



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

TO ACCOMPANY A PLANNING APPLICATION FOR

**A FUEL DEPOT INCLUDING ANCILLARY OFFICES,
THE INSTALLATION OF PLANT, AND HARDSTANDING**

TO MEET THE RELOCATION NEED OF CERTAS ENERGY LIMITED

**AT HORNTON GROUNDS QUARRY,
STRATFORD ROAD (A422), HORNTON**

**FOR CERTAS ENERGY LIMITED AND
FINSCO PROPERTY COMPANY LIMITED**

SEPTEMBER 2020

PF/10364

LIST OF APPENDICES

Appendix 1	Dwg No. CUV/3009/PA/100 Rev A – Approved Details of Industrial Building
Appendix 2	Decision Notice for MW.0090/14 – outline application
Appendix 3	Decision Notice for MW.0076/16 – outline application
Appendix 4	Decision Notice for MW.0105/17 – approval of reserved matters
Appendix 5	Decision Notice for MW.0106/17 – approval of reserved matters
Appendix 6	Compliance Notification MW.0041/20
Appendix 7	Compliance Notification MW.0042/20

1.0 INTRODUCTION

1.1 This proposal seeks a grant of full planning permission for:

'A fuel depot including ancillary offices, the installation of plant, and hardstanding'

on land at Hornton Grounds Quarry, Stratford Road (A422), Hornton.

1.2 The application comprises the following reports:

- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment & Drainage Strategy
- Landscape and Visual Impact Assessment
- Lighting Impact Assessment
- Noise Assessment
- Sustainability Statement
- Transport Statement
- Travel Plan

1.3 The plans for which planning permission is sought comprise:

- Dwg No. 6289-801 Rev G Proposed Site Layout
- Dwg No. 6289-803 Rev C Location Plan
- Dwg No. 6289-804 Rev B Proposed Elevations
- Dwg No. 6289-805 Rev B Proposed Site Sections

- Dwg No. 6289-807 Rev A Proposed Boundary Fence Layout and Details
- Dwg No. 15.18337.01 Rev G Modular Office Building Layout
- Dwg No. 15.18337.03 Rev B Modular Office Building Elevations
- Dwg No. HG05 Soft Landscape Plan

1.4 A Schedule of Materials is provided for the development shown in the above drawings.

1.5 The proposal is to enable Certas Energy to relocate from its premises in Tramway Road, Banbury – enabling expansion and the provision of a more efficient operation. Productivity will be improved for the company by this investment. The LPA is desirous of securing the relocation of this use from Tramway Road in order to enable a residential-led regeneration in response to the policy aspirations for Canalside.

1.6 The planning circumstances impacting upon the existing premises, and the planning history of the application site are considered to be highly pertinent to the determination of this application.

2.0 PLANNING HISTORY OF THE SITE

2.1 The planning history – and planning status of the site – is considered to be highly relevant to the consideration of the merits of this application, when assessed against the provisions of the development plan.

2.2 On 2nd December 2014 planning permission (Ref: OCC MW.0090/14) was granted for the following development on part of the application site, namely:

‘Processing of stone as Class B2 of the Town and Country Planning (Use Classes) Order 1987.’

2.3 On 17th August 2016 planning permission (Ref: OCC MW.0076/16) was granted for the same form of development on adjoining land to the 2014 application. The development granted is:

‘Outline planning permission for change of use of, the conservation stone yard area for the processing of stone, to class B2 of the Town and Country Planning (Use Classes) Order 1987.’

2.4 A submission of reserved matters was made pursuant to both outline planning permissions (in response to the requirement of Condition 2). On 28th November 2017 Approval of Reserved Matters (Ref: OCC MW.0105/17 and MW.0106/17) was issued on 31st May 2018. Attached as **Appendix 1** is the drawing of the approved details for both planning permissions (Dwg No. CUV/3009/PA/100 Rev A) showing an industrial building of the following scale:

- Length: 48 metres
- Width: 26 metres
- Height to eaves: 6.8 metres

– Height to ridge: 9.7 metres

- 2.5 A material commencement of development has been undertaken (S56(4)). The Planning Authority has provided confirmation that the condition requiring commencement of development on both planning permissions has been complied with on 26th May 2020 (OCC Ref: MW.0041/20 and MW.0042/20).
- 2.6 The grants of outline planning permissions do not restrict the form of Class B2 development that may be undertaken on the site. Condition 7 on planning permission MW.0076/16 does restrict the height of stone stockpiles to a height of 4 metres. This condition does not confine the use of the site or built premises to the processing of stone.
- 2.7 Condition 10 on planning permission MW.0076/16 seeks to restrict the number of lorry movements to no more than 4 per day.
- 2.8 Planning permission MW.0090.14 similarly does not impose a planning condition that limits the form of Class B2 activity which can be carried on from the site. Condition 8 seeks to restrict the number of lorry movements to no more than 10 (5 in, 5 out).
- 2.9 Copies of the two outline planning permissions; the two approvals of reserved matters and the compliance notifications that a lawful commencement of development has been undertaken are attached as **Appendices 2 – 7**.
- 2.10 It is submitted that the application site has an extant planning permission for industrial development within Class B2. This submission is derived from the following principles which have been established by the Courts in the case of *I'm Your Man Limited v Secretary of State for the Environment* 77 P & CR 251 case. In that case Robin Purchas QC, sitting as a Deputy High Court Judge, held that a grant of

planning permission for use of a warehouse/factory for a temporary period of seven years had granted permanent, not temporary permission, because the limit on the period of the permission should have been expressed by way of condition, not merely in the description of the permission. He concluded that the 1990 Act did not expressly provide a power for the imposition of limitations on the grant of planning permission. Under the statutory scheme, such limitations could only be imposed by conditions, which could then be enforced.

2.11 The reasoning in *I'm Your Man* was upheld by the Divisional Court in *R (Altunkaynak) v Northamptonshire Magistrates Court* [2012] EWHC 174 (Admin) and by the Planning Court in *Cotswold Grange Country Park LLP v Secretary of State for the Environment & Anor* [2014] EWHC 1138 (Admin). Both of those cases concerned substantive limitations on the permission granted, not merely temporal ones. In *Altunkaynak*, Richards LJ said:

'The relevant principle, drawn from the wording of the statute is a general one: if a limitation is to be imposed on a permission granted pursuant to an application, it has to be done by condition.'

2.12 In *Cotswold Grange*, Hickinbottom LJ cited this passage and said, at [21], that it '*succinctly and perfectly encapsulates the principle derived from I'm Your Man*'. As stated above, the two grants of planning permission have no condition which limits the form of Class B2 use on this site.

Conclusion

2.13 It is submitted that this site has the benefit of full planning permission for Class B2 use with development that has lawfully commenced pursuant to the granting of planning permissions MW.0090/14 and MW.0076/16. The permissions do not restrict the form of the Class B2 development.

2.14 A Pre-Application Report (Ref: 19/02476/PREAPP) has been issued by Officers on 15th January 2020.

The Report acknowledges that the extant planning permission is for a Class B2 use.

2.15 The extant planning permissions represent a genuine fall back planning position. This is a highly material consideration when assessing the merits of the current application.

3.0 EXISTING PREMISES OCCUPIED BY CERTAS

- 3.1 Certas presently operates from land and premises at Tramway Road, Banbury, OX16 5TB. The site at Tramway Road is subject to redevelopment proposals as provided for in the adopted Core Strategy under Policy Banbury 1: Banbury Canalside. The Plan states at paragraph C.135 – C.136:

‘Canalside represents a major opportunity to redevelop a substantial area close to the town centre, to secure improved access to the town’s railway station, the reintegration of the canal as a central feature of the town, and to provide new residential, commercial and retail development.

Canalside is a highly sustainable location for housing development close to the town centre, railway station, bus station, leisure centre, parks, a supermarket, health centre and community centre. Its redevelopment will make effective use of brownfield land, contribute towards the remediation of contaminated land and significantly reduce the need for less sustainable greenfield development on the edges of the town.’

- 3.2 The draft Banbury Canalside Viability Study 2013 clearly envisages that the existing land and premises occupied by Certas will be redeveloped for residential purposes. The landowner has already engaged with CDC in pre-application discussions on the redevelopment of the existing site for residential purposes. As a consequence of the committed planning policy to secure redevelopment of their existing premises, Certas has taken the decision to relocate their industrial operation.
- 3.3 The proposal to relocate from the current premises is aligned with committed planning policy. Banbury Canalside SPD Consultation Booklet issued in January 2018 states:

‘Some industry may be more difficult to accommodate alongside new homes.’

