

North Area Planning Committee;

13 March 2008

PART II - Approvals

08/00054/F

**Shenington With Alkerton - Former Upton Dairy Upton Estate
Upton Viva Banbury**

10.01.08

Revised scheme for the redevelopment of former dairy unit site.

For : Mr Marcus Blake c/o Mr Marcus Blake 50 South Bar Banbury
Oxon OX16 9AB

RECOMMENDATION :

Approval, subject to :

- 1 1.4A
- 2 3.0
- 3 3.1
- 4 That prior to the first occupation of any of the converted building for B1 (workshop) use or the new buildings for B8 (storage) purposes, the hardstanding between the existing tree belt and building 2 and to the north of parking spaces numbered 38-41 and the southernmost existing access track proposed to be broken up, shall be broken up in accordance with an agreed method statement which seeks to protect the root system of the existing trees to the east, removed and laid to grass and shall be retained as such at all times thereafter.
Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.
- 5 That prior to the first occupation of any of the converted building for B1 (workshop) use or the new buildings for B8 (storage) purposes, the northernmost access shall be improved in accordance with the submitted details shown on drawing number 0416-10f.
Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport and Policy T8 of the Oxfordshire Structure Plan 2016.
- 6 That before the proposed improved access to the north is first used the existing southern-most access onto the A422 shall be permanently stopped up by means of a boundary treatment to be first submitted to and approved in writing by the Local Planning Authority and shall not thereafter be used by any vehicular or pedestrian traffic whatsoever.
Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport and Policy T8 of

the Oxfordshire Structure Plan 2016.

7 4.13CC

8 That the external walls and roof(s) to be converted and new buildings shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.

9 4.14C

10 4.14D

11 7.13

12 That no plant, air compressor or air extraction equipment shall be installed on the site or in the buildings without prior written consent of the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from noise and smells in accordance with Policy G2 of the Oxfordshire Structure Plan 2016 and Policy ENV1 of the adopted Cherwell Local Plan.

13 That full details of any external lighting required on site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting. The lighting shall be installed and thereafter operated in accordance with the approved details.

Reason - In the interests of visual amenity and highway safety in accordance with Policy T8 of the Oxfordshire Structure Plan 2016 and C28 of the adopted Cherwell Local Plan.

14 The existing trees along the eastern boundary of the site shall be retained and properly maintained and that any tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.

15 That unless otherwise agreed in writing by the Local Planning Authority the existing trees shown to be retained to the west of the proposed woodchip building on drawing number 0416 – 10f, shall be retained, fenced around and properly maintained in accordance with the advice contained in the attached tree protection schedule and none of the trees shall be felled, topped, lopped or uprooted without the prior consent of the Local Planning Authority unless such tree has become dangerous. In the event of any tree dying or being seriously damaged or destroyed within five years from the completion of the development, a new tree of a species first approved in writing by the Local Planning Authority shall be planted and properly maintained in a position or positions first approved by the said Authority.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.

16 6.4AA

17 6.4BB

18 8.13

Planning Note(s)

1. Although not a conditional requirement of this permission, the applicant is advised to give serious consideration to the creation of a right turn lane facility at the entrance to the site off the A422 Banbury – Stratford Upon Avon road as there is concern about the proximity of right turning movements close to the right turning movements immediately to the south leading to the Alkerton Waste and Recycling Centre which may cause some confusion to other users of the public highway. If you wish to proceed further with this matter then please write to the Local Planning Authority who will be able to assist you further.
2. In respect of condition 15 you are advised that it may not be possible to successfully retain all of the trees unless the 4.5 metre wide track to the wood chip building is of a no-dig construction.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to issues of sustainability relating to development in rural areas; it addresses issues relating to highway safety and convenience, and has no undue adverse impact upon the character and appearance of its surroundings or upon the residential amenities of the neighbouring property. As such the proposal is in accordance with Policies G2, G5, T1, T8, EN1, E1 and E4 of the Oxfordshire Structure Plan 2016 and Policies EMP4, C7, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONSULTATIONS/REPRESENTATIONS

Parish Council has not commented.

Highway Authority recommends refusal of the application for the following reason:

The proposals will result in an increase in vehicular trips to an isolated and unsustainable location and do not incorporate measures to encourage travel on foot, by cycle or public transport. The proposals are therefore contrary to PPG13 and Oxfordshire County Council Structure Plan Policies E1, G1 and T1.

