

**Dcs Group
Rear Pt Lxb Rp No 26
Oceans House
Noral Way
Banbury
OX16 2AA**

19/00010/F

Case Officer: Matthew Chadwick

Applicant: Dcs Group

Proposal: Erection of warehouse extension, and relocation of lorry park and drivers amenity building, together with associated external works

Ward: Banbury Hardwick

Councillors: Cllr Tony Ilott
Cllr J A Donaldson
Cllr Nicholas Turner

Reason for Referral: Major by floor space created

Expiry date: 29 April 2019 **Committee date:** 18 April 2019

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Planning consent is sought for the erection of a warehouse extension on the site of the existing lorry park, the relocation of the lorry park to the north and the construction of a new interior road

Consultations

The following consultees have raised **objections** to the application:

- OCC Highways

The following consultees have raised **no objections** to the application:

- Banbury Town Council, Canal and River Trust, CDC Ecology, CDC Environmental
CDC Landscape Services, Network Rail, Thames Valley Police Design Advisor

Planning Policy and Constraints

The site is located in an existing strategic employment site as identified in the Cherwell Local Plan. The site lies within an area of potentially contaminated land.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development

- Design and impact on the character of the area
- Residential amenity and environmental protection
- Highway safety
- Ecology

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a parcel of land on the DCS Group site. The site is located in the north of the town of Banbury, at the end of Noral Way. The application site is located to the east and north of the existing building at Ocean's House and is currently occupied by the existing lorry park and an area of grassland.
- 1.2. The wider site of Oceans House is bounded by the M40 to the north-east, Hardwick Farm and the new Southam Road development to the north, the Banbury to Birmingham Chiltern railway line to the east, the Oxford Canal to the south and the former SAPA works site to the west, now redeveloped as large employment units occupied by The Entertainer and Amazon.

2. CONSTRAINTS

- 2.1. The site is not located within a conservation area and there are no listed buildings in the immediate vicinity of the application site. The site lies within an area of potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning consent is sought for the erection of an extension to the existing warehouse, which would also accommodate offices associated with the business and the construction of a new lorry park on an area of grassland in the north of the site.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/00927/F	Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a)	Application Permitted
16/02002/F	Extension of existing loading canopy and widening of access roadway to rear of existing warehouse	Application Permitted

5. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
18/00160/PREAPP	Proposed extension to existing warehouse / offices and relocation of existing lorry park.

- 5.2. The broad principle of development was considered to be acceptable, but this was subject to the applicant demonstrating that the scheme would not cause harm to the amenity of neighbours.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 07.03.2019, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: **No objections.**

CONSULTEES

- 7.3. CDC BUILDING CONTROL: No comments received.
- 7.4. CANAL AND RIVER TRUST: **No objections**, subject to conditions relating to a drainage strategy and Construction Environment Management Plan.
- 7.5. CDC ECOLOGY: **No objections**, subject to conditions relating to the development being carried out in accordance with the mitigation set out in the ecological survey, the submission of a landscape and ecological management plan and an updated lighting strategy.
- 7.6. CDC ENVIRONMENTAL HEALTH: **No objections**, subject to the submission of a Construction Environment Management Plan, the full land contaminated conditions and that the noise management scheme is implemented.
- 7.7. OCC HIGHWAYS: **Objects**. No Transport Assessment or Workplace Travel Plan have been submitted.

- 7.8. CDC LANDSCAPE SERVICES: **No objections**.
- 7.9. NETWORK RAIL: **No objections**, subject to a number of requirements.
- 7.10. CDC PLANNING POLICY: No comments received.
- 7.11. CDC PUBLIC ART: Requests a financial contribution of £64,800.
- 7.12. THAMES VALLEY POLICE DESIGN ADVISER: **No objections**.
- 7.13. THAMES WATER: **No objections**, subject to conditions relating to surface water drainage and impact on the water network.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigation and Adapting to Climate Change
- ESD2 – Energy Hierarchy And Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – Oxford Canal

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Potentially contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Developer Contributions SPD 2018
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017

- Circular 06/2005 (Biodiversity and Geological Conservation)

8.4. Council Corporate Priorities

Cherwell District Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area and heritage assets
- Residential amenity and environmental protection
- Highway safety
- Ecology impact
- Other matters

Principle of Development

Policy Context

- 9.2. The application site is identified in the Cherwell Local Plan 2011 – 2031 Part 1 as an existing strategic employment site. Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 states that: *on existing operational or vacant employment sites at Banbury....employment development, including intensification, will be permitted subject to compliance with other Policies in the Plan and other material considerations.*

Assessment

- 9.3. The use of Oceans House falls within Class B8 warehousing with ancillary B1(a) offices. The new warehousing and offices would be ancillary to the main building on the site and in the same uses. The application form indicates that 25 new jobs would be created as a result of the development. The development would not extend

outside the existing site and there would be no change of use. Therefore, the principle of development is acceptable.