- 3.4 The co-location of business activities with residential development is normally confined to a use within Class B1 business use. This is defined as a:

'... use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.'

- 3.5 It is anticipated that it will be readily acknowledged that the current use as a fuel distribution depot is not a use which would be ascribed as being a Class B1 use, or, as is the case, a *sui generis* use, a use which is appropriate within a residential area. The relocation of this industrial operation to a site that is committed for employment purposes is consistent with the policy ambitions for Canalside.

- 3.6 The Framework (80) states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴⁰, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

- 3.7 'Significant weight' should be placed on this proposal, which is specifically designed to meet the operational needs of Certas (a 'local business need') and enhance productivity. The new investment will support local economic growth. This development is subject to other statutory provisions which are referred to in the Air Quality Assessment at paragraph 2.25. These other statutory provisions also

support the locational qualities of this site for this particular industrial operation. This proposal will support new investment in economic growth and allow the retention of existing jobs based at Tramway Road, Banbury.

4.0 RELEVANT PLANNING POLICIES

Cherwell District Core Strategy (aka Local Plan 2031)

- 4.1 Policy SLE1 is considered to be the policy of the most relevant importance to the application site i.e. the dominant development policy. Paragraph B.48 states:

‘Policy SLE1 applies to B use class employment development. The provision or the loss of jobs in general terms will be a material consideration for determining proposals for any use classes. The policy applies to sites which have planning permission for employment uses. Where any allocated or committed employment sites in the District remain undeveloped in the long term and there is no reasonable prospect of the site being used for that purpose other uses will be considered. Policy SLE2 will apply for proposals for main town centre uses.’

- 4.2 All policy statements are to be read objectively in accordance with the language used. The supporting text to Policy SLE1 states clearly:

‘This policy applies to sites which have planning permission for employment uses.’

- 4.3 The extant planning permission is for Class B2 uses.
- 4.4 The Courts have held that planning policy is not to be read as though it is statute, but, rather, it is to be applied as guidelines, without losing sight of common sense and the need to exercise planning judgement. (The Courts have often emphasised that it provides ‘guidelines, not tramlines’.)

4.5 The underlying objective of Policy SLE1 is to protect existing employment sites for employment uses. The specific industrial activity undertaken by Certas does not fit into any of the three Class B uses – albeit, it has the characteristics of Class B8 use for storage or distribution. Applying common sense, this is an industrial activity which ordinarily would be expected to locate on land allocated for employment purposes. Indeed, the Core Strategy makes no other land use policy provision for industrial uses that are considered to be outside the provisions of the Class B as defined in the Order.

4.6 Paragraph B.42, which provides part of the supporting text to Policy SLE1, states:

*‘A **flexible approach** to employment development is set out in this plan ...’* [emphasis added]

The location of this industrial operation on this land with a consent for Class B2 development is consistent with this *‘flexible’* approach.

4.7 The application site is not located adjacent to residential uses and, hence, the concern raised in the Policy as to the potential impact of industrial operations upon residential amenity does not arise (see accompanying Noise Assessment and Lighting Assessment).

4.8 In July 2019 the Applicant sought planning permission for the same form of development on greenfield land adjoining Sugarswell Business Park (Ref: 19/01202/F). (This site comprised agricultural land and is quite distinct from the application site, which comprises committed employment land – and Previously Developed Land (Framework Glossary).)

4.9 The Planning Officer, in considering the principle of development on the site adjoining Sugarswell Business Park, stated (Delegated Report paragraphs 8.9 – 8.10):

‘The proposals look to provide new employment generating development in a rural location, albeit through the relocation of an existing business from within Banbury; in this respect Policy SLE1 of the CLP 2031 is considered relevant. Policy SLE1 seeks to protect existing employment sites whilst supporting sustainable economic growth. It states that: ‘Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations’. [emphasis added]

However, in respect of new employment development in rural areas on non-allocated sites, Policy SLE1 further states: ‘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’.

4.10 The Planning Officer acknowledges that the proposal is for ‘*new employment generating development*’ and the engagement of Policy SLE1.

4.11 Policies in development plans should never be interpreted slavishly – while the development may be considered to be a *sui generis* use, a fundamental characteristic is the provision of employment in the distribution of fuels. Indeed, this proposal will provide some 17 full time job opportunities. There is, of course, no justification for a different approach to the relevance of local planning policy (that this proposal is employment generating development engaging Policy SLE1) to this

proposal than that considered with the 'Sugarswell proposal'. That said, there are substantial differences between the two sites, which are fundamental in terms of the application of Policy SLE1 – namely:

- i. This site is a committed, but vacant, employment site.
- ii. This site comprises Previously Developed Land.
- iii. In contradistinction, the Sugarswell site did not comprise a committed employment site and involved the proposed expansion of a committed employment site onto adjoining Greenfield land.

4.12 The Council's strategy is to 'focus' employment development on existing employment sites. Existing employment sites are referred to in Policy SLE1 as being '*operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas*' [emphasis added].

4.13 It forms no part of development plan policy that an applicant has to undertake some form of sequential test when seeking to locate '*employment generating development*' on a committed employment site. Policy SLE1 reasonably states that '*employment generating development will be permitted subject to compliance with other policies in the Plan and other material considerations*'.

4.14 In conclusion, there is no development plan policy basis for an objection in principle to this development on the application site, which is a committed employment site that is presently vacant.

4.15 National planning policy (NPPF) does not impose any 'sequential test' on proposals to locate employment development on land committed for employment development. No special local

circumstances were advanced in the Core Strategy to justify a more restrictive approach to the location of employment than provided for by the Framework 2012 (28).

- 4.16 It is submitted that it is beyond peradventure that this proposed industrial operation should be primarily considered in the context of the provisions of Policy SLE1.

Other policies in the Local Plan 2031

- 4.17 Other policies of relevance to this proposal include:

- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Local Landscape Protection and the Environment

Saved Policies from Cherwell Local Plan 1996

- TR7: Development attracting traffic on minor roads
- TR10: Heavy Goods Vehicles
- C28: Layout, design and external appearance of new development
- C31: Compatibility of proposals in residential areas
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Development on contaminated land

Material Considerations

- 4.18 A material consideration which is to be given '*substantial weight*' is the provision of national planning policy as set out in the Framework 2019, supported by the Planning Practice Guidance.

Conclusion

- 4.19 The merits of the proposal are considered in the context of these policies.

5.0 PLANNING CONSIDERATIONS

5.1 A development proposal does not have to accord with each and every policy in a development plan to be said to be in accordance with the development plan for the purposes of S38(6). This is the reasoning why it is important to establish which policies in a development plan are especially relevant to a development proposal. For the reasons explained in the preceding section, Policy SLE1 (Employment Development) is considered to be the dominant policy provision for this development.

5.2 Policy SLE1 sets out the spatial focus for locating employment development, stating:

*‘Employment development will be focused on existing employment sites. On existing operational or **vacant employment sites** at Banbury, Bicester, Kidlington and **in the rural areas**, employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations.’* [emphasis added]

5.3 Fundamentally, Policy SLE1 does not impose any form of sequential test upon an applicant in the sense that it has to be demonstrated no suitable land is available to accommodate the proposed investment within Banbury, Bicester or Kidlington before considering an existing employment site in the rural area. In short form, the focus for locating employment development is *‘on existing operational or vacant employment sites at Banbury, Bicester, Kidlington **and** in the rural areas’*. [emphasis added]

5.4 The Core Strategy was examined for soundness – i.e. compliance with national planning policy – against the provisions of the Framework 2012. Section 1 (Building a strong competitive economy)

made no provision for the application of any form of sequential test. The supporting text to Policy SLE1 provides no special justification for such an approach.

5.5 Policy statements should be interpreted objectively in accordance with the languages used, read – as always – in its proper context. Policy SLE1 does not confer a sequentially higher status on employment land between different locations. Indeed, a '*flexible approach*' is embedded in the Policy. Existing and vacant employment sites at Banbury, Bicester, Kidlington and the rural areas have equal status as the focus for new employment-generating development.

5.6 It is submitted that, subject to compliance with other policies in the Plan and other material considerations, the principle of development on this committed employment site is acceptable.

