

Application 10/01921/F	No:	Ward: Wroxton	Date 05.01.2011	Valid:
Applicant:	Mr and Mrs M Walters, Butchers Meadow, Balscote, OX15 6EX			
Site Address:	Butchers Meadow, Balscote, Oxfordshire, OX15 6EX			

Proposal: Erection of two business units – previous application number: 06/01090/F

1. Site Description and Proposal

- 1.1 The application site known as Butchers Meadow is located within an open countryside location approximately a kilometer south of the village of Balscote. Vehicle access to the site is gained to the north east of the site serving the proposed business use and the existing dwelling on the site.
- 1.2 The site has had a range of previous commercial uses spanning back to the 1960's, including haulage and storage but all evidence of these previous uses has now been cleared from the site. The site of the proposed business units is a level site currently made up of some areas of poor hardstanding and rough grassland left from previous storage and distribution uses on the site. The level of the site rises to the north and west. The site is enclosed to the east and south by dense hedge planting and to the north east by a roadside hedge. The site is defined by post and rail fencing to the north west.
- 1.3 The site also accommodates a dwelling and associated garage which are located to the north of the application site on higher ground. The dwelling is unlawfully occupied in breach of an occupancy condition seeking occupation by people associated with the business uses on the site. An application to seek to remove this condition is currently being considered by the Local Planning Authority.
- 1.4 Site constraints include being situated within an Area of High Landscape Value, sited on a classified road, within the Northern Valleys Conservation Target Area, being on potentially contaminated land (due to previous uses on the site) and furthermore the application was supported by a phase one habitat survey. The site does not lie within a Conservation Area and there are no listed buildings on or within close proximity of the site.
- 1.5 This application seeks full planning permission for the erection of two business units to be located within a single building. The building is to be sited in the south east corner of the site. The building is of a ridge roof design to be constructed from brick and profiled metal sheeting to the elevations, plastic coated profiled metal roofing material and double glazed windows. The building dimensions are 7 metres high to the ridge of the roof, 5.2 metres to the eaves and 18 metres square in footprint.
- 1.6 **Relevant Planning History**
The planning history of the site is long and complex but for the proper consideration of this proposal the following is relevant:

- (i) commercial activity at Butchers Meadow has been in existence since at least the early 1960's. However the previous uses of the site for commercial purposes did not have the benefit of planning permission nor an established use or certificate of lawfulness (existing);
- (ii) nevertheless in 1983 the workshop building then on the site was granted planning permission subject to a condition requiring it to be used solely for the repair of vehicles, plant and equipment operated and owned by the previous owner of the site;
- (iii) the current owner did not have the benefit of planning permission for the previous commercial activity on the site, however it is clear that an established commercial use on the site has existed since the 1960's. Had a certificate of lawfulness (existing) been sought it is likely that the Local Planning Authority would have granted it, confirming the commercial use of the site.
- (iv) In 1998, an application (98/01386/F) was submitted which sought approval for the change of use from haulage and storage and erection of 2 no. workshop buildings with associated alterations to highway access. This application was approved on the 10th August 2001, delayed because of the need for a S106 legal agreement which also involved another application 99/01347/F relating to the adjacent dwelling and lessees of the workshop site. Essentially the legal agreement was to ensure that the proposed workshop buildings were not occupied or used until all previous commercial activity on the land to the west had ceased and all buildings, plant and machinery and vehicles had been removed and land restored to agriculture. This was to ensure the cleaning up of the previous uses. Following the granting of permission under 98/01386/F the approved access arrangements were implemented and put in place including the closing up of the previous access to the south. However, it is not clear whether this work was carried out under the planning permission for the workshop units or the planning permission for the dwelling and it is therefore difficult to ascertain whether a legal start was ever made on the permission granted in 1998 for the workshop units.
- (v) In 2006, an application 06/01090/F was submitted to renew the permission granted under 98/01386/F. No material changes had occurred since the previous approval on the 10th August 2001 and therefore approval was granted to renew planning permission for the workshop units with an amended S106 agreement. This planning permission was granted on the 12th June 2007 and expired on the 12th June 2010.
- (vi) Following the 2006 application being granted the unlawful building previously on the site and the associated unlawful storage and haulage uses and associated materials were cleared from the site and today the site is cleared of evidence of its previous uses apart from some remaining poor quality hard standing in the south east corner of the site. The area to the south west has been restored to paddock.
- (vii) The dwelling on the site has a long and complex history. The main points which are relevant to the consideration of this application are that it was granted permission under 99/01347/F with a condition attached restricting the occupancy of the dwelling by persons last or solely employed in the commercial operations within the previous building on the site (now removed) and on the land relating to application

