

Case Officer: Jeanette Davey

Applicant: Apollo Business Parks LLP

Proposal: Provision of 10 employment units (Office, Research and Development and Light Industry), associated car parking, landscaping/biodiversity enhancements/works and provision of foul water treatment plant - re-submission of 22/00928/F

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllrs Chapman, Reynolds and Webb

Reason for Referral: Major Application (1,000+ sq m floor space created)

Expiry Date: 27 July 2023

Committee Date: 7 September 2023

SUMMARY RECOMMENDATION: REFUSAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The site lies about 1.5 miles to the north-west of Wroxton, a Category A village, and sits adjoining, but outside of, an existing site known as Apollo Business Park (formerly Wroxton Ironstone Works). Apollo Business Park was allocated for development in Cherwell Local Plan 1996.
- 1.2. The application address is therefore misleading in that it implies that it is part of the adjoining allocated site when it is not: it is a greenfield site outside of the boundaries of the allocation, with only a proposal for an existing access to the adjoining site to be shared.
- 1.3. The site is about 0.4ha in size (1 acre) and lies south-east of the existing business park, divided from it by a mature hedgerow. The existing buildings on the adjoining site are small two-storey commercial units finished in red stock brick with grey metal profile roofs. It would appear that there are 28 units in total. Permission was granted in November 2022 for a further four units, which will bring the total to 32 units on that site. Combined, they are surrounded by farmland in a radius of half a mile, with a handful of farmhouses.
- 1.4. The site has been cleared of former vegetation. Aerial photographs indicate that this was grassland, mature trees and hedgerows. This is confirmed by correspondence received in April 2022, which indicates that the clearance included a hedge of more than 30 years in age and 50 metres in length, other mature trees and shrubs and the stripping back of topsoil, with material being brought onto site from an unknown source, to raise the ground level. A previous Case Officer described the site in 2022 as a small woodland.
- 1.5. Case Officer site visits in April 2022 and June 2023 also confirm that the site levels have been raised and previous mature trees no longer exist. Paragraph 1.2 of Wroxton Ecological Survey of February 2022, submitted with the application, states that the north-east half of the former ironstone quarry has recently been infilled with inert waste, and contains extensive bare ground with developing weed and ruderal

vegetation. Mature scrub and scattered trees are in the southwest half of the site. The Ecological Survey describes the site as having little biodiversity interest. A Phase 1 Geo-Environmental Desk Study (October 2022, with a site inspection date of February 2022) also confirms recent backfilling on the site.

- 1.6. The existing access to the site is via a gate at the junction of Drift Lane with Ironstone Lane.
- 1.7. The former ironworks existed on site from 1917 until 1967: an objector's submission to an application in 2002 (ref 02/00795/F) describes the site as *of note for being both the main stabling point for the locomotives of the former North Oxfordshire Ironstone Company and it was, then, the most complete example of an industrial railway locomotive depot in the English Midlands*. The Wroxton complex was also described as *the most significant surviving monument to the once mighty Oxfordshire ironstone industry itself, with decades of land restoration having removed most traces of the ironstone quarries at both Wroxton and elsewhere*.
- 1.8. An email from the agent dated 06.06.2023 describes the site as Stonepit 5, which he states was subsequently operated by the Council as a source of hard core for road making and then as an approved landfill site. However, plans within a Geo-Environmental Desk Study (October 2022), also submitted by the agent, show the application site to be an 'Old Quarry' in three historical maps of 1882-1922. Oxfordshire County Council does not display any minerals extraction planning history relating to this site. The agent's submission is therefore inconclusive, and it has to be assumed that he is referring to an adjoining site. It can therefore be considered to be an abandoned site for quarrying, as its last use for that purpose appears to be over 140 years ago.

