered a 'worst case scenario' with the most traffic intensive use mix being assessed during peak times. Given the worst case scenario, there would be an increase in trips on the local highway network. Parts of the local network currently operate close to capacity. However, the additional flows resulting from the development would not be significant. Subject to a contribution to BITLUS for local infrastructure improvements therefore, the proposal is considered acceptable, and a refusal cannot be justified on additional traffic generation.
- 5.12 The submission also includes a framework travel plan to promote more sustainable travel and reduce single occupancy car trips to and from the site. The document identifies reasonable measures which would be applied to future reserved matter proposals. The applicant has also agreed to provide new bus stops at convenient

locations along the Southam Road.

- 5.13 The submitted documents have demonstrated numerous site layouts including parking, manoeuvring and landscaping. The submission of reserved matters will need to ensure and demonstrate that appropriate levels of car parking etc in accordance with local standards can be accommodated. Tracking diagrams will also be necessary to demonstrate the above.
- 5.14 The Highway Authority also advises that the development is likely to be considered under the Flood and Water Management Act 2010 which comes into force on 01 April 2011 which will require SUDS drainage to be used on the site which meets the adoptive requirements of the lead authority which will be the County Council.
- 5.15 Having regard to the above, the proposal is considered acceptable in highway terms, and is therefore considered to be in accordance with the requirements of PPG13, Transport, Policies T1, T4 and T5 of the South East Plan, Policy TR1 of the adopted Cherwell Local Plan and Policies TR1, TR3, TR4 and TR5 of the Non-Statutory Cherwell Local Plan.
- 5.16 Historic Buildings and Structures

The SAPA premises were originally occupied by the Northern Aluminium Company which produced the majority of aviation grade aluminium during WWII. The original rolling mills were constructed in 1931. The office building at the front of the site was constructed in 1936—7 in Art Deco style and still contains many of the original features. The original site gates and gatehouse are also of historic interest and a memorial garden also commemorates those members of staff lost during WWII. The office building was designed by the noted Oxford architect Gilbert Gardner and became a Grade II listed building, along with the gates and memorial garden in 2008. The rolling mills were unfortunately not considered worthy of listing by English Heritage but were included within the Council's Local List of Buildings of Historic or Architectural Interest. These rolling mill buildings however were demolished in 2009 prior to the release of the site for sale by SAPA.

- 5.17 The application must therefore be assessed in relation to the above heritage assets. The former 1930's rolling mill sheds were of a height massing and overall architectural design which reflected that of the associated listed offices being of the same era. These buildings measured only 10m to eaves and were less than 16m to ridge at their highest point and covered a lesser area. These buildings also had a complex section and the lower side aisles had multi-windowed facades which helped to break up the monolithic appearance of these industrial buildings.
- 5.18 The original indicative plans as submitted and accompanying parameters plan indicated new buildings of up to 18.8m in height with very shallow pitched roofs and very high eaves, and of singular massing. It was considered that these buildings were unacceptable on the grounds that they would overshadow the existing rear elevation, block out light and compromise the outlook from the rear of the offices and due to their size, massing and rather monolithic design significantly harm the setting of the office building.
- 5.19 Following discussions and negotiations with the applicants and their agent's revised illustrative designs and parameters plan have been submitted which reduces the

maximum height of any building to 16.5m and a maximum eaves height of 14m. The limit of the new building line along the Southam Road has been limited to that of the former industrial building thereby ensuring the views of the office building remain uninterrupted. The design and access statement has also been revised indicating how the architectural treatments of the eaves and gable ends of the buildings can be designed to respond to the historic industrial architecture and former rolling mill building of the site.

Whilst the new building(s) proposed are still larger, both in scale and footprint than the previous rolling mills that occupied the site, it is considered that the revised design and siting, which seeks to some degree to echo that of the original rolling mill building is now acceptable.