5.7 In the determination of the application adjoining Sugarswell Business Park (Ref: 19/01202/F), the Planning Officer usefully identifies other '*key issues for consideration*', namely:

- Design and impact on the character of the area, including landscape impact
- Highway safety
- Residential amenity
- Ecology and biodiversity
- Drainage and flood risk

5.8 This Planning Statement follows a similar analysis – with an important and highly relevant distinction – namely, the existence of an implemented planning permission for Class B2 development, including a substantial industrial building. Furthermore, the site comprises Previously Developed Land, whereas the land at Sugarswell Business Park was Greenfield land.

Design and impact on the character of the area, including landscape impact

- 5.9 Reference is made to Saved Policy C28 of the Cherwell Local Plan 1996, which exercises control over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character and context of that development.
- 5.10 Policy ESD13 of the Local Plan 2031 states that proposals will not normally be permitted if they would cause undue visual intrusion into the countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character or impact on areas judged to have a high level of tranquillity.
- 5.11 The past working of this site in association with stone extraction and processing has created a landform that is well suited to discreetly accommodate the proposed development.
- 5.12 The site is well contained physically and visually by existing boundary tree belts to the west, established native hedging to the south and east, and by substantial bunding to the north and east, combined with new native boundary planting on top of the bunds.
- 5.13 This application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which has been prepared in accordance with good practice. The LVIA concludes:

'The landscape area has a medium sensitivity but the proposed development would be sited in a well contained location adjacent to existing commercial buildings of similar size and scale. Therefore there would be very minor loss or alteration to the key characteristics or features of the area and this would be compensated by recently implemented landscape enhancement planting.'

Visually the site location is well screened from all locations by trees and or hedgerows and topography. The site is in a low lying location with significant bunding already in place. Visual significance has been classed as negligible for all receptors for the construction phase, year zero and at year fifteen.

The proposed site area has implemented planning permission for an industrial building, B2 use (Planning Application reference 17/02553/CM). The footprint of this building is similar in area to the to the proposed fuel tank area but at a height of 9.7 metres this building would be nearly twice as high as the highest structures (5 metre height) on the proposed fuel depot.'

5.14 As a material consideration when assessing the impact of the proposal on landscape, the extant planning permission for a substantial new building represents a genuine fall back planning situation. This building has a similar footprint to the proposed fuel tank area, but the building would be nearly twice as high as the highest plant in the current proposal.

5.15 The design of the development is considered to be appropriate to fulfil its function as a fuel depot with administrative accommodation. Design should be considered in a local spatial context, which includes the operational activities on land to the west, and the permitted (and commenced) complex of modern agricultural buildings to the east (Ref: 16/00752/F). The proposals are considered compliant with saved Policy C28.

5.16 It is acknowledged that the Government attaches great importance to the design of built development within the Framework. Design does have to be considered in the context of the surroundings in which the development is proposed.

5.17 As a consequence of former mineral activity, the land level is lower than the surrounding agricultural land. The site has the benefit of recently completed native hedgerow planting which has now reached circa 2.0 – 2.5m in height. Landscape bunds have been provided around the site to the north and east. Land to the east has a committed planning permission for new agricultural buildings of a substantial scale.

5.18 The accompanying Lighting Impact Assessment demonstrates that the proposed development will have an insignificant effect on the immediate environment with respect to light spillage. Although the proposal will increase illuminance levels at some locations, the potential increase in illuminance is considered negligible.

Conclusion

5.19 It is submitted that the design of the office building, and the plant for the distribution of fuel, is appropriate to the spatial context of this site. The conclusion is reached that the proposal would have a lower impact upon the landscape than the approved development. It is submitted that the underlying purpose of Saved Policy CS.28 and Local Plan 2031 Policy ESD 13 are not offended by this proposal.

Highway Safety

5.20 The application is accompanied by a Transport Statement (TS) and a Travel Plan (TP). The TS has considered the impact of the development upon the surrounding highway network and concludes (paragraphs 5.1.5 – 5.1.7):

'It is estimated that up to 158 fuel tanker trips will be generated per week; this equates to an average of only 29 trips per day based on a week of five and a half days. This includes the smaller depot tankers delivering fuel to locations within a 50-mile radius of Banbury from Monday to Saturday, as well as the larger articulated tanker trucks bringing fuel to the depot from Monday to Sunday.'

A full 360-degree route analysis was undertaken to include the cities and towns considered to fall within the 50-mile radius delivery area.

This routing analysis demonstrates that the tanker trips predicted to be generated by the proposed development will be contained to 'A' class roads until reaching their final destination and have a negligible impact on the local highway network and villages surrounding them.'

5.21 As a material planning consideration of substantial weight, the Framework 109 states:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**.'* [emphasis added]

5.22 This 'threshold' is far removed from the '*negligible impact*' identified within the TS. It is considered that this proposal satisfies Policy ESD15 of the Cherwell Local Plan 2031.

5.23 Policy SLE4 states that:

*'All development, **where reasonable to do so**, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.'* [emphasis added]

5.24 The accompanying Travel Plan Statement makes reference to the opportunities that may be available for car sharing – principally for office workers, as tanker drivers will return to the base at different times. Provision is to be made for a ECV point and covered cycling facilities. The Framework emphasises (103) that the '*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-taking*'.

5.25 The Chief Planner has recently urged planning authorities to '*be pragmatic, practical and let's plan for recovery*' (Letter to LPAs, March 2020). It is submitted that a pragmatic and practical assessment should conclude that this development is acceptable in the context of local planning policies that encourage sustainable transport.

5.26 Moreover, in the context of national planning policy, it could not be substantiated with cogent evidence that the '*residual cumulative impacts on the road network would be severe*'. Indeed, in undertaking this assessment, it is necessary to have regard to the potential level of employment that could occur pursuant to the current B2 consent. The approved building has a floorspace of

some 1,220m². Homes England employment densities for Class B2 development indicate that this building might provide employment for some 34 personnel (based on 36m² GIA floorspace per employee according to *Homes & Communities Agency Employment Density Guide 2015*). A Class B2 use could result in twice the number of personnel working at this site than is proposed with this particular form of development.

- 5.27 The TS includes a route map for the Johnsons Excel bus service 7, which runs along the A422. It is acknowledged that the service would provide only a limited opportunity to travel by bus. The site may provide some opportunities for access by bicycle. The road network is of a suitable geometry for providing safe cycling with good levels of forward visibility.

Conclusion

- 5.28 It is, again, material to have regard to the fall back situation with a development that could provide significantly higher levels of employment. It is considered that the proposal, recognising the locational limitations of the development on a committed employment site, is compliant with Policy SLE4.

Residential amenity

- 5.29 Given the location of the site away from existing residential properties, the development will not have a significant impact upon residential amenity.

5.30 The planning application is accompanied by a Noise Assessment, which has established that the activity will not cause unacceptable disturbance to residential amenity. The Assessment concludes:

'There are relatively few residential properties surrounding the site, with those potentially affected located to the south of the quarry.'

Calculations of the noise levels attributable to the operation of the depot have been made, based upon the noise levels associated with the worst case period, which is normally during the early morning, as the vehicles are readied for the days deliveries and associated with overnight deliveries of fuel to the depot.

An assessment of the calculated noise levels during the overnight period has been made, which indicated that the operation of the depot would have a low potential to give rise to adverse noise impact at surrounding properties. The operation of the site is therefore considered to be acceptable from a noise perspective and would not result in any significant adverse impact, thus complying with the requirements of the NPPF.'

5.31 The application is accompanied by an Air Quality Assessment, which concludes (paragraphs 6.3 & 6.4):

'In terms of fugitive emissions to air from the storage of fuel oil (kerosene and diesel) at the proposed depot, the air quality effects are also judged to be not significant on the basis that operations will employ BAT to limit any emissions to air, and that there are no sensitive receptors located very near to the proposed development.'

Overall, the air quality effects of the operation of the proposed facility are judged to be 'not significant'.

Conclusion

- 5.32 The operation of the site is considered to be acceptable from a noise and air quality perspective and would not result in any significant adverse impact, thus complying with the requirements of the NPPF. Policy CS1 of the Cherwell Local Plan 2031 is satisfied by the development.

Ecology and biodiversity

- 5.33 The application is accompanied by an Ecological Appraisal, which concludes:

'The site is dominated by ephemeral vegetation and bare ground of limited ecological distinctiveness as a result of its historic use and existing ambient levels of disturbance. The habitats on site do, however, offer some value to densities of common and widespread invertebrates, particularly when associated with the southern boundary hedgerow, waterbody and tall ruderal vegetation. This value subsequently offers a foraging resource to dispersing species such as grass snake, common amphibians, badger and bats. In consideration of this identified ecological suitability, this report seeks to recommend a precautionary approach to disturbing works in an effort to ensure commuting species are not directly or indirectly impacted by the proposals.'