2. CONSTRAINTS

- 2.1. The following constraints apply to the site:
 - Potentially contaminated land
 - Class 6 radon area (greater than 30% of homes at or above the action level)
 - Category 2 best and most versatile land
 - Local wildlife site close to the application site

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application relates to proposed buildings that would form ten employment units, with a new access point on the existing internal access road. Three separate buildings are proposed: one block of four units and two blocks of three units, numbered 26 to 35. For clarity, pre-existing units on the adjoining site have a sub-divided numbering system. The total floorspace for all ten combined is 1,770 sq m. (177sq.m. each (1,905sq.ft.)), with each unit having two floors. They are referred to in the Design and Access Statement as "starter units". The buildings and surfacing would be of the same scale, form and materials to those which already exist on the adjoining site. A landscaping scheme has been submitted as part of this application.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal because it relates to the adjoining business park:
- 4.2. 97/00430/CM - Review of Mineral Planning Permissions – Permitted

- 4.3. 00/00074/CLUE – Certificate of Lawfulness (Existing Use) to confirm the current permitted uses for buildings 1 to 11 (nos 1, 8, 9, 10, 11) in connection with the manufacture of farm animal equipment; nos 2, 3, 4, 5, 6, 7 for the manufacture, assembly – Permitted
- 4.4. 00/00311/F - Discharge condition 4 of B.1075/72 relating to restricted use of the buildings - Refused
- 4.5. 01/02534/F - Installation of 1no 20 metre monopole mast, directional and dish antennas, equipment cabinets and ancillary works, as amended by plans received 18.03.02 - Permitted
- 4.6. 02/00795/F - Change of use of former ironstone works to B1 (Business) use – Permitted
Of note, this application's Strategic Landscaping and Parking Plan proposed the consideration of a joint grant-aided planting scheme with Wroxton Parish Council for the application site.
- 4.7. 02/01972/CM - Variation of condition 65 of 97/00430/CM relating to noise levels (County Council ref.: 1899/9/3, 1899/9/9, 1899/4009/11 and 1899/4009/12) - Permitted
- 4.8. 10/00134/F - Proposed erection of 3no B1 units set within and below earth moundings; improvements and enhancements to railway line, car parking and associated landscaping on existing derelict brownfield site to form extension to the existing phase 1 development – Permitted
- 4.9. 16/02113/F - Provision of 10no Employment Units (B1, B2 & B8), together with associated car parking and landscaping provision - Permitted
- 4.10. 17/01690/F - Variation of Condition 2 (plans) of 16/02113/F - Proposed Changes to Elevations – Permitted
- 4.11. 22/02105/F - Erection of 4no employment units (office, research & development and light industry with ancillary storage), associated car parking and vehicle manoeuvring area, landscaping/biodiversity enhancements and drainage works – 22.11.2022 – Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **5 April 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Four comments raised by third parties object or make the following comments, summarised as follows:
 - *Will we be compensated for the disturbance? Will the roads be repaired and made good for access? Can you put in traffic restrictions?*

- *The state of Ironstone Lane is appalling. The further increase in traffic will not improve the situation. A full upgrade of the road is required. The lane is under constant pothole repair and has deep trenches on either side. This infrastructural improvement would support all businesses in the park and must be taken into consideration.*
- *The width of the main access road is no longer fit for purpose. This is a safety concern. The site access road needs to be widened and all overhanging vegetation removed.*

One occupant has submitted the following comments in support, which is a duplicate of a letter of intent from a company referred to in Paragraph 9.7 below:

- *Welcome addition: short of space with nowhere else available to move to in the area.*
- *Need space to expand and employ more staff as we continue to grow.*
- *A good use of otherwise unused space.*

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/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. WROXTON AND BALSCOTE PARISH COUNCIL: **No comment** to make.

OTHER CONSULTEES

7.3. CDC ARBORICULTURE: The proposal is lacking in information in relation to root protection areas. The proposed planting scheme for trees does not specify which trees and to be planted, how big, and post-planting management details.
(Officer Note: An updated Tree Report was subsequently submitted which addressed some issues, but it did not update landscaping details).

7.4. CDC LAND DRAINAGE: **No objection** subject to conditions.

7.5. OCC HIGHWAYS: **No objection** subject to standard conditions in respect of width of the turning areas and car parking, and a framework travel plan.

7.6. OCC LOCAL LEAD FLOOD AUTHORITY: **No objection** subject to conditions.

7.7. ENVIRONMENT AGENCY: Guidance issued relating to foul drainage and other consents.

7.8. THAMES WATER: Wastewater network and sewage treatment works infrastructure capacity: **No objection**. Water network and water treatment infrastructure capacity: **No objection**, subject to an Informative.