98/01386/F if that was to be commenced.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. The final date for comment was the 17 February 2011.
- 2.2 No letters of representation have been received.

3. Consultations

- 3.1 **Wroxton Parish Council** has no objections to the application.
- 3.2 **Local Highway Authority** raise no objection to the scheme subject to suggested conditions.
A condition to seek the submission for details for the access surface, construction and vision splays
There would appear to be enough space to provide both the level of parking and a reasonable turning space further plans are required to show the internal layout so it can be identified and secured.

In offering the above for consideration OCC has had regard to the history of the site and that there is some evidence to suggest that there remains some hard standing and that some work has been carried out following the 06 consent. Clearly this is not a site which is sustainable although there have been submissions which have sought to substantiate a view contrary to this assessment.

It is considered advisable that the area occupied by the building and the service provision should be confined to that proposed.

- 3.3 **The Council's Ecology Officer** has raised concern that the potential ecological value of the site has not been addressed as no ecological information was originally submitted with the application. There is a watercourse bordering the site to the south with records of Watervole further up the watercourse.

There is a Local Wildlife Site 100m from this site which is valuable for its wet vegetation and species rich grassland and I would want to be certain that this will not be impacted in any way from being situated further along an adjoining watercourse, or as a result of future usage of the workshops. A phase 1 survey would help address this points.

The proposals fall within the Northern Valleys CTA. CTAs identify areas of opportunity for biodiversity (not a constraint) and therefore should permission be granted I would be looking for enhancements on site which fit in with the aims of this CTA. These include any opportunities to restore or create areas of species rich grassland or streamside/fen/wet grassland or measures to benefit farmland birds. These could be carried out at whatever is an appropriate scale.

I notice there are no specific plans for proposed enhancements included within this application (or do those from 06/01090/F still stand?).

Should permission be given the applicant should be aware that there is potential for badgers to use the site and should there be any setts within or adjacent to the site these would pose a constraint and further advice should be sought. Any trees or scrub to be removed should be done outside of the bird breeding season. There may be potential for reptiles to be on site which are protected from killing and injury. Vegetation to be affected on site should therefore be trimmed directionally (starting from one end) at a time when reptiles are active (summer) and kept short to dissuade any reptiles from staying on parts of the site to be affected.

The Council's Ecology Officer's response to the submitted Ecology survey -

am satisfied that there are no specific protected species issues on site and therefore that they pose no constraints to any permission granted as long as recommendations 1, 2 and 5 as written in section 5.0 of the report are conditioned (i.e. avoidance of harm to reptiles and amphibians, maintenance of a 6m or greater buffer of vegetation to the stream, removal of any hedges/scrub outside of bird nesting season).

The more general recommendations included in section 5.0 of the report regarding enhancements for biodiversity are appropriate given the habitats identified on site. In particular the addition of swift nesting cavities within the buildings (or external boxes) and the planting of a hedgerow of native species to the west would be beneficial at this location and in line with PPS9.

- 3.4 **The Council's Environmental Protection Officer** has considered the following report, Listers Geotechnical Consultants Desk Study Investigation Report (no. 06.08.018, dated September 2006) which was submitted with application 06/01090/F.

This report follows a logical and thorough sequence in line with current best practise throughout the report until the conclusion. The summary of environmental risk had identified potential sources of contamination i.e. the potentially infilled mill run and the historical land use as a haulage yard. The conclusions then rule out the possibility of pollutant linkages to end users of the development because:

"potential contamination sources have decreased with the removal of the lorries and diesel/oil from the site in 2001" and "the proposal states that more hardcore will be added to the site and this will prevent workers from coming into contact with any contamination".