- 5.34 Policy ESD 10 of the Cherwell Local Plan 2031 is satisfied by this development. Details of lighting levels for the operation of the depot can be adequately addressed through the imposition of a reasonable condition on a grant of planning permission.

Conclusion

- 5.35 It is submitted that the proposals are compliant with Policy ESD 10 of the Cherwell local Plan and the Framework 170. No significant harm is caused to biodiversity resulting from this development (Framework 175).

Drainage and Flood Risk

- 5.36 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The reports conclude (section 8):

'The site is located within Flood Zone 1, according to EA flood maps and the NPPF confirms that a site within Flood Zone 1 is suitable for industrial development.

The surface water drainage system will be designed to cater for storms up to the 1 in 100 year storm event plus 40% for climate change and proposed levels will be set such that exceedance flows will be directed away from any development.

Drainage strategies have been prepared with and without using infiltration to demonstrate that the development can accommodate either approach to the management surface water runoff.

Foul water from the office block will be disposed of via an on-site package sewage treatment system with a discharge to the ground via a drainage field. EA consent for this arrangement will be obtained.

A management company will be appointed to maintain both the foul and surface water drainage systems on the site. The management company will be qualified and experienced to ensure the long-term performance will be maintained in accordance with the design.'

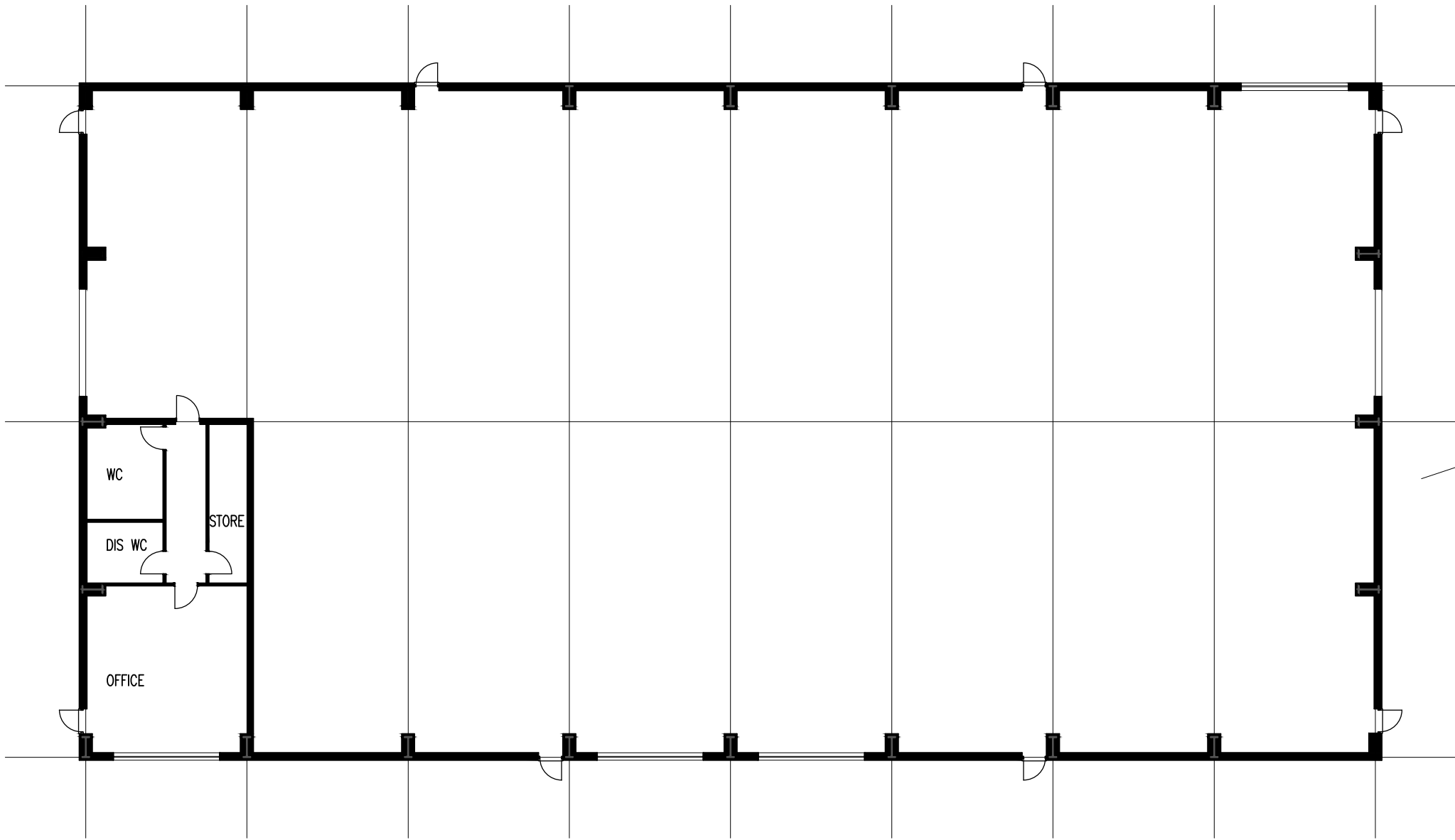
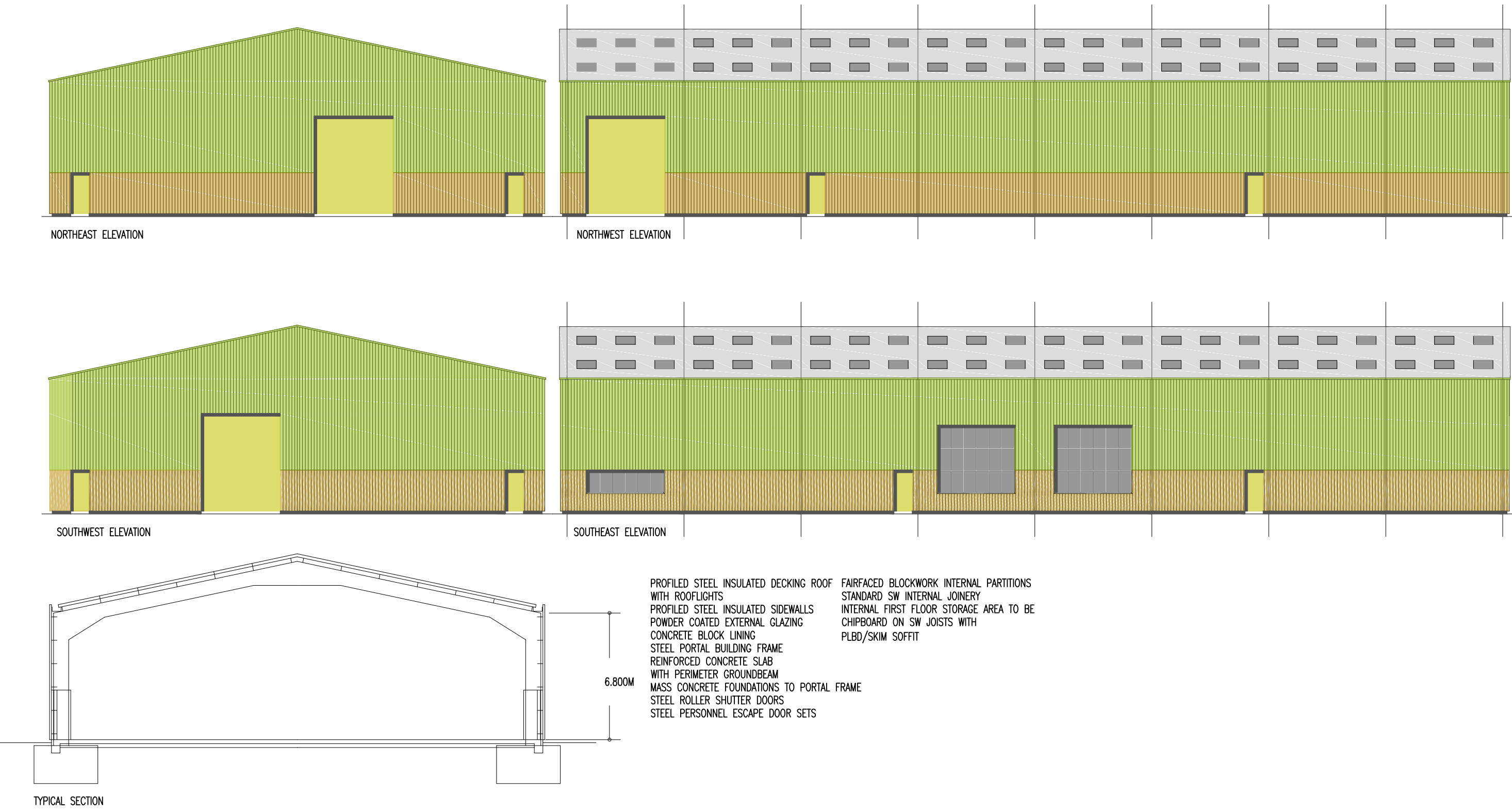
5.37 It is submitted that the proposal satisfies policies ESD 6 and ESD 7 of the Cherwell Local Plan.