- 5.20 In response to concerns relating to the re-siting of the former factory gates, it is now proposed to reinstate the gates to their original position alongside the gate lodge at the proposed entrance to the staff car park. It is also proposed to retain and restore the gate lodge building.
- 5.21 In terms of the memorial garden, the plans have also been amended removing the new access which was proposed from the Southam Road and retaining access through the site thereby maintaining the ambiance of the garden.
- 5.22 Hardwick Farmhouse to the north of Noral Way is a Grade II* listed building and accordingly is also a heritage asset of national significance. The impact of this proposed development upon its setting must also be considered as part of the application. However due to the distances of this farmhouse from the site and the proposed landscaping belt to Noral Way it is considered that the impact of this development upon its setting will not be significant and therefore is acceptable in this respect.
- 5.23 In conclusion therefore having regard to the above, it is considered that the proposed development as amended will not have a detrimental impact upon these heritage assets and will respect their historic character and setting and is therefore in accordance with Government Advice in PPS5 and Policy BE6 of the South East Plan and Policies EN39 and EN44 of the Non-Statutory Cherwell Local Plan.
- 5.24 Landscape Impact and Design

The site is located on the northern edge of Banbury, but due to the topography of the Southam Road and the existing tree and hedgerows, the site is reasonably well screened on the approach into Banbury from Southam. The site and the development will however be visible across the open fields and the adjacent former Hella site from the M40. The site is also open to views from the adjacent Hanwell Fields development. The site is currently well screened from the canal towpath and from the south by existing vegetation and the former railway embankment.

The original proposal sought the removal of this former railway embankment, leaving the south side of the site very open to view from the canal towpath and adjacent reservoir and nature reserve. The tree survey as submitted also recommended the retention of the embankment and its planting although it did also advise that the planting had not been managed in the past and in order to remain being effective would need maintenance. The removal of the embankment also

resulted in an increase in the developable area of the site and the plans showed a new HGV access and servicing area on the site of the old embankment, effectively moving the development closer to the canal whilst removing the screening, causing noise, light pollution and visual intrusion from the canal and the adjacent cottages. Whilst the application had submitted details of a new landscaping scheme adjacent to the canal it was considered inadequate and a number of the species shown were not appropriate for such a location.

As a result of the removal of the embankment it was necessary to show an acoustic fence adjacent to the cottages and the canal. This element was also considered to be visually intrusive, and the need to provide an acoustic fence further emphasised the importance of retaining the embankment as a noise and screen barrier to the canal and adjacent cottages.

- 5.25 In response to the issues raised above the application and the proposal have now been amended to reintroduce a landscaped embankment along the canal frontage. The agent has stated that it is not possible to retain the existing embankment due to the Flood Risk Assessment and flood alleviation scheme which has been submitted for the site. A new 3m high landscaped embankment is now proposed, however, along the canal frontage screening the proposed service yards and lower parts of the buildings. The planting species mix has also been revised.
- 5.26 As this is a former employment site and due to the previous use of the site, the concept of large industrial units has already been established and is therefore in principle appropriate. Given the re-design of the buildings and their reduction in scale it is considered that with effective screening along the canal and Noral Way the buildings, provided they are well designed, and constructed of appropriate materials, can be successfully integrated into the locality without detriment to it.
- 5.27 It is proposed to retain the existing trees and landscaping to the Southam Road and the incorporation of additional landscaping will help soften the impact of the development when viewed from the Southam Road. The units facing towards Noral Way will be set behind landscaped car parking. The location of the new building is similar now to that of the original factory and the building has been re-designed and revised illustrative proposals show that the roof profile, now seeks to some degree to echo that of the original factory building. The incorporation of translucent panels and stepped treatment to the cladding will help to break down the scale of the proposed buildings so that they are more sympathetic to the listed building and in terms of their appearance from the Oxford Canal.
- 5.28 Having regard to the above it is considered that the re-development of the site as indicated would not have a detrimental impact upon the character and visual appearance of the locality in terms of its landscape impact. The proposal is therefore considered to be in accordance with Policy C7 of the adopted Cherwell Local Plan and Policies EN34, EN36 of the Non-Statutory Cherwell Local Plan.

Flooding and Drainage

- 5.29 The southern part of the site is situated within Flood Zone 3 being within the flood plain of the nearby Hanwell Brook, and is also at risk of flooding from the Oxford Canal. Level 2 and 3 Flood Risk Assessments together with hydraulic modelling have been submitted as part of the application. The Environment Agency initially

objected to the proposal on flood risk grounds. These objections have since been overcome and the Environment Agency now raises no objections subject to the imposition of a number of conditions.

- 5.30 The proposed development as shown will encroach on areas of the site that are currently in the 100 year flood plain of the Hanwell Brook and Oxford Canal. This presents the risk of the flood plain being displaced which could lead to an increased risk of flooding elsewhere. This risk therefore needs to be mitigated, by lowering the level of the land to the south of the railway embankment and adjacent to the Southam Road. The cottages adjacent are currently severely affected by flooding but the flood mitigation measures proposed are also modelled to prevent flooding of these properties during the 1 in 20 year event. The mitigation measures effectively divert the flood waters away from the cottages and into the canal further east.