7.9. ENVIRONMENTAL HEALTH: **No objection**, subject to conditions.

- 7.10. OCC ARCHAEOLOGY: There are no archaeological constraints to the scheme because it is on the site of a former ironstone quarry, where any potential remains will have been destroyed.
- 7.11. CDC BUILDING CONTROL: A full plans Building Regulations application will be required for the proposals.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development (site not allocated).
- SLE4: Improved Transport and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP1: Employment Generating Development (retained with regard to rural sites – site allocated).
- ENV12: Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

9. APPRAISAL

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

- Principle of development
- Impact on the character of the area
- Demand for vs Supply of Units
- Arboricultural matters

- Highways
- Other matters

- 9.2. Criteria listed below within Policy SLE1 of the CLP 2015 are relevant to the first four key issues. The site is not allocated, and the criteria therefore need to be met to support new employment proposals within rural areas on non-allocated sites. In order to conduct a proper review of the proposal's policy compliance, these criteria are considered separately, within the sub-sections of this Appraisal.
- 9.3. All other issues, including those relating to drainage, highways and ecology, where not relevant to the considerations below, have been shown to be acceptable, subject to the imposition of conditions.

Principle of Development

Policy Context

- 9.4. The site adjoins but is outside of an allocation referred to within the CLP 1996 as a site proposed for employment generating development. As such, saved Policy EMP1 (retained with regard to rural sites and the allocation of the adjoining site) is of interest but not directly relevant. Policy EMP3 of the CLP 1996 is not a retained policy but Paragraph 3.48 of its explanatory text stated: The site of the former Wroxton Ironworks is considered suitable, in principle, for small scale employment generating development that is compatible with the local road network and would improve the appearance of the site.
- 9.5. Policy SLE1 of the CLP 2015 states that employment development will be focused on existing employment sites and permitted subject to compliance with other policies in the Plan and other material considerations. It continues:
- 9.6. Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A.
- 9.7. It is also appropriate to consider the first relevant criterion, that new employment proposals within rural areas on non-allocated sites will be supported if... sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.
- 9.8. Policy PSD1 of the CLP 2015, relating to a presumption in favour of sustainable development, seeks to secure development that improves the economic, social and environmental conditions in the area.
- 9.9. Paragraph 85 of the NPPF states that 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... The use of sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

Appraisal

- 9.10. Policy SLE1 of the CLP 2015 relates to employment development, defined as B Use Classes, and has a strong urban focus. In the rural areas it states that unless exceptional circumstances are demonstrated, employment development should be located within or on the edge of Category A villages.

- 9.11. The proposal is approximately one mile from Wroxton, with farmland dividing the two. It therefore fails to meet the requirement to be within or on the edge of a Category A village.
- 9.12. In terms of the sustainability of the location, if accessing the site on foot there are no public footpaths for 0.6 miles (1km) and no street lighting for all of the 0.8 mile (1.3km) walk along Drift Lane to the bus stop by The Firs in Wroxton. Walkable / wheeling neighbourhoods are defined within Manual for Streets (MfS) as up to about 800m and bus stops should be within 400m. Buses run five times a day between Stratford-upon-Avon and Banbury, which is insufficient as an adequate means of commuting to and from work. As such, the development would promote a reliance on the car.
- 9.13. Two objections and one comment received are from existing occupiers of units on the adjoining site and one neighbour. They refer to the physical condition of Ironstone Lane, which is the route designated by a past S106 dated 17.06.2003 for access into the site from the A422 Stratford Road. Despite the response of 'no objection' from OCC's Highway Officer, the impact on the condition of existing highways would be exacerbated and, as such, the objections are noted to be in conflict with Policy SLE1 and the NPPF.
- 9.14. Due to the status of the land as abandoned for quarrying for over 140 years as stated in Paragraph 1.8 above, the site does not fit Paragraph 85 of the NPPF's description of being previously developed land.
- 9.15. Notwithstanding the above, it is appropriate to assess compliance with the first relevant criterion. Development of the adjoining site was originally permitted because it was a brownfield site, as described in Paragraph 1.7 above. The application site is not a brownfield site and no exceptional circumstances have been demonstrated to enable the Local Planning Authority to accept this development, other than demand displayed through letters of intent. This is addressed in more detail in the section below on Demand for vs Supply of Units.
- 9.16. Paragraphs 84 and 85 of the NPPF sit alongside the Local Plan policies which allows for such development where it is adequately justified. The NPPF is not considered to be interpreted as unconditional support for the provision and expansion of rural businesses or farm diversification in geographically unsustainable locations and still needs to be balanced against other objectives such as reducing the need to travel, reducing car dependency and associated carbon reductions. Policy SLE1 and ESD1 which sit alongside this are therefore considered to be consistent with the NPPF and given full weight.
- 9.17. In addition to the policy requirement to demonstrate exceptional circumstances, Policy SLE1 goes on to note that new employment proposals within rural areas on non-allocated sites will be considered against a list of criteria. These are also considered to be relevant to the assessment of whether the location has been adequately justified. Below is an assessment of the proposal against the most relevant of these criteria:
- 9.18. *Be outside of the Green Belt* – The proposal meets this criterion
- 9.19. *Sufficient justification has been provided to demonstrate why the development should be located in a rural area on a non-allocated site* – See the section below relating to demand and supply.
- 9.20. *High quality design, appropriate in scale and respect the character of the villages and surroundings* – As noted above there are concerns regarding the scale of the