Conclusion

- 9.4. Given that there is no change of use, the principle of development is considered to be acceptable, subject to the other material considerations discussed below.

Design and impact on the character of the area

Policy context

- 9.5. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.6. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Development should respect the traditional pattern of spaces, blocks and plots and the form, scale and massing of buildings.
- 9.7. Policy ESD16 of the Cherwell Local Plan 2011 – 2031 Part 1 states that proposals which would be detrimental to the character and appearance of the Oxford Canal will not be permitted.
- 9.8. Saved Policy C28 of the Cherwell Local Plan 1996 states that control will be exercised over all new development to ensure that the standards of layout, design and external appearance, including the choice of materials, are sympathetic to the character of the context of that development.
- 9.9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Assessment

- 9.10. The proposed warehouse extension would have a footprint of 100m in length and 80m in depth and would be constructed from materials to match those of the existing warehouse on the site. The warehouse extension would be of a similar scale to the previous warehouse extension approved under 17/02269/F. The site is well screened from the public domain by nearby buildings and vegetation and would not be clearly visible from the Oxford Canal or from the M40 motorway. The Landscape Officer has offered no objections to the scheme. The building may be visible from the Southam Road development to the north of the site. However, it would be seen in the context of the existing industrial site and would be visually contained within the existing site.
- 9.11. The site is located in close proximity to the Oxford Canal Conservation Area and under this proposal, the buildings would be extending closer to the heritage asset. However, the site is well screened from the Oxford Canal and is in an industrial use which would not change under this application.

Conclusion

- 9.12. It is considered that the development would not cause harm to the character and appearance of the Oxford Canal Conservation Area or the visual amenities of the wider area and that the development is acceptable in this regard.

Residential amenity and environmental protection

Policy context

- 9.13. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.14. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 9.15. Saved Policy ENV12 of the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site, the development is not likely to result in contamination of surface or underground water resources or the proposed use does not conflict with the other policies in the plan.

Assessment

- 9.16. The proposal would extend the industrial use on the site to be in closer proximity to the Southam Road residential development, with the car and lorry parking areas in particular moving to the north to be closer than the existing development. This site is still under development. The application site is located in an area of potentially contaminated land, likely owing to the Oxfordshire Ironstone Railway that historically ran across the site.
- 9.17. Following concerns raised at pre-application stage, the applicant has submitted a number of reports alongside this application, including a noise assessment, air quality assessment and a contaminated land desk study. The Environmental Protection Officer has raised no objections to the scheme, subject to a number of conditions. The first condition requires that the recommendations of the noise assessment are complied with, and is reasonable to be imposed on any permission given. The second condition relates to the submission of a Construction Environment Management Plan, which would need to be imposed to ensure that the construction works do not adversely affect nearby residential properties to the north of the site. The third set of conditions relate to contaminated land, which are considered to be reasonable given the findings of the report submitted by the applicant and the historic use of the site. The fourth recommended condition relates to the provision of EV charging points at the site. However, this condition is not considered to be reasonable or necessary to make the development acceptable, as there already a number of EV charging points provided at the site.
- 9.18. The Environmental Protection Officer initially objected on the grounds of an insufficient air quality assessment. However, following clarifications from the applicant this objection has been withdrawn.
- 9.19. The use of the lorry park and warehouse would be restricted by the operating hours approved under 16/00927/F, which limited the use from 6am to 8pm Monday to

Friday. It is considered that with the imposed conditions and the operating hours of the site, that the development would not cause harm to the amenities of neighbours.

Conclusion

- 9.20. On balance and to conclude, it is considered that the development would not cause harm to the amenities of neighbours, subject to the conditions that have been set out above.

Highway safety

Policy context

- 9.21. Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. New development in the district will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.
- 9.22. Government guidance contained within the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Development should first give priority to pedestrian and cycle movements and second to facilitating access to high quality public transport.