The drainage system proposed to serve the development will lead to a reduction in the peak run-off rate discharged into the canal by 30%. Attenuation storage will be provided in underground tanks to contain site generated run-off and this will be discharged at a controlled rate into a SUDS system in the flood plain compensation area, before discharging into the Oxford Canal.

- 5.31 As such it is considered that the proposal is acceptable and is in accordance with Central Government Advice within PPS25, Policy NRM4 of the South East Plan and Policy EN15 of the Non-Statutory Cherwell Local Plan.

5.32 Contamination

Previous investigations of the site have identified a number of contaminants both in the soil and groundwater including free phase hydrocarbons. A Framework Remediation Strategy was therefore submitted as part of the application. The Council's environmental Protection Officer recommends conditions in respect of the remediation and mitigation measures regarding contamination and gas monitoring measures.

5.33 Archaeology

An archaeological desk based assessment has been carried out which concluded that any archaeological remains associated with the former Medieval Village and Hardwick Farm to the north are likely to have been destroyed or damaged by the construction and operation of the aluminium factory. The County Archaeologist is satisfied with these conclusions but recommends that should planning permission be granted a condition be imposed requiring the applicant be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.

Ecology

5.34

An extended Phase I Ecological Assessment was carried out in August 2010 which involved a systematic walk over the site to classify and map each habitat. However, it concluded that there were unlikely to be any habitats of note or protected species which would be harmed by the development. The Council's Ecologist is satisfied that the Ecological Assessment is sufficient in scope and depth for this application, but further surveys will be required at reserved matters stage, together with the

consideration of appropriate lighting schemes adjacent to the canal. These matters can be covered by condition.

It is therefore considered that this proposal is acceptable in terms of biodiversity and ecology and complies with Government Guidance in PPS9 and Policy NRM5 of the South East Plan.

5.35 Noise

Noise assessments have been submitted as part of the application which looks at the existing noise levels in and around the site, and the impact that the development will have on the locality once it is operational. The report is based on a noise survey undertaken over a representative 24 hour period at the noise sensitive properties closest to the site, these being the residential properties adjacent to the canal and numerous residential properties in the Hanwell Fields development and Hardwick Farmhouse to the north of the site. These assessments were carried out in consultation with this Council's Environmental health department, and having regard to local plan policies and PPG24.

- 5.36 The report identifies mitigation measures which will be necessary, in terms of HGV's and suggests a landscaped bund or an acoustic barrier along the southern edge of the access road adjacent to the canal. A condition is therefore recommended to this effect, as is a condition relating to the noise levels generated by fixed plant items.

Having regard to the above the proposal is considered acceptable and in accordance with the advice in PPG24.

5.37 Planning Obligation

The proposal would generate a need for infrastructure and other contributions relating to County Council infrastructure, to enable the development to proceed in terms of monetary contributions towards future highway infrastructure, the implementation and monitoring of a travel plan and the provision of bus stops along the Southam Road. Details of these are awaited from Oxfordshire County Council. Any permission would therefore need to be subject of a planning obligation with Oxfordshire County Council in respect of these requirements.

5.38 Conclusion

Having regard to the above assessment, it is considered that the proposed redevelopment of this site for B1/B2 and B8 purposes is acceptable, and will bring this vacant employment site back into beneficial use, securing jobs for Banbury and improving the visual appearance of this vacant site in a gateway location on the edge of the town.

6. Recommendation

It is therefore recommended that the application as submitted be **APPROVED** subject to:-

- (i) the applicants entering into a planning obligation with Oxfordshire County Council in respect of infrastructure contributions, green travel plan and the provision of bus stops along the Southam Road;
- (ii) the following conditions:

1.	SC1.0AB	<p>That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
2.	SC1.1A	<p>That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
3.	SC1.2A	<p>That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.</p> <p>Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.</p>
4.		<p>That no development shall commence until full details of the landscape bund and landscaping adjacent to the canal, which shall be the first reserved matters submission has been submitted to and approved in writing by the Local Planning Authority. This development shall be carried out in accordance with that permission prior to the completion, or first occupation, whichever is the sooner of any of the development.</p>