The Environmental Protection Officer (CDC) states that the site lies within an arsenic area and combined with the previous industrial use [agriculture] recommends the imposition of a suspected contamination condition SC8.13 (condition 18 above).

The Arboricultural Officer (CDC) recommends that a tree survey based on BS5837: 2005 is carried out to highlight what remedial tree works are necessary and provide the basis for a tree protection plan. It is important to see what measures are going to be put in place to protect the tree roots of the group of trees to the east of the buildings and that it is likely that only a no-dig solution to the proposed driveway between the two groups of trees to the west of the proposed wood chip burner building will save their roots from damage.

The applicant's agent states in support of the proposal (in summary) that :

In this revised scheme there are no changes to Building Two compared with the previously approved schemes 05/02267/F and 06/02265/F;

Similarly the proposed renewable energy building remains the same as that previously approved (reference 06/02264/F) but has been moved slightly to facilitate the proposed changes to Building One;

The main change in this revised scheme relates to existing Buildings One and Three. There are two reasons for these changes:

1. To enhance the site by redesigning the replacement buildings with a more innovative design using a visually interesting form and materials; and
2. Although Buildings One and Three could be converted to commercial use, the work involved would be complex from an engineering perspective and the resultant re-engineering would limit the building's capacity for re-use.

The application is submitted in line with policy EMP4 [of the adopted Cherwell Local Plan] which permits redevelopment within an existing and acceptable employment site. As a site with a planning permission for employment it is possible to request this minor redevelopment within the policy. The proposed scheme can take place without detriment to residential amenity and the highway network whilst there is an enhancement to the appearance of the character of the landscape.

The Highway Consultants report [which still applies] written for the first (05/02267/F) application was based on all the units being used for B1 offices rather than B1 light industrial and B8 storage [for which consent was granted]. As a result the revised scheme [light industrial and storage] will generate less vehicle movements than the worst case scenario submitted for 05/02267/F.

Taking into account the light industrial use (rather than a pure B1 office use) it is hoped that the small increase in the size of Building One (reflecting a 5% increase in the site as a whole) will not have any significant impacts on the vehicle movements on site.

There are two minor changes to the boundary of the site as a whole. On the northern boundary the curtilage has been extended by 2 metres. This is to facilitate an increased gap between Building Two and Three allowing vehicles easier access to these buildings as they face each other. There is a slight change to the boundary to the rear of the renewable energy building to allow better siting of this building in relation to Building One.

HDC & MD'S ASSESSMENT

Site Location and Constraints

The application site is situated on the Upton Estate and is situated on the west side of the A422 Banbury to Stratford Road, just to the north of the junction to the Alkerton Waste and Recycling Centre. Along its eastern boundary is a belt of mature trees. To the south is an agricultural workers dwelling associated with the Upton Estate, to the north and west is agricultural land. The site is set at a lower level than the land to the north, which is largely flat. The land drops away to the west.

The site of some 1.1 hectares, comprises principally three redundant dairy farm buildings totalling 2,993 sq metres. All three redundant buildings are relatively modern in character and appearance being largely constructed with steel frames, with a mixture of blockwork and 'yorkshire' boarding.

The site is relatively well screened in the summer months particularly by the mature tree belt to the east and further planting to the south.

Planning History and Current Proposal

The proposal seeks planning permission to modify the previously consented schemes for this site. Those earlier schemes are as follows:

05/02267/F Change of Use of site from redundant dairy unit to B1 workshops and storage facilities. Conditional consent granted 20/01/06.

06/02264/F New portal frame building for renewable energy heating system incorporating access to adjoining site. Conditional consent granted 16/01/07.

06/02265/F Amendments to 05/02267/F to include extra mezzanine floorspace in Building Two and an additional six parking spaces. Conditional consent granted 05/01/07.

The current application seeks permission to convert the largest building on the site (Building Two) for B1 light industrial purposes but instead of converting Buildings One and Three, to replace them with two new buildings in virtually the same position. Both proposed buildings are to be used for lock up storage containers (as previously consented). In addition the previously approved renewable energy heating system building is proposed to be repositioned slightly to the south east to allow for the enlarged new Building One.