These conclusions will need further clarification why 20 years of fuel storage, vehicle maintenance / repair on the site will not have resulted in potential land contamination which may affect the end users of the site. Clarification of what consideration was given to the potential risk from hydrocarbon vapour should also be requested as this does not seem to have been considered in the report conclusions. As it was reported that made ground is likely to be present on the site, I would also like to see some analysis and / or soil logging on the site to support the conclusions that this development will not be affected by contamination. It is also noted that potential asbestos containing materials were not mentioned during the site walkover although storage of old building materials is referred to. Clarification of whether the possibility of the presence of asbestos on site was considered during the risk assessment should also be requested.

I recommend that the EA is consulted on the risk to controlled waters to ensure they agree with this preliminary risk assessment.

It is also noted that this report was written in 2006. At the level of site investigation involved in this report, guidance on risk assessment has not changed significantly, therefore the age of this report would not require a new version is submitted solely due to the age of the report. I recommend requesting a statement of the site uses since the date of this report though.

I recommend that the above issues are responded to prior to me recommending conditions, although sufficient information to characterise the risk from contamination on site will be required prior to commencement of development works.

Environmental Protection Officer Further Comments – Suggested condition to seek details regarding contamination on the site.

3.5 **Thames Water** raise the following comments:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

3.6 **Oxfordshire County Council Mineral Planning Authority** raises no objection to the scheme on the grounds of mineral sterilization.

3.7 **Environment Agency** awaiting a response

4. Relevant Planning Policies

4.1 South East Plan

CC7 – Infrastructure and implementation
RE3 – Employment and Land provision
T4 – Parking
T7 – Rural Transport
NRM1 – Sustainable water resources and groundwater quality
NRM2 – Water Quality
NRM5 – Conservation and Improvement of Biodiversity

4.2 Adopted Cherwell Local Plan

Policy EMP4 – Employment generating development in the rural areas
Policy TR7 – Development affecting traffic on minor roads
Policy C7 – Landscape conservation
Policy C9 – Scale of development compatible with a rural location
Policy C13 – Area of high landscape value
Policy C28 – Layout, design and external appearance of new development
Policy ENV12 – Development on contaminated land

4.3 Non Statutory Cherwell Local Plan

Policy EN34 – Conserve and enhance the character and appearance of the landscape
Policy EN13 – Development adjacent to watercourses

4.4 National planning policy

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS9 – Biodiversity and Geological Conservation
PPS13 - Transport
PPS23 – Planning and pollution Control

5. Appraisal

5.1 Main Planning Considerations

The main issues to consider in the determination of this planning application are as follows:

- Planning Policies
- Planning History and the principle of new development
- Highway impact
- Landscape impact
- Design and neighbouring amenities
- Ecology
- Contamination

Each of the above points will be considered in turn.

5.2 Planning Policies

Neither the adopted Cherwell Local Plan nor the Non-Statutory Cherwell Local Plan contain any policies which seek to allocate the application site for development.

Policy EMP4 of the adopted Cherwell local plan considers employment development in rural areas and supports employment generating development within an existing acceptable employment site, including redevelopment. All previous commercial uses on the application site have been removed and have ceased and therefore there is no longer an existing commercial use on the site. The site can no longer be considered under adopted Cherwell local plan policy EMP4 as it has previously been considered under previous applications on the site.

The site clearly lies beyond the existing built up limits of any settlement and is therefore located within an area of open countryside and within an area of high landscape value. Policy C13 of the adopted Local Plan seeks to conserve and enhance the environment within these designated areas.

- 5.3 Policy RE3 of the South East Plan looks at supply of employment land and advises that provision should be made within Local Development Documents. These identified sites should be identified through employment land reviews and should be located on sites accessible to existing and proposed labour supply, make efficient use of existing and underused sites, focus in urban areas and promote use of public transport.