Assessment

- 9.23. The Transport Planner has objected to the scheme on the lack of the submission of a Travel Plan and Transport Assessment. Subsequently a Travel Plan has been submitted to the Transport Planner and at the time of writing this report the Transport Assessment is being prepared.
- 9.24. The Travel Plan has a number of recommendations, including but not limited to, increasing cycle parking at the site, promoting the car-sharing scheme that already exists and supporting flexible working practices to reduce the use of transport to work. The scheme would result in an additional 25 staff being employed at the site.
- 9.25. The Transport Planner has requested a financial contribution for the monitoring of the Travel Plan. A condition requiring a Travel Plan was imposed on the planning permission for the building under (16/00927/F) and no financial contribution was required. Given that this application is for an extension to the building that would provide 25 further jobs on top of the 295 jobs already at the site, it is considered that this contribution would not be necessary and would therefore fail to meet the tests of Paragraph 56 of the NPPF.
- 9.26. The Transport Planner has requested 11 additional cycle parking spaces. This is considered to be a reasonable condition in order to promote sustainable transport options for the employees at the site.

Conclusion

- 9.27. The submitted Travel Plan is considered to be acceptable and would promote sustainable transport options to the site. The Transport Assessment has not been finalised at the time of writing this report but it is considered that it is likely that an acceptable scheme could be achieved in this regard and it is requested that Members delegate authority on this issue to Officers.

Ecology Impact

Legislative context

- 9.28. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.29. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.30. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.31. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.32. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.33. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for

biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.34. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.35. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.36. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.37. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.38. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.39. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.40. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a large area of grassland, is adjacent to the Oxford Canal and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for reptiles, otters, Great Crested Newts and badgers.
- 9.41. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.42. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.43. The application is supported by a detailed protected species survey which concluded that the development would not result in significant harm to biodiversity and would instead provide a number of new biodiversity benefits. The Council's Ecologist has offered no objections to the scheme, subject to conditions that the recommendations of the ecological report are adhered to, a landscape and ecological management plan is submitted and an updated lighting strategy is submitted.
- 9.44. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Other matters

- 9.45. The Council's Public Art Officer has requested a financial contribution of £64,800. It is stated that this would enhance public spaces by introducing unique features for people to meet, interact and socialise. Cherwell District Council's Developer Contributions SPD (2018) states that the level of financial contributions will reflect the character and scope of the works required. It is considered that this contribution would fail to meet the requirements of Paragraph 56 of the NPPF which states that developer contributions should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 10.2. The proposed development would help support the local economy by expanding an existing business that employs nearly 300 local people on a strategic employment

site that is recognised in the Local Plan. The development would provide a development that – through conditions – would ensure that the amenities of neighbouring occupiers are protected. The development would have an environmental benefit, with a number of biodiversity enhancements secured through conditions. It is therefore considered that the development would comply with the provisions of Paragraph 8 of the NPPF and is acceptable subject to the conditions set out below.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION SUBJECT TO RECEIPT OF SATISFACTORY AMENDED PLANS INCLUDING TRANSPORT ASSESSMENT REPORT AND SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Location Plan (1988/602); Proposed Site Plan (1988/604); Proposed Floor Plan (1988/605) and Proposed Elevations (1988/606).

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

Drainage strategy

3. Prior to the first occupation of the development hereby approved, the sewage disposal/drainage works to serve it (as shown on drawing no. 2018 – 204 – 100) shall be completed and operational and the development connected thereto.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Sustainable construction

4. All buildings hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.

Reason - To ensure sustainable construction and reduce carbon emissions in

accordance with Government guidance contained within the National Planning Policy Framework.

Travel Plan

5. The Workplace Travel Plan prepared by David Tucker Associates dated 3rd April 2019 shall be implemented and carried out in accordance with the recommendations set out in Table 3.

Reason - In the interests of the sustainability of the development, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Development carried out in accordance with ecological appraisal

6. The development hereby approved shall be carried out in accordance with the mitigation recommendations set out in sections MM1, MM2, MM3, MM5 and MM6 of the Ecological Appraisal carried out by Aspect Ecology dated March 2019.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscape and Ecological Management Plan

7. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) to include the biodiversity enhancement measures outlined within sections EE1 – EE7 inclusive of the Ecological Appraisal carried out by Aspect Ecology dated March 2019 submitted with the application and to include details of landscaping, planting schedules and ongoing management and funding, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved LEMP.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Lighting strategy

8. Prior to the commencement of the development hereby approved, an updated lighting strategy, to include the recommendations outlined within section MM4 of the Ecological Appraisal carried out by Aspect Ecology dated March 2019, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Construction Environment Management Plan

9. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Land contamination: Intrusive investigation

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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Land contamination: Remediation scheme

11. If contamination is found by undertaking the work carried out under condition 9, 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Land contamination: Carry out remediation

12. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with

the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Land contamination not previously found

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.