

**Case Officer:** James Kirkham

**Applicant:** Middle Aston Limited

**Proposal:** Demolition of existing buildings. Construction of replacement business units (buildings 2, 3, 4,5 and 6 as use classes E(g) (i), E(g) ii and E (g) iii and Building 1 under Class B8) and associated external works. (Re-submission of 20/01127/F)

**Ward:** Deddington

**Councillors:** Councillor Brown, Councillor Kerford-Byrnes and Councillor Williams

**Reason for Referral:** Major development

**Expiry Date:** 31 July 2021

**Committee Date:** 2 December 2021

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**SUMMARY OF RECOMMENDATION: DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS AND THE COMPLETION OF A S106 PLANNING OBLIGATION.**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is Hatch End Business Park which is located to the western side of Fir Lane, between Middle Aston and Steeple Aston. It currently consists of a number of low range, single storey, former agricultural units clad in timber, which have been used for a variety of commercial uses but which are largely now vacant. It also includes a scout hut store building believed to be used largely for storage in the north western corner of this group of buildings.
- 1.2. To the north is a relatively recently completed new dwelling. Further commercial units in separate ownership exist to the west of the site. To the south-east of the site is a further converted former agricultural unit beyond which lies a public footpath (364/5/10) and the local primary school at the edge of Steeple Aston.
- 1.3. The site rises quite sharply from the road with the units and land to the rear of the site being located on higher ground (approx. 5 to 6 metres difference between the road and the areas of parking to the rear of the existing buildings).

**2. CONSTRAINTS**

- 2.1. The application site is within Mid-Cherwell Neighbourhood Plan area. Immediately to the south of the site is a public footpath (364/5/10). Whilst not within the Conservation Area the Steeple Aston Conservation Area also extends along Fir Lane and is within 100 metres of the site.
- 2.2. Several mature trees exist across and adjacent to the site. These include a prominent row of roadside lime trees (Category A trees) located adjacent to the road to the east of the site and an old avenue of mature trees (horse chestnuts and beech – Category A and B trees) immediately to the north west of the site, which are subject to a Tree

Preservation Order. There are also numerous other trees around the boundary of the site including a belt of trees separating the site from the public footpath to the south.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The current application seeks permission to redevelop the site for a mix of Class E (commercial, business and service) and Class B8 (storage and distribution) uses as outlined in more detail below.
- 3.2. The current application would include the demolition of all the existing buildings (2,246 sq m of floor space) and the erection of several purpose-built new units (total of 2,215 sq m of floor space). The units would be arranged in a similar location to the existing units. There would be two smaller units located centrally to the frontage of the site. One of these would be a central hub building which would be a shared building with all the units on the site to include shared facilities such as toilets, meeting spaces and dining space. Four larger buildings would be located parallel to the road either side of the central buildings. An additional unit would be located to the south west. These larger buildings would be subdivided into 24 smaller business units ranging from 65 sq m to 200 sq m.
- 3.3. The buildings would be arranged over a single floor with ridge heights ranging between 4.1m and 5.5m largely with simple pitched roofs. The elevations would be clad in timber boarding and steel cladding with stone plinths. The roofs would be slate coloured roof sheets. Given the levels difference across the site a number of retaining walls are required and it is proposed that the retaining walls would be rendered in a light-coloured stone colour finish and the internal site road would be laid to a light coloured hoggin.
- 3.4. The site would utilise the existing access and the development would be served by 74 car parking spaces around the site and 34 cycle parking spaces.
- 3.5. It is also proposed to provide a new footpath link through the site to link back to the public footpath which runs through the tree belt to the south of the site.
- 3.6. In respect of the uses proposed on the site, Use Class E was introduced in 2020 and allows for much greater flexibility in uses. It covers a wide range of uses including retail, restaurants and cafes, professional services (e.g. solicitors, estate agents), indoor sport and fitness, medical facilities, childcare facilities, offices and light industrial uses. During the course of the application discussions have taken place with the applicant as a number of these uses were not considered appropriate for the site. As a result of the discussions further clarification has been given regarding the extent and nature of the uses proposed. These are:
  - Class E(g) (i) – Offices (formerly B1(a)): 732 sq m (33%)
  - Class E(g) (ii) and (iii) - Research and development and light industrial (formerly B1(b) and B1(c): 862 sq m (39%)
  - Class B8 – Storage and distribution: 422 sq m (19%)
  - Ancillary Use (Hub) including toilets, meeting space, etc: 198.81 sq m (9%)

### **4. RELEVANT PLANNING HISTORY**

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

#### Whole site

55/00153 – Erection of poultry plant for research – Permitted

75/00367 – Residential development – Refused

82/00414 – Erection of 2 broiler houses – Permitted.

82/00483 – Extension to two broiler houses – Permitted

96/00939/F - Change of use of buildings to B1, B2 and B8 uses inc. m/cycle repair workshop, car preparation, metal fabrication, vehicle maintenance, joinery store/workshop, furniture store/restoration, catering equipment store, assoc. landscaping, parking and access works (RETROS.) – Refused due to impact on highway

97/01419/F - Change of use of building Nos 2, 3, 4, 5, 8 and 9 to various B1, B2 and B8 uses (offices/general industrial/warehouses). Use of building (Jabaville) as scout hut and use of existing office building as office not assoc. with poultry farm. (RETROSPECTIVE)- This application was permitted subject to conditions and a legal agreement. The legal agreement required the removal of a number of former buildings, the laying out of the access and parking and the provision of landscaping etc. It also includes several conditions including condition 1 which only allows for the buildings to be used for the uses specified within the application in the interests of amenity and highway safety. It later appears that an informal mechanism was introduced which allowed for the occupiers to change through an exchange of letters between the applicant and with the Local Planning Authority. This however subsequently this appears to have been removed by a further letter. This consent also included conditions which restricted the use of outdoor spaces, hours of operation, parking and landscaping.

- 4.2. A number of further permissions have been granted on the site however these have generally been made personal to the intended occupier or strictly controlled through conditions. These include the permissions outlined below:

#### Northern western Building

00/00014/F - Change of use from storage of catering equipment (B8) to car disassembly (B2) and storage/distribution of parts (B8) – Permitted

00/00985/F - Change of use from storage of catering equipment (B8) to Prestige Car Preparation (B2) – Permitted

#### South western building

07/01779/F - Change of Use from sui generis use to Class B1 (business) use – Permitted (required business to be approved in writing prior to occupation)

03/01548/F - Change of use to repair of vehicles and operate coach and mini bus for private hire and HGV freight (RETROSPECTIVE) – Permitted (personal consent)

## **5. PRE-APPLICATION DISCUSSIONS**

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

19/00185/PREAPP - Redevelopment of site in same uses (B1, B2 and B8 use and a community use)

- 5.2. It was stated that the redevelopment of the site could be acceptable in principle however concerns were raised over the extent of the site and a new scout hut facility. Concerns were raised over the layout and scale of the proposal and the impact on the

character and appearance of the area and setting of the Conservation Area. It was advised that buildings should generally be single storey and retain a low key and simple appearance. It was also stated consideration needed to be given to the tree on the site. In regards to highway matters it was advised matters be discussed with the Highway Authority and some concern was raised over HGVs. It was stated that ecology, flood risk, drainage and energy reports would need to be included with any application.

## **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 (amend as appropriate). The final date for comments was **21 May 2021**.