		Reason – In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the Adopted Cherwell Local Plan.
5.		<p>That the development hereby approved shall be carried out unless otherwise required by condition, in accordance with the application forms, design and access statement, planning statement and drawing numbers:- 30261-PL-102E Parameters Plan; 30261-PL-106 Illustrative layout; 30261-PL-107 Illustrative layout; 30261-PL-108 Illustrative layout; 12146-09 Proposed Site Access; 03 rev B Landscape Proposals for Oxford Canal; 04 rev A Landscape Proposals Section Canal Boundary; 05 rev B, Illustrative Landscape Layout – Southam Road; 06 rev B Illustrative Sections Southam Road frontage received 14.2.11.</p> <p>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 Policy BE1 of the South East Plan.</p>
6.		<p>That the buildings hereby approved shall not exceed the measurements as detailed on the revised parameters plan as submitted as part of this application, as determined by external measurement.</p> <p>Reason - In order to achieve a satisfactory form of development, having regard to the listed office building and to ensure that the site is not overdeveloped and to comply with Policies H5 and BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and PPS5 'Planning for the Historic Environment'</p>
7.		<p>The applicants, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any ground works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.</p> <p>Reason – To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: 'Planning for the Historic Environment'.</p>
8.		<p>Following the approval of the Written Scheme of Investigation referred to in Condition 6, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed, its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication.</p> <p>Reason – To safeguard the recording and inspection of matters of</p>

		archaeological importance on the site in accordance with PPS5: 'Planning for the Historic Environment'.
9.		<p>Development shall not commence until a drainage strategy detailing any on and/or off-site drainage works, has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.</p> <p>Reason – The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.</p>
10.	SC3.0A	<p>That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-</p> <p>(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,</p> <p>(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,</p> <p>(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.</p> <p>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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
11.	SC3.1A	<p>That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p> <p>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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
12.	SC3.2AA	In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and

		<p>paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the development.</p> <p>a) No retained tree shall be cut down, uprooted 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.</p> <p>b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.</p> <p>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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
13.	SC3.3AA	<p>No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:</p> <p>a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.</p> <p>b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.</p> <p>c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.</p> <p>d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.</p> <p>e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).</p> <p>f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior</p>

		<p>to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.</p> <p>g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).</p> <p>h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).</p> <p>i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.</p> <p>j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)</p> <p>k) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.</p> <p>l) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.</p> <p>m) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.</p> <p>n) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).</p> <p>o) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).</p> <p>p) the timing of the various phases of the works or development in the context of the tree protection measures.</p> <p>Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
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14.		<p>That prior to the commencement of any development on the site, an Arboricultural Method Statement and Tree Protection Plan in accordance with BS5837 'Trees in Relation to Construction' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan and method statement.</p> <p>Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
15.		<p>That prior to the commencement of the development, full detailed plans of the proposed access together with the vision splays to the Southam Road and Noral Way shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation, the access(es) shall be provided in accordance with the approved plans.</p> <p>Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
16.		<p>Within 3 months of the occupation of the development hereby approved, or any subsequent occupiers, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and model split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and based on the particulars contained within the approved framework produced in support of this application, shall be submitted to and approved in writing by the local planning authority. The travel plan shall thereafter be operated in accordance with the approved details.</p> <p>Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
17.	SC4.6AA	<p>That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 metres as measured from the carriageway level.</p> <p>Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.</p>
18.	SC4.4AA	<p>That the proposed vision splays to Noral Way shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6 metres above carriageway level.</p>

		Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.
19.		<p>Car parking and cycle parking shall be provided in accordance with the local planning authority's car parking standards, or as otherwise approved in writing by the Local Planning Authority, at the time of any reserved matters submission.</p> <p>Reason - In the interests of highway safety, to ensure the provision of off-street car and cycle parking and to comply with Government advice in PPG13: Transport and Policy T4 of the South East Plan 2009.</p>
20.	Sc4.15AA	<p>That the parking, servicing and manoeuvring shall be kept free of obstructions at all times and used only for the specified purpose.</p> <p>Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in PPG13: Transport.</p>
21.		<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BWB, dated February 2011, Ref: BMW/454/FRA3 and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> 1. Compensatory fluvial flood storage shall be provided to mitigate losses in flood water storage during fluvial flood events up to and including the 1 in 100 year event with an allowance for climate change, as detailed in Section 6 of the FRA. 2. Finished floor levels shall be set no lower than 9.34 mAOD in accordance with Section 6 of the FRA. 3. Surface water discharge rates shall not exceed 479 l/s across a range of storm events up to and including the 1 in 100 year event with an allowance for climate change, as detailed in Section 6 of the FRA. <p>Reason – To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the impact of flooding on the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p>
22.		<p>No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.</p>