proposal. The assessment of the impact on the character and appearance is outlined elsewhere.

- 9.21. *No detrimental impact on amenity or highway network* – See below comments
- 9.22. *No suitable available plots or premises within existing nearby employment sites in rural area* – No information has been provided in this regard to justify the rural location. See also the section below relating to demand and supply.
- 9.23. Policy SLE1 goes on to note that the Local Plan has an urban focus, and that justification will be required for new sites in rural areas, and this should include applicants demonstrating a need for and benefits of employment development in a particular location and explaining why the proposed development should not be located at the towns.

Conclusion

- 9.24. The spatial strategy of a Local Plan is to direct growth towards the most suitable locations and to limit growth in rural areas. This proposal fails to comply with that spatial strategy. It has not been demonstrated that exceptional circumstances have been met as required by SLE1 or that sufficient justification has been provided for providing this scale of development in a rural location. Very substantial harm would therefore arise because of the proposed siting of the development, in conflict with the spatial strategy, with Policies SLE1, ESD1 and PSD1 of the CLP 2015 and with the provisions of the NPPF.

Impact on the Character of the Area

Policy context

- 9.25. Policy ESD13 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It also states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural features, be inconsistent with local character, harm the setting of settlements, or harm the historic value of the landscape. Policy ESD15 states successful design is founded upon an understanding and respect of an area's unique built and natural context and should contribute to an area's character respecting the traditional form, scale and massing of buildings

Appraisal – Impact due to scale of the proposal

- 9.26. The layout on the adjoining allocated site is at capacity for the site's size, with 32 commercial units and approximately 7,167 sq m of floorspace. To add a further 10 units / 31% in size to that which already exists is a significant scaling up of the commercial operation on the combined two sites and, with a total of 42 units / 8,937 sq m of floorspace, it would equate to just under nine major applications. It is considered that the proposal, which exceeds that which can be described as a small-scale development, would have an urbanising impact on the countryside and would have an adverse effect on the character and appearance of the area.

Appraisal – Impact due to visibility of the proposal

- 9.27. The landscape on the site has already been scoured, cleared of native trees and hedgerows and infilled, probably in anticipation of development. The impact on the environment, including on the ecological value of the site, is detrimental to the rural

location, emphasised further when leaves are off the trees. This would be exacerbated by the introduction of built form at a rural staggered crossroads, where currently there is a significant amount of screening of the allocated site from native hedgerows and trees, which visually tucks it out of view until arrival at the junction with Friars Hill. Sites adjoining, but outside of, allocated areas are the most vulnerable to development proposals and therefore warrant a great amount of protection through existing policy, to prevent development creep and resultant harm to the local environment.

- 9.28. One letter of support refers to the land as 'unused'. This is an over-simplification of the definition of land use in the UK and, as such, this statement has to be discounted.

Conclusion

- 9.29. The proposal would constitute a scale of development which would exceed that which can be defined as small scale. Very substantial harm would arise from the visual impact of the proposed development on the rural character of the area. This would conflict with Policies ESD13 and ESD15 of the CLP 2015, and with the provisions of the NPPF.