6.2. 57 letters of objection and 4 comments have been received. The comments raised by third parties are summarised as follows:

- Highways
  - Increase in traffic (including HGVs) on unsuitable local narrow roads leading to highway safety concerns and risk of accidents on the neighbouring roads and through the various routes through the adjoining villages.
  - No offer of a traffic crossing operative has been included in the application or traffic calming outside of the school.
  - Increase in traffic significantly underestimated by the proposal
  - Increase risk to school and pre-school children which is located close to the site particularly at peak times from additional traffic, type of traffic, worse congestion and on street parking
  - School already generates high levels of traffic
  - Increase congestion
  - Modal share in application reports is wildly optimistic
  - There is no safe pedestrian route between village and site. Cycling opportunities are limited. Topography of the area is not favourable to walking and cycling.
  - Poor public transport in the locality and no guarantee the bus service will remain
  - The site is not located in a sustainable location.
  - Construction traffic on unsuitable roads.
  - The proposal is too large for its location.
  - Already significantly more traffic in the area due to ongoing developments such as at Lower Heyford.
- Inadequate parking provision leading to on street parking to the detriment of highway safety and leading to congestion
- Character and appearance
  - Impact of additional traffic on the character and appearance and heritage assets of the area.
  - Coalescence between Middle Aston and Steeple Aston.
  - Buildings not in keeping with the stone properties in the village.
  - Parking to the frontage would urbanise the site.
  - The provision of a footpath would be harmful to the character and appearance of the area and result in creeping suburbanisation.

- Concerns over future changes of use within Use Class E and further changes to other uses with subsequent impacts (e.g. traffic, opening hours)
- Residential amenity
  - Disruption from additional traffic and noise to residents and school
  - Risk of damage to properties in the village from extra traffic.
- Increase in air pollution and light pollution.
- No need for the development.
  - Plenty of existing industrial sites in urban areas.
  - Increases in working from home will mean there is not need for such premises.
- 2 buildings don't have a specified use class
- The development includes 2 land registry tiles one currently with no buildings. The new layout encroaches onto the undeveloped part (unit 1) and would change its planning status.
- A Polecat, which is a Priority Species, has been sighted near the site.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 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.

### PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. MID CHERWELL NEIGHBOURHOOD PLAN: **Objects** principally on the grounds that it does not satisfy the criteria associated with Policy PC1: Local Employment of the MCNP and also gives rise to serious concerns regarding the impact of the scheme on the locality. The site is sensitive between 2 parishes. The desire for new purpose-built building is understood and supports the change, in principle, with Policy PC1 stating *"Continued commercial use of premises providing local employment within the neighbourhood area or otherwise benefiting the local economy will be encouraged."*

7.3. Policy PC1 continues with criteria that must be satisfied in order to gain that support:

*"Proposals for the establishment of new small businesses will be considered favourably where they:*

*a) provide diverse employment opportunities for people living in the neighbourhood area or otherwise benefit the local economy, or enhance agricultural production.*

*b) do not have an adverse effect on the surrounding built, natural or historic environment that is not clearly outweighed by the economic benefits of the development.*

*c) are unlikely to generate a volume of goods traffic that would have a significantly harmful effect on road safety or congestion or cause unacceptable noise and disturbance for local residents or to the rural environment and would not adversely affect on-street residential parking."*

7.4. Comment that it seems unlikely many people living in Mid-Cherwell will set up business at the site and there will be unlikely be any agricultural production. Acknowledge there would be benefits to the local economy, regardless of where staff come from, in terms of increased usage of local shops and other facilities.

- 7.5. The design and scale of the building appear more appropriate than early submission however concerns over frontage parking which has now been removed.
- 7.6. Concerns over amount of traffic and consider there could be significant amounts of traffic and staff at the site (up to 201 people based on floor space). Unconvinced that other modes of travel will be attractive to people and consider the car parking may be inadequate.
- 7.7. Concerns regarding that impact of additional traffic on the safety of the nearby school which is already congested and has safety concerns particularly at school drop off and pick up time. Additional parking on the road would render the route past the school virtually unusable the nature of the road.
- 7.8. Policy PD5 requires new housing development to provide new and improved footpaths and cycle ways to access village facilities. Whilst this relates to housing in the policy given the large number of people using the site a footpath link should be provided back to the village.
- 7.9. Concerns regarding traffic volumes in the wider neighbourhood plan area and the increase in traffic from the proposals is totally unacceptable to the two communities most affected. There are concerns over construction traffic and the impact on local roads and local residents.
- 7.10. If granted consent, permitted development rights should be removed. Furthermore, it should be ensured that the land between the application site and Lakeside Business Park is not considered ancillary to the use of the site for commercial purposes.
- 7.11. There are incorrect statements in the submission that say there was no highway objection to the original submission. Many concerns were raised regarding highways matters.
- 7.12. MIDDLE ASTON PARISH MEETING: **Objection.** Whilst some objections have been addressed, the proposal as revised remains unacceptable, because of its threat to the safety of residents and the damage to the rural nature of the village.

1. The application replaces seven existing buildings with seven new buildings divided into 25 units. The application is for Classes E (g)I, E(g)ii and E(g)iii uses (in 4 buildings), Class B8 (in 1 building); two buildings (Building 3 and the Hub) do not have a use class specified. (officer note: It has been confirmed building 3 would be for Classes E (g)I, E(g)ii and E(g)iii uses)

2. Object to the increase in road traffic, and risk to pedestrian and vehicle safety, which would result from the scale and intensification of the redeveloped site

3. Object to the urbanisation of its location and its visual impact on the rural space separating the parishes of Steeple Aston and Middle Aston

4. The assessment by the impact on traffic is seriously erroneous in several respects:

a. Travel Demand, Business Units: This has been calculated by factoring up the floor area currently occupied to the floor area post-development. It applies no weighting to the increase in number of business units; currently each of the seven buildings is a single business unit, whereas the developed site would comprise 25 units, which will significantly increase the potential number of employees on the site. Allowing 12m<sup>2</sup> per person, the site could accommodate, fully let, around 180 people. This means that both the on-site parking requirement and the estimation of traffic flows relating to

employee arrivals and departures in this application are greatly understated, even if the travel mode share assumptions were reasonable, which they are not (see below)

b. Mode Share: The document predicts that 18.6% of employee arrivals and departures will be by bus, train, bicycle or on foot. This is considered to be overestimated given the lack of services serving the site

c. No account has been taken to visitors to the site in the traffic estimates provided.

5. Parking is inadequate. 74 car parking spaces are proposed. If only 81.4% of 180 employees travel by car in single occupancy, that would require 146 spaces. This will result in inappropriate on street parking on the already narrow road, creating a major safety hazard for children and parents, and serious congestion for through traffic

6. The local road network is narrow and not suitable for significantly increased levels of traffic, either from goods vehicles or increased commuting. No footpaths exist to the site. Concerns therefore relate to this proposal's potential impact upon the safety of pedestrians, and most particularly, children given the proximity of the school. The proposal would have an unacceptable impact on road safety, noise and disturbance, in conflict with Policy PC1 of the Mid-Cherwell Neighbourhood Plan and paragraph 109 of the National Planning Policy Framework.