The two new buildings are proposed to be finished externally with brick plinth walls, timber boarded panels and artificial slate roofs. Building One measures 39.2 metres x 14 metres and Building Three measures 36 metres x 18 metres. Both buildings have ridge heights of 5.4 metres.

The improved access position is the same as previously consented as is the overall layout apart from the minor variations to the north and south of the site as described above.

Policy Considerations

The earlier consents were considered against Central Government guidance set out in Planning Policy Statement 7 (PPS7) "The Countryside and the Rural Economy" which encourages the reuse of buildings in the countryside for economic purposes subject to the following criteria:

1. The potential impact upon the countryside, landscapes and wildlife
2. Specific local economic and social needs and opportunities
3. Settlement patterns and accessibility to services, market and housing, the suitability of different types of buildings and of different scales for reuse
4. The need to preserve, or the desirability of preserving buildings of historic or architectural importance or interest, or which otherwise contribute to local character

and relevant Development Plan policies.

The Development Plan policies include:

(i) Oxfordshire Structure Plan 2016

Policies G1 (sustain economic prosperity and concentrate development in sustainable locations), E4 (proposals for small scale premises (up to about 500 sq metres) including proposals that encourage farm or rural diversification will normally be permitted in appropriate locations) and T8 (proposal should only be permitted if they provide adequate access and mitigation of adverse transport impacts)

(ii) the Adopted Cherwell Local Plan

Policy EMP 4 (in the rural areas proposals for employment generating development of the following types will normally be permitted :

- a) Within and existing acceptable employment site, including redevelopment;
- b) Conversion of an existing building or group of buildings (provided that the form bulk and general design of the buildings concerned is in keeping with the surrounding area and, in the case of a building beyond the limits of a settlement, can be converted without major rebuilding or extension);
- c) Within or adjoining settlements for a minor extension to an existing acceptable employment site;
provided that:

the proposal and any associated employment activities can be carried out without undue detriment to the appearance and character of the rural landscape and without harming the amenities of settlements or the special character and interest of a building of architectural or historic significance

The policies of overall restraint of growth in the Structure Plan are not breached).

(iii) The Non-Statutory Cherwell Local Plan 2011

Policy EMP4 which is similar to the adopted Cherwell Local Plan Policy EMP4 (above) but includes the following provisions:

The proposal is for small firms (up to about 500 sq metres) or for firms whose source of supply, commercial linkages, labour supply and markets make a specific location necessary for them; and

the proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.

Analysis

Having regard to the fact that the consented schemes could be implemented the primary considerations of the current proposal centre on:

- (a) whether the application accords with Policy EMP4 of the Adopted Cherwell Local Plan and that of the Non Statutory Cherwell Local Plan 2011 and
- (b) whether there are any other material considerations when compared with the consented schemes which would warrant a different decision being made in respect of the current application.

Examining each in turn:

- a. the applicant's submission is generated by the interpretation of Policy EMP4 in regard to paragraph (A) of that Policy, that is, as consent has been granted to create employment generating development on the site it must therefore be regarded as an acceptable employment site. However the earlier consents have not been implemented or part implemented and as such, strictly the site is not an "existing" employment site in the true sense of that term. However Building Two could be converted for the consented use which would render the site as an "existing" employment site and therefore Buildings One and Three could then be redeveloped thus complying with the Policy in my view. The issue is whether the applicants have to implement or part implement the consented schemes before being able to redevelop part of the site as currently proposed. Given that the majority of the consented floorspace will remain as a conversion and that a similar situation has arisen and been permitted at the nearby Sugarwell Business Park it does seem to me to be unreasonable to require the applicants to convert Buildings One and Three before applying to redevelop them.

- b. The Highway Authority have consistently recommended the refusal of any proposals to increase commercial floorspace on this site over and above that originally permitted under application 05/02267/F - to which they did not raise objections, subject to, inter alia, the implementation of a Green Travel Plan. The applicants are willing to implement a Green Travel Plan as before. The increased overall floorspace compared with that consented is in the order of 8%. The earlier mezzanine floor increase (06/02265/F) amounted to 4.5% increase in the floorspace.