6.0 CONCLUSIONS

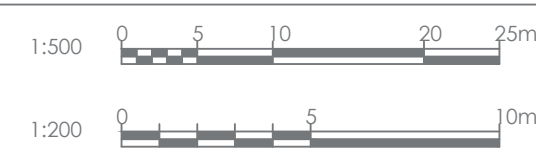
- 6.1 This proposal seeks planning permission for employment generating development on a committed employment site – which has an extant planning permission for Class B2 development. It is submitted that the proposal is compliant in principle with Policy SLE1, and that the proposals are consistent with other relevant policies in the development plan.
- 6.2 As such, the proposal is considered to be in accordance with the development plan – attracting the presumption in favour of sustainable development. Material considerations provided by the Framework add ‘*significant weight*’ in favour of the granting of planning permission. A planning permission should be granted.
- 6.3 The LPA should welcome the fact that Certas has been successful in locating a new site within Cherwell District in which to contribute to the growth of the local economy – and maintain existing employment within the District. In so doing, this relocation provides the opportunity for the renewal of the existing site off Tramway Road as pursuant to the aspirations in the Cherwell Local Plan for a residential-led regeneration of Canalside.
- 6.4 In undertaking the planning judgement on this proposal, it is fundamental to recognise that the development plan has not been prepared in the context of the severest economic recession for this country in the last hundred years.

Appendix 1

Dwg No. CUV/3009/PA/100 Rev A – Approved Details of Industrial Building



DO NOT SCALE FROM THIS DRAWING USE DIMENSIONS ONLY AS ALL DIMENSIONS ARE TO BE TAKEN FROM THE DRAWING
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www.rickett.co.uk

dwg no
client
project
title
date
drawn
check

11.17
ar

scale
1:200/1:500
check

a	11.17	site features removed		
cu	3009	pa	100	a
client	cuvette property			
project	hornton quarry site			
title	proposed industrial building plans, elevations and siteplan			
date	11.17	scale	1:200/1:500	stage
drawn	ar	check		

detail
north
3

Appendix 2

Decision Notice for MW.0090/14 – outline application

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND)
ORDER 2010

To: Mr Finlay Scott,
C/o Agent

CONDITIONAL PLANNING PERMISSION

Outline Planning Permission for the conservation stone yard area for the processing of stone as class B2 of the Town and Country Planning (Use Classes) Order 1987 at Hornton Grounds, Hornton, Banbury, OX15 6HH

The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby GRANT PLANNING PERMISSION for this development SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.

The reasons for approval are set out in the attached Schedule 3.

Dated: 02/12/14



on behalf of Director for Environment & Economy

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Notes

IMPORTANT

- This permission does not convey or imply any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- Application for approval under the Building Regulations must be made to the Council for the district in which the land is situated.
- Except in the case of small domestic development, the Chief Fire Officer, Sterling Road, Kidlington, Oxford, OX5 2DU, Telephone: Kidlington 4211, should be consulted before work is commenced. This may save expensive alterations at a later stage.
- In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

- If you are aggrieved by the decision of the County planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, however if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the County Planning Authority's decision on your application then you must do so within either 28 days of the date of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier. Appeals must be made on a form, which you can get from the Planning Inspectorate at Temple Quay House, 2, The Square, Temple Quay, Bristol. BS1 6PN
Helpline: 0117 3726372
Website: www.planningportal.gov.uk/planning/appeals
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the County planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Schedule 1 - Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise PF 8930.02.

Reason: To ensure that the development is carried out as proposed.

2. That in the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date hereof.

Reason: By virtue of the provision of Section 92 (2) (a) of the Town and Country Planning Act, 1990.

3. The development shall be begun not later than the expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: By decision of the Local Planning Authority in accordance with Section 91 (1) (b) of the Town and Country Planning Act, 1990 to secure the proper timing of the development.

4. No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, shall be carried out at the site except between the following times:-
7.00 am to 18.00 pm Mondays to Fridays
7.00 am to 13.00 pm Saturdays
No such operations shall take place on Sundays or recognised public and bank holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: To protect the local amenity. Policy ENV1 CLP

5. Noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour), freefield at the site boundary.

Reason: To protect the local amenity. Policy ENV1 CLP

6. No works shall be carried out other than in accordance with Section 4.2 of the Preliminary Ecological Assessment (Cotswold Wildlife Surveys, 29th September 2014) which contains mitigation measures.

Reason: To promote the interests of nature conservation. Policy C1 CLP.

7. The existing trees, bushes and hedgerows within the site, as shown on the habitat plan in Appendix 1 of the Preliminary Ecological Assessment shall be retained and shall not be felled, lopped, topped or removed in areas outside the current or succeeding phase of development. Any such vegetation removed without consent, dying, being severely damaged or seriously diseased shall be replaced with trees or bushes of the same size and species, in the planting season

immediately following such occurrences.

Reason: To protect the amenity of the area. Policy ENV1 CLP.

8. The number of lorry movements shall be no more than 10 (5 in, 5 out) per day.

Reason: To control the number of HGVs through the village of Wroxton. Policy TR10 CLP.

Informative

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

If any protected species (e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

European Protected Species wording for Committee Reports

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to

hibernate or migrate; or

b) to affect significantly the local distribution or abundance of the species to which they belong.

Damage or destruction of an EPS breeding site or resting place. Ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

For the avoidance of doubt "Lorry Movements" refers to either entering or leaving the site. One delivery would equal two movements; one in and one out. The movement will only relate to the final destination; if the lorry is passing through one site to another it will count as movements to and from the site to which the delivery is made.

Schedule 2 - Relevant Development Plan Policies

Cherwell Local Plan Saved Policies (CLP): EMP4, TR7, TR10, C1, C13 and ENV1.

Schedule 3 - Reasons for Approval

The development would be in accordance with the principle of sustainable development. There would be no significant amenity or transport impacts for the application, and so it should be permitted with appropriate conditions.

Appendix 3

Decision Notice for MW.0076/16 – outline application

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND)
ORDER 2015

To: Finlay Scott

CONDITIONAL PLANNING PERMISSION

Outline planning permission for change of use of, the conservation stone yard area for the processing of stone, to class B2 of the Town and Country Planning (Use Classes) Order 1987 at Hornton Grounds, Hornton, Banbury, OX15 6HH

The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby GRANT PLANNING PERMISSION for this development SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.

The reasons for approval are set out in the attached Schedule 3.

A handwritten signature in dark ink, appearing to be 'J. Finlay', with a long horizontal line extending to the right.

Dated: 17th August 2016

On behalf of Deputy Director (Strategy and Infrastructure Planning)

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Notes

IMPORTANT

- This permission does not convey or imply any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- Application for approval under the Building Regulations must be made to the Council for the district in which the land is situated.

Appeals to the Secretary of State

- If you are aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, however if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the County Planning Authority's decision on your application then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the County planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Schedule 1 - Conditions

Conditions

1. The development shall be carried out in strict accordance with the approved plans and particulars as submitted in the application and also in accordance with plan PF/8930.03 and details of planning permission 08/01431/CM except as modified by conditions of this permission and accompanying plans, and with any approval which may be given in respect of the reserved matters and with any conditions which may be imposed in respect of such approval. The details of the planning permission comprise:
 - a) Application form dated 13/05/2016.
 - b) Email dated 2nd June confirming change of description.
 - c) Preliminary Ecological Appraisal dated 29th September 2014.
 - d) Planning Statement dated May 2016.
 - e) Location Plan Dwg.No. PF/8930.01
 - f) Transport statement dated July 2016 (incl appendices).

Reason: To ensure the details of the development are carried out in accordance with the application as amended or any subsequent approval.

2. That in the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date hereof.

Reason: By virtue of the provision of Section 92 (2) (a) of the Town and Country Planning Act, 1990.