7. The proximity of Dr Radcliffe's Primary School: The proposal would be contrary to the Oxfordshire County Council a School Streets initiative given the increase in traffic. Traffic congestion close to Dr Radcliffe's is already a great concern at peak school times and this will make it very much worse and extremely hazardous. Support the statement of OCC Highways Department that, for approval to be given, "A footway between the site access and Steeple Aston will be required" as this would provide some protection for pedestrians on this section of Fir Lane. However the Transport Addendum submitted by Mode suggests that a footway entirely within the development site would satisfy this requirement, which is manifestly absurd in relation to the safety of parents and children at the school.

8. Urbanisation: The site currently has a strong rural feel, due to its agricultural origins. Would not want any development to detract from that character, or create a ribbon of continuity between Middle Aston and Steeple Aston. Appendix K of the Neighbourhood Plan includes a character assessment of Middle Aston which lists among its key features "the rural approaches to the settlement". The saved policy C15 of the Cherwell Local Plan 1996 seeks to prevent coalescence of settlements. Our particular concern is that the likelihood of parking overspill on to the road will fill the green rural space that separates the two settlements.

9. If despite the objections raised, this proposal is allowed to proceed, it is essential that the following implemented and enforced as conditions of approval:

i. Absolute prohibition of all construction vehicle movements between 08.30 and 09.30, and between 14.45 and 16.00, on Mondays to Fridays in school term time

ii. signage at the northern end of Middle Aston Lane (Somerton Road junction) prohibiting all construction traffic

iii. similarly, signage at the Middle Aston exit from A4260 prohibiting all construction traffic in addition to the existing advisory notice on HGV unsuitability

iv. The creation of a footway along Fir Lane, from the site entrance to Dr Radcliffe's School, prior to the commencement of demolition and construction work

#### 7.13. STEEPLE ASTON PARISH COUNCIL: **Objects.**

- 7.14. Intensification of use: The proposal introduces a large number of office and other staff to the site which could lead up to 201 people on the site (adopting 11 sq m per person). The parking provision is inadequate. The existing buildings are not suitable for such numbers so the current proposal will result in significant intensification.

Contrary to SLE1: Considers proposal to be contrary to SLE1 for numerous reasons including no justification provided to support the intensification of the use, vehicle traffic will be detrimental to amenity, character and safety and will be dominated by private car use. Also, no evidence of need has been provided as required by SLE1.

Traffic Volumes: The roads through the villages are inappropriate for more traffic and single lane in many places. The increase in traffic at the likely level is totally unacceptable.

Pedestrian Safety and the school: Concerns over safety pedestrians and children from additional traffic and parking particular at peak school times. This is already an issue. There is no pavement between the site and school and pedestrians have to walk in the road at peak times due to parking and the road is congested and single width. The proposal will exacerbate this. A footpath link between the site and school is required to be on public highway (not private land)

Parking provision: The parking provision is inadequate for the likely number of employees at the site. This will lead to on street parking to the detriment of highway safety and the character and appearance of the area.

Travel Plan and vehicles movements: The modal share in the Transport Statement and Travel Plan are unrealistic given the distance to public transport and lack of evidence that there is a need for the development on the site to serve local residents. This will result in further traffic being generated and does not take account of other visitors. The increase in levels of pollution from additional vehicles is also unacceptable. The application will cause a detrimental impact from increased traffic on the residents of Steeple Aston and on the character and amenities of the village and its Conservation Area. As a result it fails to satisfy policy PC1 of the Mid-Cherwell Neighbourhood Plan and CDC Local Plan policies ESD13 and ESD15.

Construction period: Noise, disturbance, vibration and safety concerns regarding construction traffic will cause significant disruption to residents particularly given the nature of the routes. Conclude that there is no suitable access for construction vehicles to reach the application site.

Proposed uses: Requires the proposed uses to be conditioned as part of any approval and other flexibilities removed.

Conflict with NPPF: Considers the proposal to be contrary to Paragraph 85 of the NPPF and is exactly what the NPPF guidance seeks to avoid – a development that has an unacceptable impact on local roads; the current footpath proposal also fails to facilitate safe access to the site on foot.

#### OTHER CONSULTEES

- 7.15. OXFORDSHIRE COUNTY COUNCIL (OCC) HIGHWAYS: **No objections** subject to contributions towards the bus service and travel plan monitoring, an obligation to enter secure new footpath to link the site to the public right of way to the south of the site and various planning conditions.



- 7.16. Transport Development Control -The Transport Statement (TS) is considered to be an appropriate level of submission for a development proposal of this size. The following points are noted.
- 7.17. The TS does not present records regarding personal injury accidents (PIA) as is standard practice for a submission of this type. However, upon a review of latest available PIA data for the last five years OCC confirms the narrative in the TS.
- 7.18. Cllr Fatemian has voiced concern regarding the impact of the increased traffic generated by the development on Road Safety at Dr Radcliffe's C of E Primary School. OCC's Traffic and Road Safety Team has reviewed this matter twice since 2012 and again in the light of the previous planning application under 20/01127/F. It has further been reviewed by the County in response to this planning application. As a result OCC remains of the view that the additional traffic generated by the development does not give rise to a safety concern that needs to be addressed.
- 7.19. Table 4.2 of the TS presents a trip generation analysis and concludes that the development proposals will generate 13 additional trips in the AM peak hour, 8 additional trips in the PM peak hour and 42 additional trips over a 12 hour period. This increase in trip generation is considered unlikely to cause a significant adverse traffic or road safety impact on the surrounding transport network.
- 7.20. Table 6.1 of the TS demonstrates that the quantum of cycle parking to be provided will meet the County's standards. Table 6.2 of the TS shows that car parking provision of 79 spaces will exceed the 63 spaces required by the County's standards. This is not considered to be significant over provision. The parking accumulation presented in Figure 6.1 of the TS demonstrates that this shortfall should not result in unwanted on-street parking.
- 7.21. The Construction Traffic Management Plan (CTMP) is inadequate for a number of reasons. This is not a reason for the County to object to this planning application since an improved CTMP can be submitted in discharge of a condition of planning permission. An improved CTMP should be developed with reference to the County's checklist which forms part of the condition included in this document.
- 7.22. Transport Strategy - The location of this site is rural. The road network in the area reflects this rural setting, with roads being narrow, winding and lacking in visibility and lighting. There is a relative lack of walking and cycling infrastructure, including gaps in footway provision and it is challenging to implement walking and cycling infrastructure in this location.
- 7.23. The development site is not well located to allow sustainable connections due to the rural location and lack of existing walking, cycling and bus infrastructure within the surrounding area.
- 7.24. There is the 300 metre gap in footway provision between the site and the existing footway south of the site at Steeple Aston, with no measures proposed to address this in the Transport Statement. If the development is permitted, then OCC originally stated that the developer would need to provide a footway on the western side of Fir Lane between the site access and the existing footway in Steeple Aston which terminates at the vehicle access to Dr Ratcliffe's C of E Primary School to provide a continuous off carriageway link back to the village to enable access to service and facilities and encourage journeys by foot. However further to the receipt of the amended details they have stated that the footpath shown on within the Transport Addendum which only links the site with the public footpath of the south of the site and does not provide a continuous footpath back to the village would be acceptable

given the existing use of the site compared to the proposed use and the trip generation not being significantly increased.