Policy CC7 of the South East Plan states that the scale of development will depend on sufficient capacity being available in the existing infrastructure.

- 5.4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) seeks to strictly control economic development in the open countryside away from existing settlements, or outside areas allocated for development in development plans. The aim is to site most new development in or on the edge of existing settlements where employment, housing, services and other facilities can be provided close together.

5.5 Planning history and the principle of new development

The planning policy background set out above does not support new economic development within the open countryside and therefore in order to overcome this policy issue we need to consider whether there are any material considerations which outweigh the fact that the scheme is contrary to policy.

- 5.6 The site in question has a long and complex planning history which is briefly set out at para. 1.3 above. The site clearly has a history of substantial commercial uses from as far back as the 1960's, even though much of these uses did not benefit from a formal planning permission it is clear that an established commercial use was evident on the site for many years. In more recent years the site has benefitted from planning permission for the erection of two workshop units located in the south east corner of the site with associated access and car parking. This permission expired on the 12th June 2010. This permission was also linked to a S106 legal agreement which in basic terms sought to tidy up the site and ensure that the occupation of the dwelling was tied to the previous workshop units or any units built under the 1998 or 2007 permission. The site has been provided by a new vehicle access as part of the previous planning permission for the dwelling and the workshop units. Since the most recent applications were granted in 2001 and 2007 the site has been tidied up in accordance with the terms of the legal agreements associated with the site leaving the south west of the site restored to paddock and the south east part of the site as leveled hard-standing. However we must

remember that up until June 2010 (6 months previous to this current application being submitted) the applicant's could have commenced work on the development granted under 06/01090/F for the construction of 2 workshop units and associated works. This is a finally balanced argument between relevant planning policy and planning history of the site and in this case I have taken a sympathetic approach to the site history to overcome the policy position. Taking into account the previous history on the site I am of the opinion that this is a material consideration which should be given considerable weight and in my view would overcome the policy position in respect of this proposed development.

5.7 Highway Impact

Government advice contained with PPS1 and PPS13 seeks to locate development as sustainably as possible within existing settlements and close to existing services. The site is located within an open countryside location where access to existing transport services and other services is limited, however, the agent has illustrated that the site could be accessed via public transport, however the service is irregular. The agent also states that the sites in accessible by cycling however it is not considered that either public transport or cycling would be the preferred choice of transport in this isolated location.

5.8 In the opinion of the Local Highway Authority the history of the site is an important material planning consideration which illustrates that some works have been carried out, provision of the access and hardstanding, illustrating the applicant's intention to commence the works on the previous workshop permission, however the units were never provided. Given the history and previous uses of the site which illustrate a long period of previous commercial uses and the provision of an improved access it is considered that this would outweigh the sustainability issues and it is my opinion that the refusal of the application on highway grounds due to the sites unsustainable location would not be robust enough in an appeal situation.

5.9 The existing access to the site appears to have been constructed under the previous planning permission granted for the workshop units which were never provided on the site. However, conditions relating to the exact standard of surfacing of the access and vision splays seem to have never agreed. The access which is in place in terms of its location is acceptable however a condition has been suggested to agree details of the construction of the access and vision splays prior to development commencing.

5.10 Landscape Impact

The site is located within an area of High Landscape Value. The site is currently bounded by a watercourse and high trees to the south, a high conifer hedge to the eastern boundary south of the access track, a native hedge on the boundary to the north of the access and the site of the workshop is open to the west enclosed by a bund as there is a change in levels as the paddock and dwelling are located on higher ground. Timber open fencing encloses the land on the north western boundary of the site.

5.11 The new workshop building will be sited in the south east corner of the site enclosed to the south and east by existing high conifers and deciduous trees screening the site from views from the south east. The north eastern boundary of the site to the north of the access is bounded by a native hedge and immediately to the north of the proposed building are a row of high conifers and therefore approaching the site

from the north views of the building will be very limited and mostly non-existent. The building will be visible from the north west from within the site area, however, distant view from the north west will be limited due to existing trees and the lie of the land. Based on the above assessment it is considered that the proposal would cause a negligible impact on the visual amenities of the area and therefore the proposal would be considered to be in accordance with adopted Cherwell Local Plan policy C7 and C13 and Policy EN34 of the Non-Statutory Cherwell Local Plan.