Demand for vs Supply of Units

Policy context

- 9.30. Policy SLE1 of the CLP 2015 states: *New employment proposals within rural areas on non-allocated sites will be supported if... there are no suitable available plots of premises within existing nearby employment sites in the rural areas.*

Appraisal - Demand for Units

- 9.31. A letter from the agent dated 6 June 2023 advises of the considerable and strong demand and lack of suitable available modern space for smaller enterprises. It continues: The Apollo Office Park has a proven track record for facilitating the successful incubation of new and smaller businesses... There is no doubt that all the units proposed will be either pre-let or pre-sold prior to construction works commencing. That can only be to the benefit of the Banbury economy locally. Interest is from existing operators wishing to facilitate expansion of their existing operations as well as strong interest from potential new occupiers. All existing units at the office park continue to be fully occupied with a waiting list for any vacancies that might arise and there remains considerable pent-up demand for such employment space in the Banbury area. The applicant's commercial agent confirms that they are inundated with enquiries from small and medium business enterprises complaining that there are no small freehold or leasehold units available for the smaller start-up operations, nor for smaller existing businesses needing to expand.
- 9.32. Submitted with the application were six letters of intent dated October and November 2022 from businesses with the following needs and a later email from the agent confirming that there is a clear commitment to purchase nine out of ten of the proposed new units and little doubt that all the units will be pre-let or pre-sold prior to construction:
- Relocation of part of their business from the Buckingham area, to be closer to Banbury and the M40 corridor. Seeking about 2,000sq.ft. Local staff will be hired.

- Two additional units required to enable an EV (Electric Vehicle) business to expand their existing business on site, due to a lack of other suitable units in the Banbury area.
- Two units required to double workspace on site from the existing 1,600sq.ft., to fulfil worldwide orders. A convenient location for existing staff living in Banbury and for the owners, who live close by.
- 60% additional workspace required, equating to an additional 2,400sq.ft., to enable expansion on site. Convenient location for existing staff who all live in and around the local area.
- 100% expansion required of existing space, equating to an additional 2,000sq.ft.
- Intent to purchase Unit 29.

9.33. A submission by a Member of the RICS (Royal Institution of Chartered Surveyors) dated October 2022 has also been made in support of the scheme. He has thirty years of commercial property experience in Banbury and surrounding areas. He refers to a distinct lack of available space in the small unit market, not only in the main centres such as Banbury but also in the outlying local areas. No specific data has been submitted with this statement.

9.34. It is therefore clear that business demand exists.

Appraisal - Supply of Units

9.35. Submissions for this and past applications on the adjoining site refer to the provision of small business units, with most referring to starter units. A permission dated January 2017 (ref 16/02113/F) for an earlier ten units considered that the principle of developing additional small-scale employment starter units on the site would be consistent with both national and local policy guidance. Those units were at approximately 164sq.m. each (c.1765sq.ft.). Similarly, the permission dated November 2022 (22/02105/F) refers to small scale employment development, with its proposal for four units totalling 501sq.m. of floorspace (5,400sq.ft.). The agent's letter of 6 June for the current application refers to the successful incubation of new and starter units.

9.36. It is noted that none of the earlier permissions sought to condition that they remain for that purpose (probably due to the difficulty of enforcement and precision) but condition 13 of the 2017 permission prevented the extension or alteration of the buildings in order to, inter alia, retain planning control over the development of the site and safeguard the amenities of the area. No such condition was imposed on the 2022 permission.

9.37. Each of the letters of intent submitted with this application refers to expansion of existing business units on site, amounting to an approximate total of 4,000sq. ft of need for four of them and 2,000sq.ft. for the fifth. The additional units would therefore not necessarily be for starter units, with an indication that some would be occupying up to four units.

9.38. The latent demand from existing businesses and the absence of planning control has a reverse economic impact of preventing new start-ups in the area, to the disbenefit of smaller businesses and the local economy. In addition, when considering the use of the site again at a pragmatic level, the applicant, agent and local authority have all sought this to be a base for starter units. The proposed

development, accompanied by letters of intent, would appear to incrementally remove the site from that supply for starter users.

- 9.39. The Case Officer undertook an online survey of business unit availability within relevant use classes in August 2023. Whilst Policy SLE1 states that suitable available alternatives should exist in rural areas, it is considered reasonable to extend out by 10 miles, which includes urban areas. This size of radius has been applied because the letters of intent express a desire to stay in the locality, for access to the M40 corridor and for staffing reasons. None of those require a rural location. A 2,000-5,000sq.ft. size has also been applied as a filter. Two units are available for sale within the business park at 2,000sq.ft. each, with one under offer. Nine units are available on Zoopla to rent off-site within the ten-mile radius. Some are stated as brand new or modern and five are in Banbury. The Estates Gazette lists a further two units for rent and twelve for sale within the same radius and same criteria. As such, suitable alternative units exist within the local area and the need for units at this location due to the lack of supply elsewhere has not been proven. It is not known whether any of those who wrote letters of intent in 2022 have purchased the unit which is under offer.
- 9.40. No conditions on past permissions have sought either to control occupation to incubator or starter units only (which would be difficult to enforce) or to prevent the combination of units into larger units of accommodation.