- 7.25. Public Transport - OCC seeks to ensure that development is well located in relation to the public transport network, and that schemes make financial contributions for the support of such services where this is relevant. Contrary to section 5.4 of the Transport Statement, the site is not "*located as to enable bus connectivity with the wider Oxfordshire area*". There are no suitable bus services available from two of the four places listed, those being Chipping Norton and Bicester. It is also considered highly unlikely that staff would make use of Heyford railway station. The site is not in a sustainable location for public transport access with walk distances to the nearest bus stops and railway station being significant. It is likely that the private car will be the principal mode of access to the site.
- 7.26. In the event that permission is granted the development should make a contribution towards the retention and improvement of the S4 bus service through Steeple Aston. Based on an increase of AM peak vehicle trips of 13, and an assessment comparison with a recent site elsewhere on the S4 corridor, the County Council requires a public transport services contribution of £40,989.
- 7.27. Travel Plan - The application is accompanied by a Framework Travel Plan (FTP). This has been reviewed by OCC's Travel Plans team, and is closely aligned to that which was submitted with original application 20/01127/F. As such it is considered acceptable and should be activated on first occupation of the development. Thereafter the FTP should be monitored and updated as set out in Section 8 of that document. The proposal will trigger the need for monitoring the Framework Travel Plan. This will require a monitoring fee of £1,446
- 7.28. CDC CONSERVATION: **No objections**. The existing buildings have no historic merit, although they largely have an agricultural character and therefore are relatively inconspicuous within the countryside. There are no concerns with regards to the removal of these buildings. The design of the new buildings has been amended and they now have an appearance which is more akin to the agricultural character of the site. Furthermore, the size of the proposed buildings is much closer in scale to the existing buildings on the site. The layout and form also replicate the existing and this is considered to reduce the dominance of the buildings and ensures the development is in keeping with its countryside location. Overall, it is considered that the proposals will preserve the character of the rural approach to the Steeple Aston Conservation Area.
- 7.29. CDC ECOLOGY: **No objection**. The submitted information is appropriate in scope and depth and whilst the bat surveys will need to be updated for a licence they are sufficient for determination of the planning application. Beyond the bats there are no major protected species issues on the site. An unverified record of a polecat has been made. Whilst the buffer zone to the wooded area should help prevent disturbance additional enhancements on site with these species in mind should be considered here. Recommended conditions requiring a licence, a Construction Environment Management Plan for biodiversity, a lighting scheme, and a Landscape and Ecological Management Plan including biodiversity enhancements (with biodiversity calculator) to ensure that a net gain in biodiversity is secured.
- 7.30. CDC ARBORIST: **No objections** to the original submission subject to condition regarding implementation of tree protection plan and method statement.
- 7.31. LEAD LOCAL FLOOD AUTHORITY: Further to the receipt of additional information raise **No objections** subject to conditions requiring implementation of drainage strategy and evidence of provision.

- 7.32. THAMES WATER: **No objections.** The waste water network, sewage treatment works infrastructure, water network and water treatment infrastructure has capacity.
- 7.33. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions on ground investigation and provision of electric vehicle charging points.
- 7.34. OCC ARCHAEOLOGY: **No objections**
- 7.35. CDC RIGHTS OF WAYS: **No objections.** The public right of way should remain clear at all times.
- 7.36. CDC RECREATION AND LEISURE: **No objections.**
- 7.37. OCC MINERALS AND WASTE: **No objections.** The site lies in the Mineral and Waste Strategic Resource Area (SRA) 8 (Duns Tew Area) for soft sand. Policy M8 of the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy states that development that would prevent or otherwise hinder the possible future working will not be permitted unless certain criteria are met. As the site already has buildings which are being replaced with new buildings in the same location and due to other buildings around the site, no objection to this application.

## **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 ('CLP 2015') was formally adopted by Cherwell District Council on 20 July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 (CLP 2015)

- Policy SLE1 - Employment Development
- Policy SLE4 - Improved Transport Connections
- Policy BSC12 - Indoor Sport, Recreation and Community facilities
- Policy ESD1 - Mitigating and Adapting to Climate Change
- Policies ESD3-ESD5 – Sustainable construction and renewable energy
- Policies ESD6 – 7 – SUDS and flood risk
- Policy ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13 - Local Landscape Protection and Enhancement
- Policy ESD15 - Design and the Built Environment
- Policy ESD17 - Green Infrastructure
- Policy Villages 1 - Village Categorisation

### Saved Policies of the adopted Cherwell Local Plan 1996 (CLP 1996)

- Policy EMP1 - Allocation of sites for employment generating development
- Policy TR7 - Minor roads
- Policy TR10 - Heavy Goods Vehicles
- Policy C8 – Sporadic Development in the Open Countryside
- Policy C15 - Coalescence
- Policy C28 - Design Considerations

### Mid-Cherwell Neighbourhood Plan (May 2019)

- Policy PD4 - Protection of Important views and vistas
- Policy PD5 - Building and Site Design
- Policy PD6 - Control of Light Pollution
- Policy PC1 - Local Employment

### Other

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Steeple Aston Conservation Area Appraisal
- Conservation of Habitats and Species Regulations 2017

## **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 including heritage impact
- Highways matters
- Residential amenity
- Ecology impact
- Flood Risk and Drainage
- Other matters

### Principle of Development

#### *Policy Context*

- 9.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise and case law has determined that the Development Plan is the starting point for decision making. In this case the Development Plan consists of the CLP 2015, the Saved Policies of the CLP 1996 and the Mid Cherwell Neighbourhood Plan (2019) ('MCNP').
- 9.3. Policy SLE1 of the CLP 2015 relates to employment development and in respect of existing employment sites states that employment development will be focused on existing employment sites, including in the rural area and that intensification will be permitted subject to compliance with other policies in the Plan and other material considerations. The policy then states that, unless exceptional circumstances are demonstrated, employment development in the rural area should be located within or on the edge of Category A villages (as defined by Policy Villages 1).
- 9.4. Policy SLE1 then goes on to list a set of criteria against which proposals new employment proposals in rural areas will be considered. However, given that this proposal is for the redevelopment of an existing employment site these criteria need to be considered in this context and in light of the earlier statements in this policy that employment development will be focused on existing employment sites and permitted on existing and vacant employment sites in the rural areas including intensification.
- 9.5. Policy ESD1 states the Council will mitigate the impact of development on climate change by distributing growth to the most sustainable locations as defined in the Local Plan and by delivering development that reduces the need to travel.
- 9.6. Policy PC1 of the MCNP also considers employment development and states that continued commercial use of premises providing local employment within the neighbourhood area or otherwise benefiting the local economy will be encouraged. It

goes onto state that proposals for the establishment of new small businesses will be considered favourably where they:

- a) provide diverse employment opportunities for people living in the neighbourhood area or otherwise benefit the local economy or enhance agricultural production.
- b) do not have an adverse effect on the surrounding built, natural or historic environment that is not clearly outweighed by the economic benefits of the development.
- c) are unlikely to generate a volume of goods traffic that would have a significantly harmful effect on road safety or congestion or cause unacceptable noise and disturbance for local residents or to the rural environment and would not adversely affect on-street residential parking.