5.12 Design and neighbouring amenities

The design and external appearance of the building has not change from that previous considered under the 2006 application. The building measures 18.3 metres by 18m footprint and 7 metres in height to the ridge and 5.3 metres to the eaves. External materials are profiled metal roof and reclaimed facing brick and metal green cladding to the elevations. The agricultural appearance of the building is considered appropriate for its rural location. The quality of the materials is considered poor with use of profiled metal cladding and roofing. A suitable condition will be attached to seek alternative material details to be considered and approved prior to development commencing. The scale of the building is considered appropriate and the design is appropriate with appropriate materials agreed and the scheme is therefore considered to be in accordance with adopted Cherwell Local Plan policy C28 and Policy EN34 of the Non-Statutory Cherwell Local Plan.

- 5.13 The site of the proposed development is located adjacent to the dwelling known as Butchers Meadow. This dwelling is currently occupied by the applicants of this planning application. The application has been submitted alongside an application to vary previous S106 legal agreements attached to the site and to put in place a revised S106 agreement which seeks to ensure that in the event of the commencement of the workshop development (if approved) under 10/01921/F not to dispose of the freehold of the workshop development separately from the remainder of freehold of the land. This would ensure that anyone who occupies the dwelling is associated with the activities taking place at the workshop units and will avoid any adverse impact being caused on unrelated occupiers within the nearby dwelling. In this case the proposed development would not be considered to adversely affect neighbouring properties. There are no other closely associated dwellings likely to be affected by the proposal.

5.14 Ecology

The site lies adjacent to a watercourse which runs immediately to the south of the site, which contains records of water vole further up the watercourse. There is a local wildlife site 200m from the applicant site valued for its wet vegetation and species rich grassland. The proposals fall within the Northern Valleys Conservation Target Area (CTAs), these areas identify opportunities for biodiversity enhancement.

- 5.15 PPS9: Biodiversity and Geological Conservation places a duty upon local planning authorities to ensure that a protected species survey 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. PPS9 states that "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.” Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

Local planning authorities must also have regards 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”.Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

- 5.16 A Phase One habitat survey dated the 22nd March has been submitted to support the application which comes to the following conclusions:
- The habitats present are not considered to be typically species-rich.
 - All habitats within the site were considered botanically species poor.
 - It is considered unlikely that the Balscote and Wroxton Mills Local Wildlife Site (LWS) would be adversely affected by the proposal providing the Environment Agency’s guidelines in respect of pollution prevention and control near watercourses is adhered to.
 - No evidence of watervole was recorded and the stream was subsequently considered to have Low-Medium potential for otter, watervole and white-clawed crayfish and the Environment Agency’s guidelines in respect of pollution prevention and control near watercourses is adhered to.
 - Within the site habitat likely to be used by great-crested newts or grass snakes is the tall vegetation and the stone piles. Despite the potential for these species within the site this potential could be minimised by the removal of the long grass and stone piles at a suitable time of year.

- 5.17 The recommendations of the survey concludes that no further survey work is required and sets out suitable measures to minimise any potential risk of harm or injury and to compensate for a minor loss of habitat. The proposed development is very unlikely to cause a offence to be committed in respect of protected species providing the recommendations are adhered to. Natural England and the Council’s Ecologist have been consulted and the recommendations will be added to the recommendation as notes to the applicant along with those specified in the Ecolocation report.

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 and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and Policies C2 and C4 of the adopted Cherwell Local Plan.

- 5.18 Contamination

The site may be the subject of contamination due to previous uses on the site. A Geotechnical report dated September 2006 has been submitted to support the application. The Council’s Environmental Protection Officer has considered the

report and its recommendations and concluded that the site has a potential to be affected by contaminants. The existing survey works does not include enough detail on the risks from contamination and measures to address possible contaminants therefore pre-commencement conditions are suggested to ensure all appropriate work is carried out on the site in relation to contamination and in line with PPS9.

