
APPLICATION NO.	P17/S2401/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	31.7.2017
PARISH	WALLINGFORD
WARD MEMBER(S)	Elaine Hornsby Imran Lokhon
APPLICANT	Rubies UK Real Estate Limited
SITE	Land adjoining Lester Way, Wallingford, OX10 9TA
PROPOSAL	Variation of condition 5 (Biodiversity) of planning permission P14/S2633/FUL
	(New 11,100m sq (B8) warehouse distribution unit with offices and trade showroom and detached 1620m sq (B1) headquarters offices. 214 car parking spaces accessed from the new service road off Hithercroft Road. 900m sq (B1) light industrial/research and development starter units accessed from Lester Way.(As clarified by additional Flood Risk Assessment (15 Jan 2015) and Air Quality Assessment (Dec 2014) Adenda and Biodiversity Accounting and Offsetting Land Report and access as amended by drawing no x213558-200-P1 and as further clarified by additional drainage information received on 18 March 2015 and archaeological report from Thames Valley Archaeological Services Ltd dated June 2014).
OFFICER	Sharon Crawford

1.0 INTRODUCTION

- 1.1 The application has been referred to the Planning Committee because the recommendation to grant planning permission conflicts with the views of the Wallingford Town Council.
- 1.2 The site lies at the junction of Hithercroft Road and Bosley Way (forming the western bypass to Wallingford). The site which extends to some 3.07 hectares (7.6 acres) is located on the western outskirts of the Hithercroft Industrial Estate adjoining Hithercroft Road and Wallingford's Western Bypass. Originally low grade agricultural land, the site has been isolated since the construction of the bypass. The land has been identified for employment use (and particularly warehouse distribution use) since publication of the Wallingford Local Plan in the 1980s.
- 1.3 The site is level and lies outside the Flood Risk zone areas as identified on the Current Environment Agency flood maps. The site benefits from a previous planning permission (reference P92/W01064) dated 10th March 1997 for a new access and junction to Hithercroft Road and an extension of Lester Way junction. This permission was not implemented and has lapsed.
- 1.4 Planning permission was granted in 2014 for a new warehouse distribution centre and for starter industrial units.
- 1.5 The site is identified on the Ordnance Survey Extract attached at Appendix 1.

2.0 **PROPOSAL**

2.1 This is an application under Section 73 of the Town and Country Planning Act for the variation of condition 5 – the biodiversity offsetting condition. The condition requires the following;

5. Commencement of Development to include ground clearance and site enabling works, shall not take place until a Biodiversity Offsetting Scheme appropriate to compensate for the minimum Conservation Credit Requirement of 10.8 Biodiversity Units, as assessed as the development biodiversity Impact with the Defra Biodiversity Offsetting Metric, has been submitted to and approved in writing by the Council.

The scheme to be approved pursuant to the above shall include:

1. Identification of an appropriate receptor site(s);
2. A management plan for the provision and maintenance of such offsetting measures for not less than 25 years from the date of implementation of the scheme;
3. The provision of contractual terms to secure the delivery of the offsetting measures (e.g. Environment Bank's Conservation Offset Purchase Agreement and Conservation Bank Agreement).

The written approval of the Council shall not be issued before the arrangements necessary to secure the delivery of the offsetting measures have been executed. The offsetting scheme shall be implemented in full accordance with the requirements of the approved scheme and no changes to the approved

scheme are permitted without the written consent of the Council.

Reason: To ensure that development shall not result in a biodiversity loss in accordance with the National Planning Policy Framework.

2.2 Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Wallingford Town Council** – Objection. Wallingford Town Councillors at their meeting on the 4th September resolved the following:

The original condition subject to this variation application stated that site enabling works shall not place until a Biodiversity Offsetting Scheme has been approved in writing.

Wallingford Town Council notes that the condition in question was apparently stipulated to ensure compliance with SODC Local Plan Policies;

Response: Objects

G2 - to ensure that countryside and environmental resources will be protected from adverse development.

C6 - "In considering proposals for development, the maintenance and enhancement of the biodiversity resource of the district will be sought. Full account of the effects of development on wildlife will be taken. Where there is any significant loss in biodiversity as part of a proposed development, the creation and maintenance of new landscape features, habitats, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources."

Wallingford Town Council objects to the removal of this condition which will allow potentially disruptive enabling works to take place without an approved Biodiversity Offsetting Scheme as being contrary to Local Plan Policies G2 and C6.

Countryside Officer - I am happy with the proposed amendment to the condition to allow for archaeological excavation and enabling works.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S2381/NM](#) - Approved (27/07/2017)

Non-material amendment to application ref. P14/S2633/FUL - condition 4 - reduction in BREEAM level required from Excellent Too Good.

New 11,100m sq (B8) warehouse distribution unit with offices and trade showroom and detached 1620m sq (B1) headquarters offices. 214 car parking spaces accessed from the new service road off Hithercroft Road. 900m sq (B1) light industrial/research and development starter units accessed from Lester Way. (As clarified by additional Flood Risk Assessment (15 Jan 2015) and Air Quality Assessment (Dec 2014) Adenda and Biodiversity Accounting and Offsetting Land Report and access as amended by drawing no x213558- 200-P1 and as further clarified by additional drainage information received on 18 March 2015 and archaeological report from Thames Valley Archaeological Services Ltd dated June 2014).