	<p>The scheme shall also include details of how the scheme shall be maintained and managed after completion.</p> <p>Reason – To prevent the increased risk of flooding, to improve and protect surface and groundwater quality, improve habitat and amenity, and ensure future maintenance of the scheme.</p>
23.	<p>No development approved by this planning permission shall take place (or such other date or stage in development as may be agreed in writing with the local planning authority), until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> ➤ All previous uses ➤ Potential contaminants associated with those uses ➤ A conceptual model of the site indicating sources, pathways and receptors ➤ Potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. <p>Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason – The site is located in close vicinity to the Oxford Canal which is a controlled water receptor. The site currently discharges water into the canal. Intrusive investigations also show that the alluvial deposits and sands and gravels sit beneath the site, these are classified as secondary aquifers. A number of contaminating activities have occurred on this site and the site is known to be contaminated. Infiltration drainage system may also mobilise any contamination present at this site. A phased investigation would be required to determine the extent of any contamination present and to what extent it poses a risk to controlled waters. Any risk identified would need to be</p>

		adequately resolved, this may include site remediation.
24.		<p>Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>Reason – To ensure that contamination at the site is remediate, such that the site does not pose a threat to controlled waters.</p>
25.		<p>No development approved by this planning permission shall take place until a scheme for the provision and management of a buffer zone alongside the canal shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:</p> <ul style="list-style-type: none"> ➤ Plans showing the extent and layout of the buffer zone ➤ Details of the planting scheme (for example, native species) ➤ Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term ➤ Details of any footpaths, fencing, lighting etc. <p>Reason – Development that encroaches on any watercourse has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside canals is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.</p>
26.		<p>That prior to the commencement of any development on the site, full details of the restoration of the gatehouse, gate priors including their materials of instruction, and reinstatement of the original aluminium gates and lanterns shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the first occupation of any unit hereby approved.</p> <p>Reason - To ensure that the completed development is in keeping with</p>

		and conserves the special character of the existing historic building and to comply with Government advice in PPG15: Planning and the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.
27.		<p>That no goods, materials, plant or machinery shall be stored, repaired operated or displayed in the open whatsoever.</p> <p>Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
28.		<p>That prior to the commencement of any development on the site, a management plan for the maintenance of the proposed bund and landscaped area adjacent to the canal shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall thereafter be carried out strictly in accordance with the approved details.</p> <p>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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.</p>
29.		<p>That prior to the commencement of any development on the site, further ecological surveys to establish the presence of any protected species or the existence of other wildlife habitats on the site, as recommended by the ecological appraisals prepared by FPCR Environment and Design Ltd and submitted as part of the application, shall be carried out, and shall be submitted to the Local Planning Authority for approval. Any mitigation or other measures identified as part of those surveys shall be carried out in accordance with those findings.</p> <p>Reason – To ensure that the development will not cause harm to any protected species or their habitats in accordance with PPG9 ‘Biodiversity and Geological Conservation’, Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.</p>
30.		<p>That prior to the commencement of the development full details of an acoustic barrier which shall take the form of a landscaped bund to be installed along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the design calculations which will demonstrate that the proposed barrier will provide sufficient sound attenuation to ensure that the World Health Organisation recommended noise levels for the avoidance of sleep disturbance are not exceeded. The approved barrier shall be installed in accordance with those details prior to the first occupation of any part of the site and shall be thereafter maintained in good order.</p> <p>Reason – In order to safeguard the amenities of the area and of</p>