- 9.7. The NPPF also highlights that significant weight should be placed on the need to support economic growth and should enable the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings. Paragraph 85 states planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

#### *Assessment*

- 9.8. The application site is an existing employment site within the rural area of the district. It is therefore not a new employment site for the purposes of planning policy where the more rigorous tests outlined in Policy SLE1 relating to justifying the principle of the use in a rural location would apply. The area of land to be developed largely remains within the historically approved site area and whilst there is a small extension to this area it is not considered to be significant in policy terms.
- 9.9. The current proposal is therefore considered to be an intensification of an existing employment site in the rural area, which is broadly supported by Policy SLE1 of the CLP 2015 and PC1 of the MCNP. Furthermore, the proposed development would not significantly increase the amount of commercial floor space available at the site (indeed it represents a slight decrease). It is acknowledged that the current site appears to have historically operated at a very low level, but the existing floor space could be used - i.e. the use could significantly increase - without further consent.
- 9.10. The Mid Cherwell Neighbourhood Plan Forum has raised comments that the proposal may not be occupied by local businesses or enhance agricultural production in line with Policy PC1. However, the planning system cannot dictate that local companies occupy the site. The proposal would provide 'opportunities' for new employment for people living in the local area with a range of units and uses and would also help support the local economy.
- 9.11. Concerns have also been raised that the applicant has not demonstrated a need for the development to be in this location. However, given the fact the site is an existing employment site of a similar scale in the rural area where Policy SLE1 supports intensification this is not considered reasonable to require and would be more appropriate in circumstances for where a *wholly new* employment site is proposed

(i.e. where the site is not the redevelopment of an established employment site as is the case here).

- 9.12. The site is in close proximity to Steeple Aston which is a Category A village with food shop, public house, primary school and post office. The site is also previously developed land and in officers' opinion complies with Policy SLE1 in this respect. The applicant has also provided a Market Summary Report from Cartas Jonas which states that, despite the pandemic, in general terms the Oxfordshire commercial market remains strong and nearby similar developments have near full occupation and they consider there is a strong market for such proposals. The site will also provide a number of small units which may provide employment opportunities for local people which is supported by PC1 of the MCNP.
- 9.13. Concerns have been raised regarding the locational sustainability of the site in regard to opportunities for walking, cycling and public transport. The NPPF notes that opportunities for sustainable transport will vary between urban and rural locations. The site is located near to Steeple Aston and opportunities to walk and cycle to the site would be available to residents albeit some of this would be in the road carriageway as the public footpath from the village on Fir Lane terminates at the access to the school and does not extend to the site (see the following paragraph). Notwithstanding the site's relative locational sustainability, the application relates to an *existing employment site* and the decision maker must have regard to the existing situation, which may be considered a fallback position, and that the proposal would not result in any new net floor space over the existing.
- 9.14. Oxfordshire County Council (OCC) as Local Highway Authority originally requested a new footpath to the west of Fir Lane to provide a new continuous segregated footpath between the site and Steeple Aston. However, during the course of the application, the applicant has agreed to provide a footpath link through the site to link to the public right of way which exists in the tree belt to the south of the site and to the north of the school playing field. This would not provide a continuous footpath link back to the village via a segregated footpath, and people would still need to walk on the verge or in the road for approximately 120 metres. However, it would provide an *improved* connection back to the village compared to the existing situation. Whilst this is not ideal in terms of a pedestrian connection and a continuous route would have been more desirable, OCC has confirmed that it considers the arrangement put forward by the applicant to be acceptable given that the scale of development proposed under this application is very similar to that which already exists on the site. On balance, given: (i) the current site is already an existing employment site of a similar size; and (ii) the views of the Local Highway Authority re the footpath, the proposed arrangement is considered to be acceptable.
- 9.15. The closest bus stops to the site are on located on South Side approximately 1km to the south of the site and are served by the S4 Gold Service, which operates between Oxford and Banbury every hour Monday to Saturday. The service is hourly, although the distance to the bus stop is further than ideal. In discussions with the County Council the applicant has agreed to pay of contribution of £40,989 to help fund the continuation and enhancement bus services serving Steeple Aston in the operating hours of the site. The applicant has also agreed this contribution. The application is also accompanied by a Travel Plan to encourage sustainable forms of travel to the site which is considered acceptable and would require a monitoring fee to be secured through a legal agreement.
- 9.16. Opportunities also exist for cycling to the site. Whilst it is noted there are limitations regarding the opportunities for sustainable transport options, given the site is an *existing employment site* of a similar scale and the proposal is considered to comply with the Policy SLE1, which is supportive of intensification of existing rural

employment site, this would not warrant a reason to refuse the scheme. Furthermore, the NPPF acknowledges the difference between rural and urban areas needs to be taken into account.

- 9.17. It is noted that previous planning consents on the site have sought to restrict the businesses that operate from the site with the use of planning conditions (see planning history section for further information), and it appears that this requirement has been relaxed overtime, albeit without any formal application to vary or modify the condition. However, the current application has to be assessed against the relevant planning policies that exist today and these historic conditions do not alter the fact that the site is an authorised employment site.
- 9.18. During the course of the application negotiations have taken place regarding the type of uses proposed on the site. As noted elsewhere in this report Use Class E has been introduced and has a much wider range of uses that can operate under this use class. Many of these uses, such as offices, retail and restaurants etc., are 'main town centre uses' as defined by the NPPF, which would not be considered appropriate on this site at this scale without strong and robust justification given conflict with other planning policies. Therefore, during the course of the application and in discussions with Officers the following uses have been proposed on site (and could be controlled through condition) which more strongly align with the former use class order and Policy SLE1:
- Class E(g) (i) – Offices (formerly B1(a)): no more than 732 sq m
  - Class E(g) (ii) and (iii) = Research and development and light industrial (formerly B1(b) and B1(c)): no more than 862 sq m
  - Class B8 – Storage and distribution: 422 sq m
  - Ancillary Use (Hub) including toilets, meeting space etc: 198.81 sq m
- 9.19. Officers consider this balance of uses to be acceptable in principle having regard to current planning policy. Whilst offices (Class E (g) (i)) are defined as a 'main town centre use' in the NPPF, on balance and having regard to the context of the site (including history, scale and location) the extent of office use on the site is considered to be 'small scale rural offices' and therefore would be exempt from the sequential assessment in accordance with paragraph 89 of the NPPF. Furthermore, it is considered that, given the mix of uses likely to occur in the Hub building, it would be reasonable for a condition to be imposed on any permission given to require this building remain ancillary to the wider development.
- 9.20. In addition to the above, during the course of the application the extent of the application site has been reviewed and no longer includes the land between Lakeside Business Park to the west and the application site and relates much more closely to the previously consented application site. Any future application on this land outside of the red line would need to be considered on its own merits.

### *Conclusion*

- 9.21. The proposed development is considered to be a redevelopment and intensification of an existing rural employment site, which is supported by Policy SLE1 of the CLP 2015 and Policy PC1 of the MCNP. The site is located close to Steeple Aston, a relatively sustainable Category A village, and would provide opportunities for local employment given the range of uses. The type of uses proposed now more closely align with the employment uses supported by local planning policy. Overall, therefore, the principle of the redevelopment of the site is considered acceptable, with overall acceptability subject to compliance with other policies and other material considerations.