[P14/S2633/FUL](#) - Approved (05/06/2015)

New 11,100m sq (B8) warehouse distribution unit with offices and trade showroom and detached 1620m sq (B1) headquarters offices. 214 car parking spaces accessed from the new service road off Hithercroft Road. 900m sq (B1) light industrial/research and development starter units accessed from Lester Way. (As clarified by additional Flood Risk Assessment (15 Jan 2015) and Air Quality Assessment (Dec 2014) Adenda and Biodiversity Accounting and Offsetting Land Report and access as amended by drawing no x213558- 200-P1 and as further clarified by additional drainage information received on 18 March 2015 and archaeological report from Thames Valley Archaeological Services Ltd dated June 2014).

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CSQ2 - Sustainable design and construction

CSWAL1 - The Strategy for Wallingford

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

C4 - Landscape setting of settlements

C9 - Loss of landscape features

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

C6 - Maintain & enhance biodiversity

E5 - Business, industrial, warehousing and storage proposals

EP1 - Adverse affect on people and environment

EP2 - Adverse affect by noise or vibration

EP3 - Adverse affect by external lighting

EP6 - Sustainable drainage

EP7 - Impact on ground water resources

EP8 - Contaminated land

G2 - Protect district from adverse development

- 5.3 Neighbourhood Plan policies;
Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

Wallingford Town Council are working towards the adoption of a neighbourhood plan. The neighbourhood plan has limited weight at this stage.

- 5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

- 5.5 National Planning Policy Framework (NPPF)

- Paragraphs 117 to 119 – Ecology
- Paragraphs 186 to 187 – Determining applications

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

- 6.1 When assessing section 73 applications the Council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition. If the Council decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
- 6.2i **Variation of condition 5.** Policy C6 of SOLP aims to maintain & enhance biodiversity and justifies the addition of the original condition. Environment Bank (EB - a company working on behalf of the applicant) are engaged in preparing a biodiversity offset scheme for the development. There are 2 potential receptor sites suitable as providers: EB are gathering information to confirm which should be the most appropriate. They aim to have an offset scheme submitted to the LPA for approval shortly, ready for completion of agreements and initiation of the offsetting scheme. The developer is ready to fund and commence the scheme at the earliest opportunity.
- 6.2ii The applicant's aim is to commence development in Autumn/Winter 2017, however there are some other conditioned works which must take place prior to this; this includes some 3 months of archaeological site investigations. However, at present the biodiversity offsetting planning condition prohibits archaeology investigations until the biodiversity offset is in place.
- 6.2iii The application seeks to amend the planning condition to allow the archaeological works to proceed on site prior to the submission and agreement of the offsets scheme.
- 6.2iv There is no objection to the ground clearance works and archaeological investigations taking place before details of the Biodiversity Offsetting Scheme have been submitted to and approved by the LPA. These works will have no impact on biodiversity and there is flexibility to allow for a variation of the trigger point for the submission of the biodiversity information. For the most part the condition remains the same apart from the trigger point in the first sentence of the revised condition.
- 6.3 **Wallingford Town Council.** It is noted that the Wallingford Town Council (WTC) object to this application. However WTC have misinterpreted the proposal as they

have assumed that the condition is to be removed. The offsetting scheme is still required, the only change is to the trigger for the submission of the offsetting scheme.

- 6.4 **Community Infrastructure Levy (CIL).** CIL is not liable on variation of condition applications.

7.0 **CONCLUSION**

- 7.1 Officers recommend that planning permission is granted for the variation of condition 5 to allow for ground clearance works and archaeological investigations to take place before details of the Biodiversity Offsetting Scheme have been submitted to and approved by the LPA. These works will have no impact on biodiversity and there is flexibility to allow for a variation of the trigger point for the submission of the biodiversity information. The proposal continues to accord with the Development Plan Policies.

8.0 **RECOMMENDATION**

- 8.1 **To grant planning permission subject to the following condition:**

1. **Commencement of development other than ground clearance works and archaeological works shall not take place until a biodiversity offsetting scheme appropriate to compensate for the minimum conservation credit requirement of 10.8 biodiversity units, as assessed as the development biodiversity Impact with the defra biodiversity offsetting metric, has been submitted to and approved in writing by the council.**

The scheme to be approved pursuant to the above shall include:

1. **Identification of an appropriate receptor site(s).**
2. **A management plan for the provision and maintenance of such offsetting measures for not less than 25 years from the date of implementation of the scheme.**
3. **The provision of contractual terms to secure the delivery of the offsetting measures (e.g. environment bank's conservation offset purchase agreement and conservation bank agreement).**

The written approval of the council shall not be issued before the arrangements necessary to secure the delivery of the offsetting measures have been executed. The offsetting scheme shall be implemented in full accordance with the requirements of the approved scheme and no changes to the approved scheme are permitted without the written consent of the council.

Reason: to ensure that development shall not result in a biodiversity loss in accordance with the national planning policy framework.

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