		adjacent residents and to comply with PPG24: Planning and Noise, Policy BE1 of the South East Plan 2009 and Policies C31 and ENV1 of the adopted Cherwell Local Plan.
31.		<p>That the accumulative rated level of noise from all fixed plant items on site shall not exceed the levels specified in Table 5.9 on page 16 of the Noise Assessment prepared by Resound Acoustics Ltd – Report Reference RA00081 – Rep 1 revised 3.2.11. These noise levels are applicable at a point close to, but at least 4m from the front of any relevant façade. The daytime is between the hours of 07.00hrs and 19.00hrs, evening is between 19.00 hrs and 23.00 hrs, and night time is between 23.00 hrs and 07.00 hrs.</p> <p>Reason – In order to safeguard the amenities of nearby residents, and to comply with PPG24: Planning and Noise, Policy BE1 of the South East Plan 2009 and Policies C31 and ENV1 of the adopted Cherwell Local Plan.</p>
32.		<p>Following the completion of the excavation/source removal and after returning the site to current ground levels through backfilling, but prior to any construction works commencing, a comprehensive ground gas risk assessment should be undertaken. This ground gas risk assessment (with suitable remedial proposals included as appropriate) should be submitted to the LPA and agreed prior to any construction works being undertaken.</p> <p>If ground gas protection measures are required, they shall be undertaken in accordance with the agreed proposals and prior to occupation of the site, a ground gas protection verification report detailing these works shall be submitted to, and agreed with the Local Planning Authority.</p> <p>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 PPS23: Planning and Pollution Control.</p>
33.		<p>The works detailed in the Discovery CE Ltd Remediation Strategy (report No. 10078J-rem-strat) submitted in support of this application shall be undertaken in line with the approved strategy, and any further works required to be protective of the risk from ground gases identified in condition (33). Prior to occupation of the development, a verification report detailing these works shall be submitted to, and agreed with, the LPA.</p> <p>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</p>

		unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.
34.	SC9.12A	<p>The development hereby permitted shall be constructed to at least a BREEAM excellent standard.</p> <p>Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with Government advice contained in PPS: Planning and 'Climate Change' (Supplement to PPSI) and to comply with Policies CC2 and CC4 of the South East Plan 2009.</p>
35.		<p>Prior to their establishment on site, details of the location of all site compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason – To ensure that the site compounds are sited in locations that will not adversely affect the amenities of nearby residential properties or imposition the existing landscaped areas to be retained and the Memorial Garden.</p>
36.		<p>Notwithstanding the provisions of Section 55 (2)(a)(i) of the Town and Country Planning Act 1990 and Class A Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2010 and its subsequent amendments, no informal operations increasing the floor space available within the buildings hereby permitted beyond their approved floor shall be carried out without the prior express consent of the Local Planning Authority.</p> <p>Reason – To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to avoid congestion on the surrounding highways and Junction 11 of the M40, maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policies CC1, T1 and T4 of the South East Plan.</p>
	<u>Planning Notes</u>	
1.	C	In the submission of reserved matter details for approval, it is expected that the new scheme will closely follow the indicative plans/elevations/layout accompanying this application.
2.	D	In the submission of reserved matter details for approval, a particularly high standard of architectural design in the external appearance of the new buildings is expected in view of the prominence of the site.
3.	I	Environment Agency and Thames Water have been consulted in respect of the application and a copy of their letter of reply is enclosed

		for your information.
4.	J	The developers/applicants attention is drawn to the need to make provision for the future maintenance of public open space/landscaped areas in the development.
5.	Q1	Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
6.	U1	The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
7.	V1	The Applicant is reminded that the premises should be made accessible to all disabled people, not just wheelchair users, in accordance with the provisions contained within the Disability Discrimination Act 1995. This may be achieved by following recommendations set out in British Standard BS 8300: 2001 - "Design of buildings and their approaches to meet the needs of disabled people - Code of Practice", or where other codes may supersede or improve access provision. Where Building Regulations apply, provision of access for disabled people to the premises will be required in accordance with Approved Document M to the Building Regulations (2004) - "Access to and use of Buildings", or codes which contain provisions which are equal to or exceed those provisions contained within Approved Document M.
8.	X1	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 0300 060 2501.

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

The Council, as local planning authority, has determined this application in

accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal would result in the reuse of a former employment site within Banbury, increasing employment opportunities in a sustainable location and would not result in any unacceptable landscape or transport impact. Furthermore the proposal is considered to be acceptable in terms of flood risk, land contamination, biodiversity, archaeology and noise. Due consideration has been given to the setting of the existing Grade II listed offices and will result in the restoration and renovation of the gatehouse and its entrance. As such the proposal is in accordance with Policies PPS1 'Delivering Sustainable Development', PPS4 'Planning for Sustainable Economic Growth, PPS9 'Biodiversity', PPG13 'Transport', PPS5 'Planning for the Historic Environment', Policies CC1, CC4, RE9, T5, NRM4, NRM5 and BE6 of the South East Plan 2009 and Policies TR1, C2, C7, C28, ENV1 and ENV12 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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