3. The development to which this approval relates must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: By virtue of the provisions of Section 92 (2) (b) of the Town and Country Planning Act, 1990.

4. Approval of the details listed below (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
 - a) Details of how the site would be enhanced in order to achieve a net gain in biodiversity;
 - b) Enhanced hedgerow planting around the site;
 - c) Details of sustainable drainage, including the consideration of the need for a silt trap;
 - d) Details of proposed building; and
 - e) Landscape details.

Reason: The application is in outline only and not accompanied by detailed plans.

5. No operations, including the loading, unloading and dispatch of lorries, and the operation of plant, shall be carried out other than during the following hours:

Between 0700 and 1800 hours, Monday to Fridays; and
Between 0700 and 1300 hours on Saturdays.

No such operations shall take place on Sundays or recognised public and bank

holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: To protect the environment from development likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution. (Policy ENV1 of the CLP)

6. Noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour), freefield at the site boundary.

Reason: To protect the environment from development likely to cause materially detrimental levels of noise. (Policy ENV1 of the CLP)

7. Stone stockpiles shall not exceed a height of four metres.

Reason: To protect the local amenity. Policy ENV1 CLP

8. No works shall be carried out other than in accordance with Section 4.2 of the Preliminary Ecological Assessment (Cotswold Wildlife Surveys, 29th September 2014) which contains mitigation measures.

Reason: To promote the interests of biodiversity. Policy ESD10 CLP.

9. The existing trees, bushes and hedgerows within the site, as shown on the habitat plan in Appendix 1 of the Preliminary Ecological Assessment shall be retained and shall not be felled, lopped, topped or removed in areas outside the current or succeeding phase of development. Any such vegetation removed without consent, dying, being severely damaged or seriously diseased shall be replaced with trees or bushes of the same size and species, in the planting season immediately following such occurrences.

Reason: To protect the amenity of the area. Policy ENV1 CLP.

10. The number of lorry movements shall be no more than 4 (2 in, 2 out) per day.

Reason: To control the number of HGVs through the village of Wroxton. Policy TR10 CLP.

Informative

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

If any protected species (e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of trees, scrub, hedgerows or grassland should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

European Protected Species wording for Committee Reports

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place. Ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

For the avoidance of doubt "Lorry Movements" refers to either entering or leaving the site. One delivery would equal two movements; one in and one out. The movement will only relate to the final destination; if the lorry is passing through one site to another it will count as movements to and from the site to which the delivery is made.

Schedule 2 - Relevant Development Plan Policies

Cherwell Local Plan 2031 (CLP) adopted July 2015: PSD1, SLE1, ESD10, ESD 13

Schedule 3 - Reasons for Approval

The development would be in accordance with the principle of sustainable development. There would be no significant amenity or transport impacts for the application, and so it should be permitted with appropriate conditions.

Appendix 4

Decision Notice for MW.0105/17 – approval of reserved matters

Application No: MW.0105/17

District Ref: 17/02552/CM

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND)
ORDER 2015

To: Finlay Scott

CONDITIONAL APPROVAL OF RESERVED MATTERS

Reserved Matters pursuant to Condition 2 of planning permission 16/01155/CM which granted B2 Use at Hornton Grounds Farm, Street From Bell Street To Stratford Road, Hornton, Oxfordshire, OX15 6HH

The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby APPROVES the matters reserved in the outline permission reference no 16/01155/CM SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.

Dated: 31st May 2018



On behalf of the Director for Planning & Place

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Schedule 1 - Conditions

Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:

Application form dated 28/11/2017

Sustainability Statement

Drawing no PF/8930.01 Site Location Plan

Drawing no 3009-pa-100B Plans and Elevations

Drawing no HG 03B Soft Landscaping Plan

Reason: To ensure the development is carried out as proposed.

2. The development shall be carried out within two years of the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990

Informative

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

The habitat on and around the proposed development site and ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further

consideration of the Conservation of Species & Habitats Regulations is necessary.

Schedule 2 - Relevant Development Plan Policies

Cherwell Local Plan 2031 (CLP): PSD1, ESD 1, ESD 3, ESD 7, ESD 10, ESD 12, ESD 13, ESD 15, ESD 17.

Site Location Plan



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Our Ref. PJF/mb/PF/8930
Dwg.No. PF/8930.01

Our Ref: PJF/kjh/PF/9885&9929
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

28th November 2017

FAO Mr Kevin Broughton
Senior Planning Officer
Oxfordshire County Council
Speedwell House
Speedwell Street
Oxford
OX1 1NE

Dear Kevin,

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE PLANNING PERMISSIONS FOR THE CONSERVATION STONE YARD AREA FOR THE
PROCESSING OF STONE AS CLASS B2 OF THE TOWN AND COUNTRY PLANNING (USE CLASSES)
ORDER 1987
HORNTON GROUNDS, HORNTON, BANBURY, OX15 6HH**

**i) OXFORDSHIRE COUNTY COUNCIL REF. MW.0090/14
DISTRICT REF. 14/01286/CM
PLANNING PORTAL REF. PP-06560163**

**ii) OXFORDSHIRE COUNTY COUNCIL REF. MW.0076/16
DISTRICT REF. 16/01155/CM
PLANNING PORTAL REF. PP-06560866**

I refer to the above outline planning permissions that were granted by Oxfordshire County Council on 2nd December 2014 (MW.0090/14) and on the 17th August 2016 (MW.0076/16). I submit details for the reserved matters pursuant to condition 2 on the outline planning permissions. Condition 2 on both permissions states:

Condition 2 – Reserved Matters

"That in the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date hereof."

The grant of outline planning permissions did not reserve access for subsequent approval. These submissions comprises details of:

- Appearance;
- Landscaping;
- Layout; and

enquiries@framptons-planning.com
www.framptons-planning.com

Oriel House, 42 North Bar, Banbury,
Oxfordshire, OX16 0TH
T: 01295 672310 F: 01295 275606

Aylesford House, 72 Clarendon Street,
Leamington Spa, Warwickshire, CV32 4PE
T: 01926 831144

Oxford – Area Office, 4 Staplehurst Office Centre,
Weston on the Green, Bicester, Oxfordshire, OX25 3QU
T: 01295 672310

Appendix 5

Decision Notice for MW.0106/17 – approval of reserved matters

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND)
ORDER 2015

To: Finlay Scott

CONDITIONAL APPROVAL OF RESERVED MATTERS

Reserved Matters pursuant to Condition 2 of planning permission 14/01286/CM which granted permission for B2 Use at Hornton Grounds Quarry, Street From Stratford Road To Hornton Grounds Quarry, Hornton, Oxfordshire

The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby APPROVES the matters reserved in the outline permission reference no 14/01286/CM SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.

Dated: 31st May 2018



On behalf of the Director for Planning & Place

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Schedule 1 - Conditions

Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:

Application form dated 28/11/2017
Sustainability Statement
Drawing no PF/8930.03 Site Location Plan
Drawing no 3009-pa-100B Plans and Elevations
Drawing no HG 03B Soft Landscaping Plan
Bat Box Location Plan
Email dated 25/05/18 re Colours of materials

Reason: To ensure the development is carried out as proposed.