## Character and appearance including heritage impact

### *Policy context*

- 9.22. Policy ESD13 of the CLP (2015) states proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local landscape character or harm the setting of settlements. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting which positively contributes to an areas character and identity. It also requires new development to conserve, sustain and enhance the setting of heritage assets such as Conservation Areas.
- 9.23. Saved Policy C8 of the CLP 1996 seeks to resist sporadic new development in the open countryside and Saved Policy C15 also states the Council will prevent the coalescence of settlement by resisting development in areas of open land, which are important. Saved Policy C28 states that all development should ensure that the layout, design and external appearance are sympathetic to its context.
- 9.24. Policies PD5 and PD56 of the MCNP are also relevant and sets out that proposals should have full regard to the Heritage and Character Assessment of the Neighbourhood Plan, should be sensitively designed and should minimise the risk of light pollution.
- 9.25. The NPPF advises that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character and history. In regard to heritage assets the NPPF states assets should be conserved in a manner appropriate to their significance and great weight should be given to assets conservation. Where development would lead to harm (including setting) it should require clear and convincing justification. Where development would lead to 'less than substantial harm' this harm should be weighed against the public benefits of the scheme.

### *Assessment*

- 9.26. The existing site lies outside the built limits of the village and has a rural character and appearance. The trees around the site, including along the frontage, make a positive contribution to the character and appearance of the locality. Whilst the existing buildings on the site are of limited architectural merit, they are existing structures and maintain a strong agricultural character and appearance, associated with their previous use as poultry sheds. The site currently contributes to the rural setting of the villages and the Conservation Area. The Conservation Area Appraisal includes the 'Peripheral Areas' Character Area closest to the application site and states '*As the name suggests, these areas are set at the extreme edges of the historic core and have a less formal feel to them when compared with the traditional streets. Despite being separated, these entrances to the village are similar in their low-key rural approaches to the historic areas.*' The visual appraisal for the area identifies significant trees and important hedges and vegetation in the area.
- 9.27. With the exception of the new building in the south west part of the site, the layout of the buildings would largely be based on the existing arrangement of buildings on the site and would therefore reflect the existing layout of the site. The proposed buildings would be taller than the existing buildings. However, the buildings on the frontage would be single storey in scale and retain a relatively simple form with pitched roofs parallel to the road. The use of the materials with stone plinths and timber cladding would also help to provide a rural character and appearance to the scheme and provide a modern 'barn like' appearance, which Officers consider would be appropriate for the site.



- 9.28. During the course of the application, the plans have been amended at the request of officers to remove areas of parking to the frontage of the site given concerns over the urbanisation of the entrance to the village and the long term conflict with the mature lime trees along the road frontage. Amendments have also been made to make the elevations of the building facing onto the road more simple in appearance and to remove a bin store from the front of the site. These changes are considered to help retain the rural appearance and character of the locality and ensure a simple rural appearance to the development. The Conservation Officer raises no objection to the amended scheme and it is considered to preserve the setting of the nearby Conservation Area as a heritage asset.
- 9.29. The scheme has been designed to work with the levels of the site which rises to the rear and would look to utilise the floor slabs of the existing buildings to some extent. The retaining walls will be finished in a soft coloured render and the circulation and parking areas would be in a light coloured hoggin, which is considered to be appropriate to the rural context. It is proposed to retain the majority of the trees on the site, including the large lime trees to the front of the site by the road site and the historic avenue of mature trees to the west of the site. This would safeguard the verdant character of the site, which is important to the area and would be augmented by additional planting. The Council's Tree Officer has considered the submitted tree reports and impacts assessments and raises no objection to the scheme. The new building to the south west of the site would be slightly taller. However, given it is set back from the road and behind an existing building and would only form a small element of the built form on the site, on balance this is considered to be acceptable.
- 9.30. In terms of Saved Policy C15, which seeks to prevent coalescence of settlements, the proposed built form on the proposed development is largely located on the footprint of existing buildings and contained within the extent of the authorised site and would remain relatively low profile. Therefore, the impact in terms of coalescence between Middle Aston and Steeple Aston is considered limited in this case.
- 9.31. Full details of the materials of the development and any lighting scheme can be controlled through condition to ensure they are appropriate for the site and surroundings.
- 9.32. Overall, it is acknowledged that the site would appear more developed than is currently the case given the increase in height and bulk of the buildings and the likely increased level of activity on the site over present levels. However, the existing buildings are of no significant architectural merit and it is considered that the proposed development, for the reasons outlined above including scale and relatively simple design, is an appropriate design response for the site which would provide an improved employment offering on the site whilst also preserving the setting of the nearby Conservation Area and the verdant and rural character and appearance of the locality including the setting of the villages. The proposed development is therefore considered to be acceptable in design terms.

#### Highway matters

##### *Policy Context*

- 9.33. Policy SLE4 of the CLP Part 1 2015 states 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. It goes on to state that development which is not suitable for the roads that serve the development and which have severe traffic impacts will not be supported. Saved Policy TR7 states that development that would attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted and Saved Policy TR10 has a similar trust in regard to HGV movements

- 9.34. Policy PC1 of the MCNP notes that favourable consideration will be given to proposals for employment development which are unlikely to generate a volume of goods traffic which would have a significantly harmful effect on road safety or amenity.
- 9.35. Paragraph 108 of the NPPF states that in assessing development proposals it should be ensured that safe and suitable access to the site can be achieved for all users; and the significant impacts from the development on the transports network or on highway safety can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### *Assessment*

- 9.36. The current proposal would retain the existing access onto Fir Lane to serve the development. The visibility from this is considered acceptable and to be in excess of the Manual for Streets stopping sight distance given the recorded 85<sup>th</sup> percentile recorded speeds and the LHA raises no objection to the application in this respect.
- 9.37. As part of the consultation on the application, local residents and the Parish Councils have raised significant levels of concerns regarding the impact of the development in respect of traffic generation, the adequacy of the highway network and highway safety matters alongside concerns over the amount of parking at the site. The roads serving the site are relatively narrow rural lanes with a number of pinch points being single width in some locations.
- 9.38. The application has been accompanied by a Transport Statement and Framework Travel Plan. These have been subject to consultation with the LHA, which raises no objection to the application subject to a legal agreement securing financial contributions to the bus service and travel plan monitoring and a number of conditions.
- 9.39. The Transport Statement reviews the traffic impact of the development which has included a baseline study of the vehicle trips associated with the existing land uses at the site (factored to take account of the vacant units) using a manual traffic count at the site. A forecast of the vehicle trips likely to be associated with the proposed development has been calculated through the interrogation of comparable site surveys in the TRICS database which is common industry practice for Transport Statements. This takes account of all trips to the site including visitors. The difference in traffic associated with the existing use of the site and the forecast traffic from the proposed development provides the net traffic generation. The mode share (i.e. whether people walk, cycle, use public transport or drive) for the development is based on the travel to work census data for the local area. Despite criticism of these methodologies by objectors, this approach and the trip generation and net impact is considered acceptable by the County Highways Engineer who provides the District Council with expert advice in this regard.
- 9.40. The submitted details show that in the AM peak there is estimated to be a total of 33 movements (a net increase of 13 compared to the existing) associated with the proposed development and 24 movements (a net increase of 8) in the PM peak (17:00-18:00). Over the course of the day (07:00-19:00) there is forecast to be 173 trips in total (a net increase of 42). The visits of heavy good vehicles to the site are likely to be limited due to the small size of the commercial units and be similar to the existing situation.
- 9.41. The LHA has considered this information and the characteristics of the site and surrounding road network and advises that the increase in trip generation is unlikely to cause a significant adverse traffic or road safety impact on the surrounding transport network so would be acceptable in this regard and not lead to a severe

impact which is the high threshold for refusal set by the NPPF in regard to such matters.