5.19 Conclusion

Having regard to the comments above it is considered that the development of the site in question for 2 workshop units and associated parking, turning and access is acceptable. The assessment made above regarding planning policy and the planning history of the site is a finally balanced argument, however, it is my view that the development is considered to be acceptable on its planning merits as the site of the proposal benefits from a long and complex planning history which includes long periods of use of the site for storage and haulage and past planning permissions for workshop development of a very similar nature to the current proposed scheme which was still an extant permission less than 12 months ago. The proposed development is considered to sit comfortably within the locality with no harm caused to the special landscape designation, without harm to neighbouring properties and without harm to highway safety. It is my opinion therefore to recommend the application be recommended for approval subject to the applicants entering into an agreement and a number of conditions.

6. Recommendation

Approval subject to the applicant entering into an agreement to restrict the disposal of the workshop development and subject to the following conditions and any further conditions required by the Environment Agency:

- 1. SC 1.4A**
- 2. Prior to the commencement of the development revised details of materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The external walls and roof of the building shall be constructed not in accordance with the details shown on drawing number 1593/07 but in accordance with details approved under this condition. (Reason: RC4A)**
- 3. Prior to the commencement of the development there shall be submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-**
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,**
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,**
 - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.**

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with

Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 4. 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.**

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.

- 5. That in the first available planting season after the occupation of the development hereby approved or on completion of the development whichever is the sooner, a hedge of a species to be agreed with the Local Planning Authority shall be planted along the whole of the western boundary of the car park area for the workshop building and be so tended as to grow and remain at a height of 2 metres, and that any plant which may die within five years of planting shall be replaced and thereafter be properly maintained in accordance with this condition.**

Reason – In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the Adopted Cherwell Local Plan.

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

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan.

- 7. SC 4.3AA (RC13BB)**

- 8. SC 4.14AB insert 'twelve' (RC15AA)**

- 9. Prior to the commencement of the development specification details of a turning area to be provided within the cartilage of the site to allow vehicles to enter, turn around and leave in a forward direction shall be submitted to and approved in writing by the Local Planning Authority. The turning area shall be constructed, laid out and surfaced prior to the commencement of the development and in accordance with the approved details. The turning area shall be retained for the maneuvering of motor vehicles at all times thereafter.**

Reason: in the interest of highway safety and to comply with Government advice contained in PPG13: Transport.

- 10. Prior to the commencement of the development hereby permitted a preliminary site investigation, including a desk study and site walk over as a minimum, to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written**

approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

11. If a potential risk from contamination is identified as a result of the work carried out under condition 10, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

13. If remedial works have been identified in condition 12, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the

adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

14. SC 6.4AB (Reason: RC34AA)

15. SC 6.4BC (Reason: RC65AA)

16. SC 7.13 (Reason: RC50)

17. That no building shall be erected within 3 metres of the public foul sewers which cross the site.

Reason: To safeguard the existing foul water sewer and for the purposes of access and maintenance

18. No development approved by this permission shall take place until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. Reason: The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances DETR Circular 09/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no information has been submitted.

Planning Notes:

1. The applicant's attention is drawn to the recommendations set out within the Ecolocation Phase 1 Study Report dated 22nd March 2011. Particularly the requirements under points 1, 2 and 5 in relation to great crested newts, reptiles, the adjacent watercourse and nesting birds. The applicant is advised that further survey work should be carried out prior to any works commencing on site to identify any protected species resident on the site and to avoid damage or harm to protected species.
2. The applicant's attention is drawn to the attached letter from the Environment Agency dated the 18th April and the advice to applicant enclosed in that letter.

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

The Council, as the 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 is located on a site which benefits from a history of commercial use and recent planning permission for workshop development on the same site, the proposed development does not adversely affect neighbouring properties, highway safety or the visual amenities of the area. As such the proposal is in accordance with policies CC6 and BE1 of the South East Plan 2009 and policies C7 and C28 of the adopted Cherwell Local Plan 1996. 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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