2. The development shall be carried out within two years of the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990

Informative

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

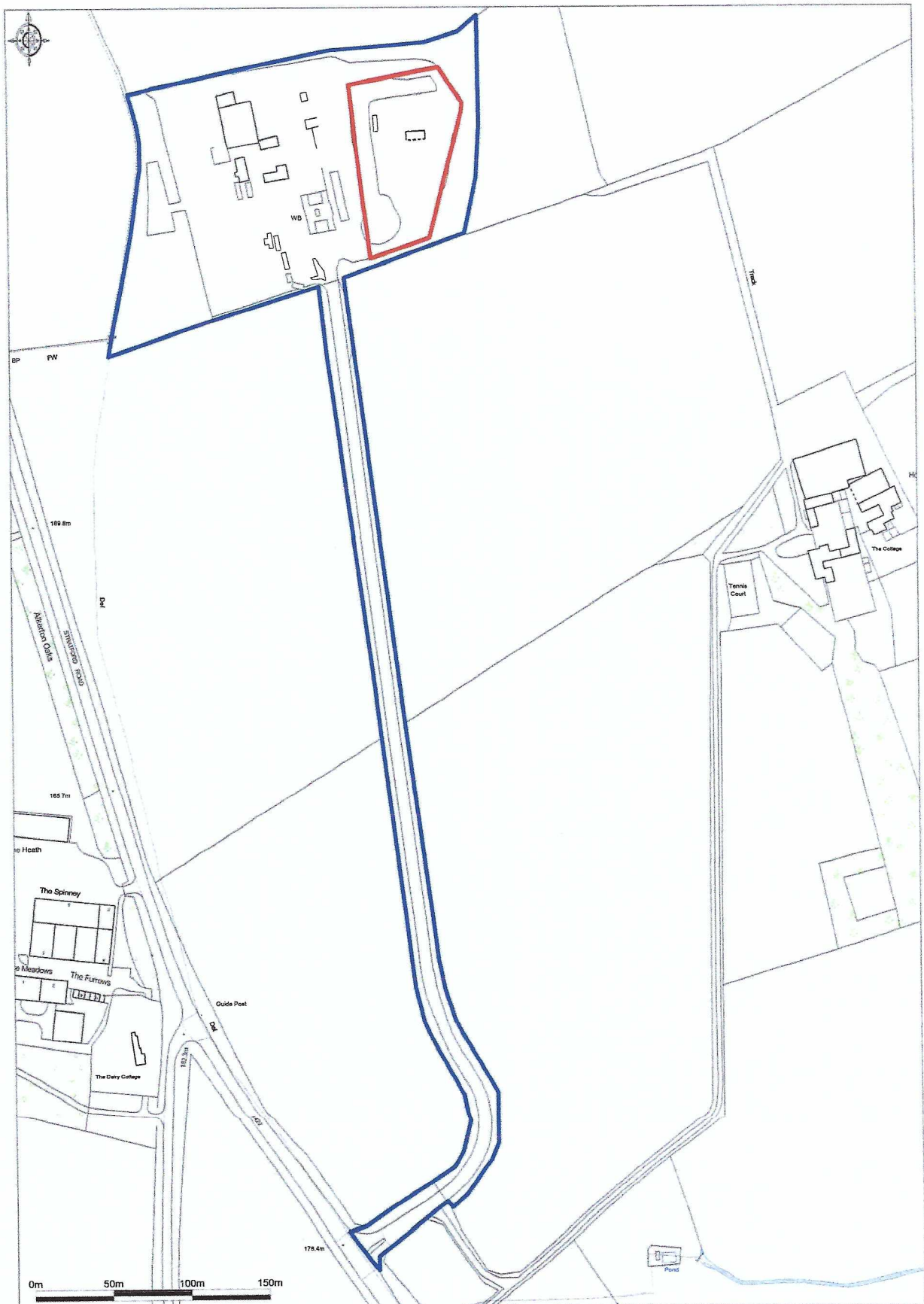
The habitat on and around the proposed development site and ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further

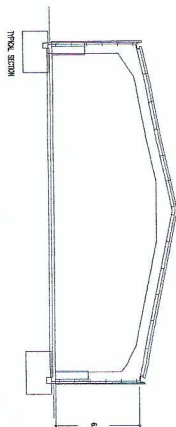
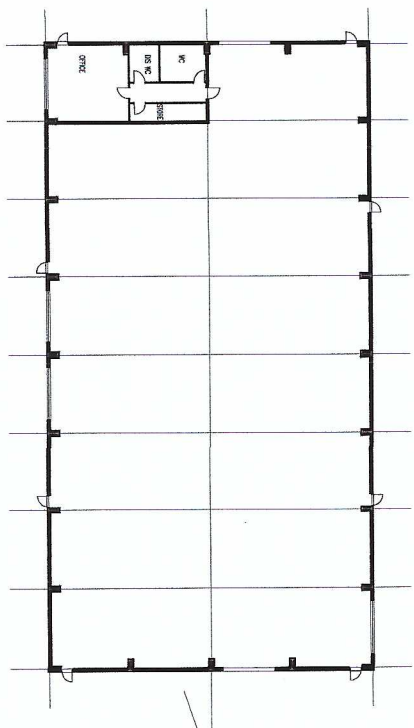
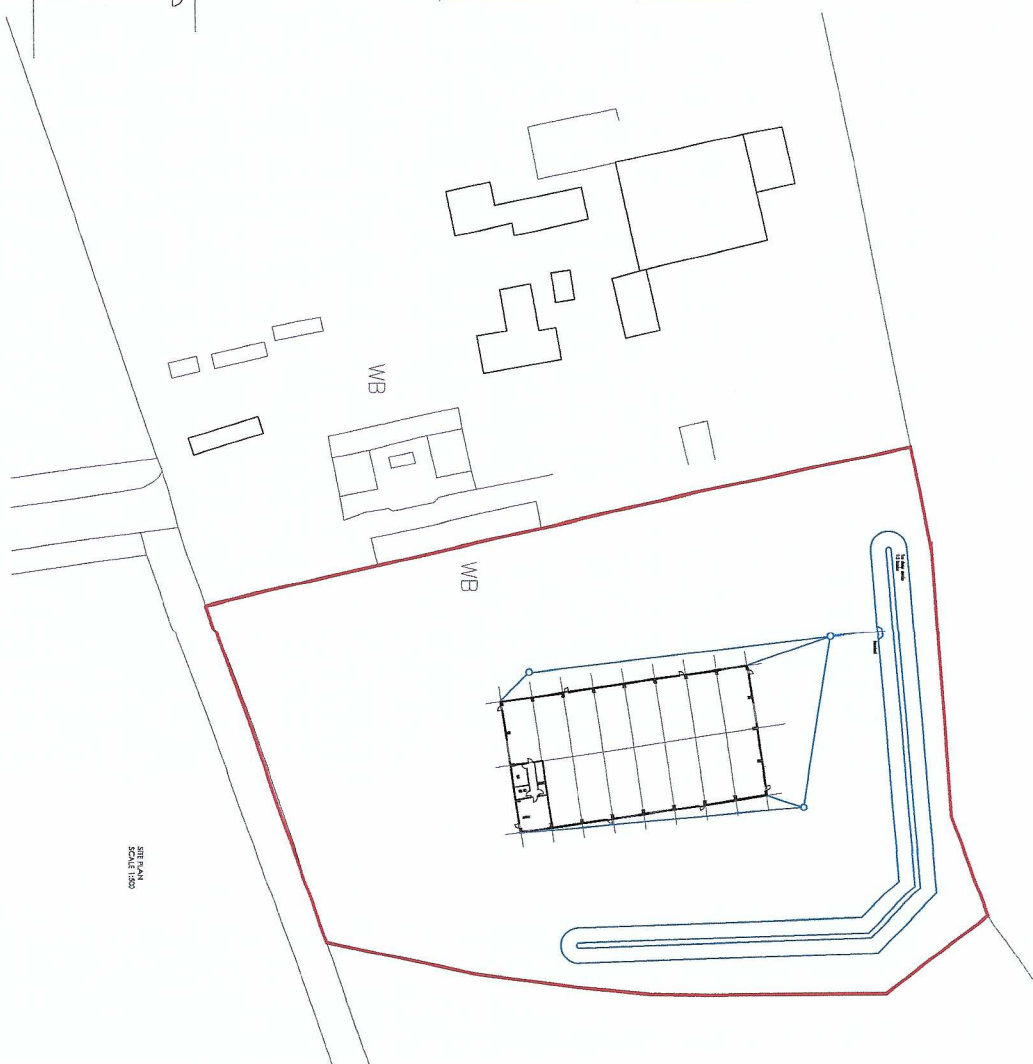
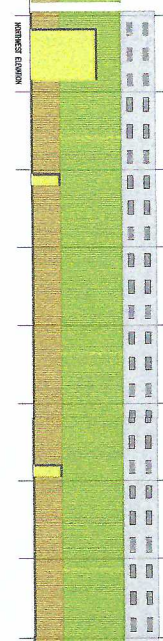
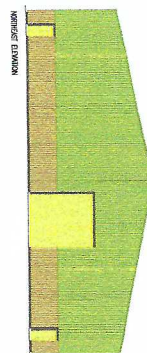
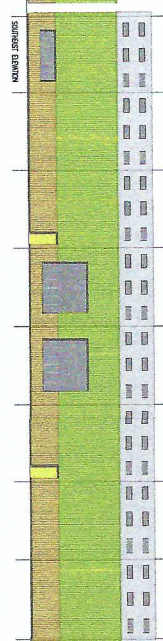
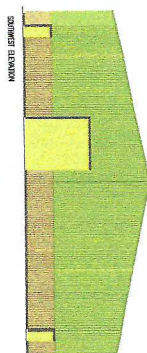
consideration of the Conservation of Species & Habitats Regulations is necessary.