- 9.42. Concerns have been raised by local people and the Governing Body of the School regarding the impact of the increase traffic on the road safety at Dr Radcliffes C of E Primary School, which is located to the south of the site and, like many schools, has peaks of traffic at school drop off and pick up time including parking on the highway. The LHA has considered this in detail and has stated: *The County's Traffic and Road Safety Team has reviewed this matter twice since 2012 and again in the light of the previous planning application under 20/01127/F. It has further been reviewed by the County in response to this planning application. As a result the County still concludes that the additional traffic generated by the development does not give rise to a safety concern that the County needs to address.* Therefore, whilst the concerns of residents in this respect are noted it is considered that the level of traffic associated with the development would not lead to road safety concerns that would justify refusal of the application.
- 9.43. In regards to vehicle parking, the proposed development would provide 74 parking spaces including 12 spaces fitted for Electric Vehicle (EV) charging points. The applicant has also presented a parking accumulation exercise based on the trip generation forecast for the site which indicates that the parking would be adequate to serve the development. The Highway Engineer has considered these against the County Council's optimum parking standard, which the current proposal exceeds, and considers the level of parking to be acceptable to serve the development and should not lead to unwanted on street parking. The Highway Engineer has raised concerns regarding the number of EV charging spaces and have requested that 25% (19) of the spaces are provided with EV charging spaces. This can be controlled through condition. 34 cycle spaces will be provided at the site and this complies with OCC's Standard and is considered to be acceptable.
- 9.44. The application is accompanied by tracking plans and these demonstrate that the site would operate in a safe and efficient manner allowing vehicles to enter and leave the site in a forward gear.
- 9.45. The submission also included a Construction Traffic Management Plan. The LHA has raised a number of concerns regarding the details therein, but these matters can be controlled through a condition of any planning permission given. The concerns of residents regarding construction traffic are noted; however, given their temporary nature and with the submission of an amended CTMP this is not considered to be a matter which would justify refusal of the application.
- 9.46. Overall, the development is considered acceptable from a highways perspective and is considered to comply with the relevant planning policy and is not considered to result in a severe highway impacts or result in unacceptable highway safety impacts.

#### Residential amenity

- 9.47. Policy ESD15 of the CLP 2015 requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space.
- 9.48. Saved Policy ENV1 of the CLP 1996 state development which is likely to cause materially detrimental levels of noise, smell, fumes or other types of environmental pollution will not normally be permitted.
- 9.49. The proposed development is considered to be located a sufficient distance from the neighbouring properties to ensure it does not significantly impact on their residential

amenity. The scale of the buildings would be slightly taller than the existing buildings and would be clearly visible from the windows in the side elevation of the new dwelling to the north of the site, Millbrook House. However, given the distance, approx. 30 metres, the scale of the proposals and the fact that the development would largely replace existing buildings, the impact on this light or outlook to this property is not considered to be significant.

- 9.50. By the nature of the uses proposed (use class E(g) allows for uses which can be carried out in a residential area without detriment to its amenity) for the majority of the site they are considered to be appropriate for a residential area. The unit which is proposed to be used for storage and distribution is located to the southern part of the site and furthest from the dwelling to the north. The Council's Environmental Protection Officer has raised no objections to the application in this respect and officers agree with this assessment.
- 9.51. Concerns have also been raised that additional traffic through the villages would be raised to unacceptable levels of noise, disturbance and vibration. However, given the relatively small scale of the development this is not considered to be significant in planning terms.

### Ecology Impact

#### *Legislative context*

- 9.52. 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.
- 9.53. 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.
- 9.54. 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.
- 9.55. 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.

#### *Policy Context*

- 9.56. Paragraph 174 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.
- 9.57. Paragraph 180 states that when determining planning applications, local planning authorities (LPAs) 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.
- 9.58. Paragraph 185 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.
- 9.59. Policy ESD10 of the CLP 2015 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.
- 9.60. 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.
- 9.61. 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 LPAs 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*

- 9.62. In order for the LPA 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, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) 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.

- 9.63. 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 NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.64. The application is supported by a Preliminary Ecological Appraisal which the Council's Ecologist considers to be appropriate in scope and depth. The habitats present within the site include buildings, improved grassland, amenity grassland, hedgerow, trees, ruderal vegetation and hard-standing with the mature trees and woodland being the habitats of greatest ecological value. Two buildings are also known to support roosting bats (day roost of low numbers) and the demolition of these will require a European Protected Species Licence.
- 9.65. The Council's Ecologist has considered the submitted information and advises the extent of surveys are adequate for a planning application. The demolition of the buildings will require alternative bat roost provision and this would be secured by the licence and through conditions and the Council's Ecologist considers that the suggested mitigation with roost replacements on mature trees and bat roosting features incorporated into the new buildings, is likely to be acceptable.
- 9.66. There are also unverified records of polecats being present on the site and the Council's Ecologist is satisfied that the proposal would not be harmful in this respect and that additional enhancements could be provided on site through the Landscape and Ecological Management Plan with this species in mind which is proposed to be secured through a planning condition.
- 9.67. A number of conditions are required to protect the ecology and biodiversity of the site including measures during construction, a lighting scheme to ensure it is not harmful to wildlife and a Landscape and Ecology Management Plan with biodiversity enhancement plan to ensure a net gain in biodiversity is secured on the site.
- 9.68. 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 would 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.

#### Flood Risk and Drainage

- 9.69. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 9.70. The site is located in Flood Zone 1 which is the lowest areas of flood risk and is also not shown to be at risk of surface water flooding. Surface water from the existing site is connected to a pipe to watercourse to the east of the site
- 9.71. The submitted Flood Risk Assessment and Drainage Strategy notes that the ground conditions are suitable for infiltration drainage and this strategy has been proposed to reduce rainwater run-off from the proposed development compared to the existing flow with the use of a number of trench soakaways and permeable surfacing. The

Lead Local Flood Authority (LLFA) has currently raised objections to the scheme requesting details of methods to improve water quality, details of existing and proposed flood exceedance routes and soakaway tests to demonstrate that infiltration rates are acceptable. These details have now been provided and the LLFA raises no objection to the scheme subject to the implementation of the drainage strategy. In light of the comment from the LLFA Officers consider the matters relating to flood risk and drainage are acceptable.