Conclusion

- 9.41. On balance, existing supply in the local area appears to be capable of matching demand. The proposed provision of new units on site is not required to enable existing businesses to expand and the expansion requirements stated by on-site businesses would appear to have a reverse economic effect in that it would not enable the growth of start-up businesses. As such, it is considered that less than substantial harm would occur, and the proposal therefore fails to meet this criteria of Policies PSD1 and SLE1 of the CLP 2015 and the provisions of the NPPF.

Arboricultural Issues

- 9.42. Policy ESD10 of the CLP 2015 seeks a net gain in biodiversity and the protection of trees. Paragraph 131 of the NPPF seeks appropriate measures to secure the long-term maintenance of newly planted trees, and the retention of existing trees wherever possible.
- 9.43. The revised Tree Report dated March 2023 continues to be lacking in information in relation to root protection areas for some of the trees, partly because spoil mounds of up to two metres in height have been put beneath the canopy of one tree and due to the position of a wall close to other trees. This does not allow a satisfactory conclusion on this matter.
- 9.44. The proposed planting scheme for trees does not specify which trees are to be planted, how big, and post-planting management details. No additional information has been submitted. As such, this remains a holding objection, for which a holding reason for refusal is proposed.

Highways

- 9.45. The proposed development would be accessed from the existing access serving the Apollo Business Park, i.e., no new access onto the highway. The Local Highway Authority has no objection to the proposals and based on the LHA's views there is no objection to the scheme on highway safety grounds.

Other matters

9.46. The proposal is located away from residential properties and would not appear to adversely impact on their amenity. There is a local wildlife site adjacent to the site; however, no objections have been received from the Council's ecology officer and it is not considered that the proposals would result in harm in ecological terms. Regarding drainage and flood risk, the site is not in Flood Zones 2 or 3, and the lead local flood authority has no objection; the proposal is thus considered acceptable in this regard.

10. PLANNING BALANCE AND CONCLUSION

10.1. The economic objective of the NPPF would be satisfied because the proposal would allow existing businesses to grow and others to relocate to the area but, conversely, this would prevent new start-ups from relocating to the area, as has clearly been intended with past phases of development on the adjoining site and as is stated in submissions for this application. As such, the scheme carries very little weight on economic grounds.

10.2. The social objective of the NPPF seeks the provision of strong, vibrant and healthy communities. Insufficient evidence has been provided to demonstrate that the existing businesses could not be housed elsewhere, thus still providing local jobs within the locality and enabling new businesses to grow in the area. The proposal cannot be given any weight on social grounds due to the inappropriate location for the development.

10.3. The environmental objective of the NPPF seeks to protect and enhance our natural environment. The proposal fails to do this because it does not respect the Local Plan's spatial strategy, to the detriment of the local rural area. This harm is given very substantial weight.

10.4. On balance, the proposal does not represent sustainable development because it fails to accord with the provisions of the NPPF, the policies of the Local Plan and other policy guidance. As such, it is recommended for refusal.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW:

1. The proposal represents unsustainable development because it conflicts with the spatial strategy of Cherwell Local Plan 2011-2031 by proposing development on an unallocated site. Notwithstanding this objection in principle, the site is in a geographically unsustainable location and would result in a significant increase in vehicular journeys. The scale and nature of the use is considered inappropriate in a rural location and the application fails to demonstrate exceptional circumstances or adequate justification for why the development should be located on an unallocated rural site. In addition, the proposal would have an adverse effect on the character and appearance of the area. The proposal therefore conflicts with Policies PSD1, ESD1 and SLE1 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
2. In the absence of adequate supporting information, the Local Planning Authority is not satisfied that the proposal can be achieved without resulting in harm to existing trees, and that a satisfactory planting scheme has been put forward for the site. The proposal therefore conflicts with Policies PSD1 and ESD10 of the

Local Plan and with the provisions of the NPPF.

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