Schedule 2 - Relevant Development Plan Policies

Cherwell Local Plan 2031 (CLP): PSD1, ESD 1, ESD 3, ESD 7, ESD 10, ESD 12, ESD 13, ESD 15, ESD 17

B2 use on the conservation stone area
Hornton Grounds



[illegible][illegible]

Hornton Grounds Quarry
Stratford Road
Hornton

17/02553/CM

Case Officer: Bob Neville

Recommendation: No objections

Applicant: Mr Finlay Scott

Proposal: Reserved matters pursuant to condition 2 of planning permission
14/01286/CM which granted permission for B2 use - OCC ref:-
MW.0106/17

Expiry Date: 9 January 2018

1. APPLICATION SITE AND LOCALITY

- 1.1. The consultation from the County Council relates to a site formerly granted consent for minerals (ironstone) extraction from the Wroxton Field Quarry, accessed from the A422 (Stratford Road) by an existing haulage road. The site is located on flat ground some 1km west of the village of Hornton. Views of the site are limited by the existing hedgerows.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.2. An application has been submitted to Oxfordshire County Council for determination and Cherwell District Council is acting as a consultee. Outline Planning Permission has previously been granted for the conservation stone yard area for the processing of stone as class B2 of the Town and Country Planning (Use Classes) Order 1987 under 14/01286/CM - OCC Ref MW.0090/14. This consultation relates an application for approval of reserved matters pursuant to Condition 2 of the outline planning permission relating to appearance, landscaping, layout and scale.
- 1.3. The proposals include the erection of a steel portal framed industrial building, with profiled metal roof and walls, a footprint of ~1220m² and overall ridge height of ~9.7m, with associated landscaping scheme.
- 1.4. A further consultation has also been received for a linked application with the same detail is to be dealt with under ref. 17/02552/CM.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
14/01286/CM	Outline Planning Permission for the conservation stone yard area for the processing of stone as class B2 of the Town and Country Planning (Use Classes) Order 1987 (OCC Ref MW.0090/14)	No objections
16/01155/CM	Outline planning permission for change of use of, the conservation stone yard area for the processing of stone, to class B2 of the Town and Country Planning (Use Classes)	No objections

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY AND CONSULTATION

- 5.1. As a County Matter application, all publicity and consultation has been carried out by Oxfordshire County Council. Cherwell District Council is a consultee only and has not undertaken any additional publicity or consultation.

6. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- 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)

- C28: Layout, design and external appearance of new development
- TR7: Development attracting traffic on minor roads.
- TR10: Heavy Goods Vehicles.
- ENV1: Environmental pollution

- 7.3. Other Material Planning Considerations

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

7. APPRAISAL

- 8.1. The proposal is a County Matter application and CDC is a consultee only. The key consideration is the effect the proposal might have upon the interests of the District, which in this case are considered to be the effect on visual amenities, the rural landscape, ecology and highway safety. It is expected that matters of ecology and highways fall within the scope of Oxfordshire County Council and that appropriate consultation and mitigation (if necessary) will be carried out.

- 8.2. The Council's Landscape officer has assessed the proposals and raises no objections subject to existing hedgerow systems being retained; commenting: *'For the purpose of mitigating the site and its use for the benefit of visual receptors on PRow 255/5/10 to the south of the site, the site's southern and eastern boundary hedgerows are to be retained and protected from damage in the long term. The site's western boundary hedgerow should also be retained and protected against damage for the purpose of physically containing the site from views from the highway to the west'.*
- 8.3. Also as noted by the Landscape Officer, the site is within a landscape once deemed to be an Area of High Landscape Value in the CLP 1996, but now rescinded in the current Cherwell Local Plan with policy ESD 13 in favour of seeking to 'conserve and enhance the distinctive and highly valued local character of the entire District', and therefore the retention and protection of the above-mentioned hedgerow system is crucial to mitigate the harm to this sensitive landscape.
- 8.4. Given the context and location of the site, subject to the above mitigation, officers do not anticipate that the wider rural landscape would be significantly affected by the current proposal.

8. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposal is a County Matter and CDC is a consultee only. It is expected that the County Council will make a full assessment into the effects of the proposal, but from the District perspective it is considered that, subject to an assessment of the Ecology and highways of the site being approved and appropriate landscaping being implemented, the proposal would not result in significant harm to the visual amenities of the site and wider landscape within which it sits.

9. RECOMMENDATION

1. Cherwell District Council raises no objections to the proposal subject to appropriate consideration given to ecology and highways matters and the following comments: For the purpose of mitigating the site and its use for the benefit of visual receptors on PRow 255/5/10 to the south of the site, the site's southern and eastern boundary hedgerows are to be retained and protected from damage in the long term. The site's western boundary hedgerow should also be retained and protected against damage for the purpose of physically containing the site from views from the highway to the west.

Cherwell District Council requests that they be informed of the outcome of the application once a decision has been made.

Case Officer: Bob Neville

DATE: 11/01/18

Checked By: Emily Shaw

DATE: 12.01.2018

Appendix 6

Compliance Notification MW.0041/20

Date: 26/05/20
OCC ref: MW.0041/20

Debbie Jones
Framptons
Oriol House
42, North Bar Street
Banbury
Oxfordshire
OX16 0TH

Dear Debbie Jones

Details pursuant to condition 3 (Timescale) of planning permission 14/01286/CM (MW.0090/14) at Hornton Grounds Quarry, Street From Stratford Road to Hornton Grounds Quarry, Hornton, OX15 6HH

[Click here for decision details](#)

The Oxfordshire County Council, as Mineral Planning Authority, hereby confirms the clearance of the above condition(s) as detailed in Annex 1.

Yours sincerely



Susan Halliwell
Director for Planning & Place

Case Officer: Emma Bolster
Case Officer's Direct line: 07775 824954
Case Officer's Email: emma.bolster@oxfordshire.gov.uk
www.oxfordshire.gov.uk

ANNEX 1

Condition 3 of 14/01286/CM (MW.0090/14) states:

The development shall be begun not later than the expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Approval is given that the development has commenced within two years of the grant of planning permission for Reserved Matters, 17/02553/CM (MW.0106/17), issued 31 May 2018.

Appendix 7

Compliance Notification MW.0042/20



**OXFORDSHIRE
COUNTY COUNCIL**

Communities
County Hall
New Road
Oxford
OX1 1ND

Susan Halliwell
Director for Planning & Place

Date: 26/05/20
OCC ref: MW.0042/20

Debbie Jones
Framptons
Oriel House
42, North Bar Street
Banbury
Oxfordshire
OX16 0TH

Dear Debbie Jones

Details pursuant to Condition 3 (Timescale) and Condition 4 (Reserved Matters Details) of planning permissions 16/01155/CM (MW.0076/16) at Hornton Grounds Quarry, Street From Stratford Road to Hornton Grounds Quarry, Hornton, OX15 6HH

[Click here for decision details](#)

The Oxfordshire County Council, as Mineral Planning Authority, hereby confirms the clearance of the above condition(s) as detailed in Annex 1.

Yours sincerely

Susan Halliwell
Director for Planning & Place

Case Officer: Emma Bolster
Case Officer's Direct line: 07775 824954
Case Officer's Email: emma.bolster@oxfordshire.gov.uk
www.oxfordshire.gov.uk

ANNEX 1

Condition 3 of 16/01155/CM (MW.0076/16) states:

The development to which this approval relates must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Approval is given that the development commenced within two years of the grant of planning permission for Reserved Matters, 17/02252/CM (MW.0105/17), issued 31 May 2018

Condition 4 of 16/01155/CM (MW.0076/16) states:

Approval of the details listed below (hereinafter called "the reserved matters" shall be obtained from the local planning authority in writing before any development is commenced:

a) Details of how the site would be enhanced in order to achieve a net gain in biodiversity;

- b) Enhanced hedgerow planting around the site;
- c) Details of sustainable drainage, including consideration of the need for a silt trap;
- d) Details of proposed building; and
- e) Landscape details.

Approval is given that the details listed under condition 4, parts b, d and e 16/01155/CM (MW.0076/16) have been addressed in the approved documents under permission for Reserved Matters, 17/02252/CM (MW.0105/17), issued 31 May 2018.

Approval is given that the details listed under condition 4 parts a and c 16/01155/CM (MW.0076/16) have been addressed in the approved documents under permission for Reserved Matters, 17/02553/CM (MW.0106/17) issued 31 May 2018.