#### Other matters

- 9.72. In terms of sustainable construction, Policy BSC3 requires all new non-residential development to meet at least BREEAM 'very good' standard. The proposed development has been accompanied by an Energy Assessment which confirms that the building will achieve BREEAM rate of 'Very Good' and this standard can be secured through a suitable planning condition. The energy efficiency measures include: good fabric insulation, improved air tightness and low energy light fitting with presence detection.
- 9.73. In regard to Policy ESD5 the application includes an analysis of renewable and low carbon energy provision. In this case it is proposed that the units will have air source heat pumps to provide heating and cooling as the most effective source of renewable energy. Solar panels had been considered but discounted due to the orientation of the buildings and tree coverage which would reduce effectiveness and future cost benefit to incoming tenants and air source heat pumps were considered more effective.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposed development would provide economic benefits in the form of providing opportunities for new jobs and construction activities. The principle of intensifying the use of an existing employment site in a rural area is considered to comply with Policy SLE1, which seeks to take a balanced approach to employment development in the rural areas of supporting development on existing sites whilst requiring justification for the establishment of new sites in line with the urban focus of the Development Plan. The site is located near Steeple Aston, a Category A village and one of the more sustainable settlements in the rural part of the district, and whilst it is noted that transport options are limited it is considered that a balanced application of the policy context alongside the existing use of the site indicates that the principle of the redevelopment of the site is acceptable.
- 10.2. The proposal is considered to protect the local environment by being sensitively designed to its rural setting and having regard to the ecological and natural constraints of the site. Whilst the proposal would lead to the creation of additional traffic on the nearby highway network this is likely to be relatively limited when compared to the existing use of the site and it is not considered to result in a severe impact on the highway network which is the high threshold set down by national planning policy. The LHA has carefully considered the highway safety matters and advises that the proposal would not result in unacceptable impacts in this respect.
- 10.3. Overall, the proposal is considered to comply with the Development Plan when considered as a whole and there are not considered to be any material considerations which would justify refusal. The proposed development is therefore considered to constitute sustainable development and it is therefore recommended that Planning Permission be granted.

## 11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- Contribution of £40,989 towards the retention and improvement of the S4 bus service (or other service) through Steeple Aston,
- Contribution of £1,446 to fund the monitoring and review of the Travel Plan

### 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: Application forms and drawing numbers PL001(SK) – Location plan, PL002 – Existing site plan, PL003 - Existing ground floor plan, PL004 = Existing Floor Plans. PL005 - Existing Floor Plans, PL006 - Existing site sections, 139990\_P101 G – Proposed site plan, 139990\_P102 E – Site plan overall, 139990\_P103 A – Site Sections, 139990\_P104 A – Site sections, 139990\_P105 A – Proposed site elevations, 139990\_P106 – Unit 1, 139990\_P107 – Unit 2, 139990\_P108 – Unit 3, 139990\_P109 – Unit 4, 139990\_P110 – Unit 5, 139990\_P111 – Unit 6, 139990\_P112 – The Hub, 139990\_P1113 – Visuals, HATCHTRP OCT21 - Tree retention and Protection Plan and HMA-LE-GEN-XX-DR-500-S5-A1-E – Proposed Drainage Strategy

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

3. No development shall take place until details of all finished floor levels in relation to existing and proposed ground levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in full accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.



4. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to the Local Planning Authority and agreed in writing. This should identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
  - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
  - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
  - Contact details for the Site Supervisor responsible for on-site works,
  - Travel initiatives for site related worker vehicles,
  - Parking provision for site related worker vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
  - Engagement with local residents

Thereafter the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

Informative Note: The CTMP should follow Oxfordshire County Council's template.

5. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been 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 has been 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This

information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

9. No works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the Habitat and Species Regulations 2017 (as amended) and a copy thereof has been submitted to the Local Planning Authority.

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.

10. Prior to any works above slab level full details of the pedestrian access through the site linking to the public right of way to the south of the site shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To provide pedestrian access to the site and to encourage sustainable forms of travel in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

11. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the measures in 5.2.1 and 5.3.1.1 of the submitted ecological survey and also include a plan of buffer zones and how they will be marked as well as any other timing and precautionary methodology/supervision needed for bats on site. The approved CEMP: Biodiversity shall be adhered to and

implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. Prior to any works above slab level, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of a biodiversity enhancement scheme to demonstrate a net gain in biodiversity for the site. The development shall not be carried out other than in accordance with the approved LEMP and the biodiversity enhancements shall be carried out in accordance with the approved details prior to the first use of the development hereby approved and shall be retained as such thereafter.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

**INFORMATIVE ON CONDITION 12:**

The LEMP shall include the use of a Biodiversity Impact Assessment Metric to demonstrate a net gain in biodiversity. The Council seeks to secure a 10% net gain.

13. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.  
(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

14. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. This shall include samples of the proposed timber, metal cladding and a sample panel of the proposed stone walls. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the details on the approved plans, prior to any works above slab level full details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details

and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

16. No development shall not commence above slab level until full details of the sustainability and energy proposals (based on the submitted report) has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

17. Prior to any works above slab level, a scheme for the provision of vehicular electric charging points to serve at least 25% of the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of any part of the development and shall be retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1, Policy EVI8 of the Oxfordshire Electric Vehicle Infrastructure Strategy (2021) and to maximise opportunities for sustainable transport modes in accordance with paragraph 112(e) of the National Planning Policy Framework.

18. Prior to any works above slab level a scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority 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 and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(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 landscaping including hard surface areas, pavements, pedestrian areas and steps.

(d) details of any boundary fences or walls.

Such details shall be provided prior to the development progressing above slab level. The hard landscaping shall be provided prior to the first occupation of the development and shall be retained as such thereafter and the approved soft scheme shall be implemented by no later than the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the

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

19. 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,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. Details of the any proposed external lighting including the design, position, orientation and the management of such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. It shall be demonstrated how the lighting scheme complies with the guidance outlined in Section 5.3.2.6 of the Windrush Ecology – Preliminary Ecological Appraisal (March 2021). The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of the ecological value of the site and the visual amenity and to comply with Policies, ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy PD6 of the Mid Cherwell Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework

21. Prior to the first occupation of the development the parking, turning and loading and unloading shown on the approved plan(s) shall be provided on site and shall be permanently set aside and reserved for that purpose and shall be used for no other purpose whatsoever.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning/loading/unloading and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance in the National Planning Policy Framework.

22. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:
- Proposed Drainage Strategy, HMA-LE-GEN-XX-DR-CE-500, Rev D
  - Flood Risk Assessment, HMA-LE-GEN-XX-RP-CE-FRA01-C-Flood Risk Assessment, March 2021

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

23. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

24. The development and tree protection measures shall be carried out in strict accordance with recommendations in the B J Unwin Forestry Consultancy BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for commercial re-development (18<sup>th</sup> October 2021) document including drawing HATCHTRP-OCT21 unless otherwise agreed in writing under a separate discharge of planning condition.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

25. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision, traffic generation and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

26. No goods, materials, plant or machinery (other than vehicles) shall be stored, repaired, operated or displayed outside the buildings unless otherwise approved under a separate discharge or variation of condition by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

27. The hub building hereby permitted shall be used only for purposes ancillary to the remainder of the commercial units hereby permitted and shall not and shall not be sold, leased or occupied as a separate unit.

Reason: In order to ensure the uses are appropriate to the location of the site having regard to traffic generation and Policy SLE2, SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Notwithstanding the provisions of Part 3 (changes of use) and Part 7 (non-domestic extensions and alterations), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be changed use, extended or hard surfaces laid within the site without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

29. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or enacting that Order) the site shall only be occupied for the purposes falling within Class E(g) (i), (ii) and (iii) and Class B8 and no other purpose whatsoever. No more than 732 sq m of the total permitted Gross Internal Floor Area shall be utilised for purposes falling within Class E (g)(i) at any one time and no more than 862 sq m of the total permitted Gross Internal Floor Area shall be utilised for purposes falling within Class E(g) (ii) and (iii) at any one time. The remaining floor area is restricted to those uses falling within use Class B8 or ancillary uses.

Reason: In order to retain planning control over the use of the site, to ensure residential amenities are protected and the character of the area is maintained, and to ensure the development complies with Policies SLE1, SLE2, ESD1 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.