It was previously argued that the 4.5% increase was so marginal that it would be difficult to defend a case of refusal based on sustainability arguments over such a small increase in floorspace. Again, in this case, the Local Planning Authority have to consider whether the increase now proposed is significant such that a case of refusal on sustainability grounds could be defended at appeal. I have concluded, as before, that the increase is not significant enough to warrant withholding planning permission for this reason.

The redevelopment of the Buildings One and Three has afforded the opportunity to redesign the external appearance of these buildings and in my opinion, the design solution now being proposed will enhance the visual appearance of the locality.

Conclusion

I have concluded that, having regard to the commitments for commercial uses on the site from the conversion of existing buildings by earlier consents, the application to redevelop part of the site does not breach Employment Policies of the adopted and Non Statutory Cherwell Local Plans. Furthermore the increase in floorspace is not significant enough to justify the refusal of the scheme on sustainability grounds. In addition there are no technical highway safety objections and the proposal does not cause demonstrable harm to interests of visual amenity or neighbouring property.

As such the proposals are therefore recommended for conditional approval.

08/00187/CDC

Banbury - Amenity Area At Sandford Green Banbury Oxfordshire

30.01.08

Change of use of part of existing amenity area to car parking providing 16 tandem spaces in total.

For : Cherwell District Council c/o Adrian Brearley Cherwell District Council Bodicote House Bodicote Banbury

RECOMMENDATION :

Approval, subject to :

- 1 1.4A
- 2 4.13CC
- 3 That one of the 16 parking spaces shall be a disabled parking space. Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport and Policy T8 of the Oxfordshire Structure Plan 2016.

Planning Note(s)

The applicant is advised that they may be required to enter into a Section 38 Agreement with the County Council in relation to the adoption of the parking spaces within the highway.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings and has no undue adverse impact upon residential amenities of neighbouring properties nor upon highway safety. As such the proposal is in accordance with Policies G2 and T8 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONSULTATIONS/REPRESENTATIONS

Banbury Town Council raises no objections.

The Local Highway Authority raises no objections subject to the retention of the parking and manoeuvring areas.

Two letters of representation have been received which are summarised as follows:

The improvement of the parking provision at Sandford Green would be welcomed.

Whilst the proposal will be of some benefit it will not alleviate the overall parking problems. We have particular problems with excess water, mud and access to some properties during heavy rain which is dangerous particularly for elderly people. Residents of Sandford Green have been campaigning for many years and have been promised by various Councillors that we will have the parking that we need, we are still waiting. I am very disappointed that we have once again been fobbed off with a cheap ineffective alternative.

HDC & MD'S ASSESSMENT

The proposal seeks consent for a change of use of part of the amenity area at Sandford Green, Banbury to parking for the residents. Sandford Green lies within the suburbs of Banbury, it does not lie within a Conservation Area, and there are no listed buildings, TPO trees or public footpaths within the vicinity of the site. The proposal involves two elements of parking provision which would be positioned parallel to the road on the edge of the amenity area to the north east and south east. The plans indicate that 16 parking bays will be provided as a result of the proposal. There is existing parking of this nature situated on the west and south sides of the amenity area.

There is no planning history which relates to the proposal and it has also been established that there is no planning history for the change of use of the amenity land for the existing parking bays, as such they do not benefit from planning permission. This matter is addressed below following the assessment of the current application.

The proposal stands to be assessed mainly against issues relating to visual amenity and highway safety.

With regard to the impact of the proposal upon visual amenity, the proposed parking areas would comprise a very small percentage of the amenity area. There is just enough room for vehicles to park adjacent to the amenity land and to allow other vehicles to pass at present, therefore it is not considered that the parking of vehicles just inside the green (once the hardstanding has been laid) would be detrimental to visual amenity and furthermore the extent of the loss of amenity area would be minimal. In addition to this, the existing parking areas on the opposite side of Sandford Green, which do not benefit from planning permission are appropriate in their appearance and their subsequent minimal impact upon visual amenity.

In terms of highway safety, the Local Highway Authority raises no objections subject to the retention of parking and manoeuvring areas. This requirement has been recommended as a condition above.

The proposal would have no impact upon neighbouring amenity in terms of loss of light or privacy.

The third party representations are noted. The concern raised about insufficient parking provision is not strictly a planning matter and should therefore be raised with the Head of Building Control and Engineering Services.

Given the above assessment, it is considered that the proposal would not cause undue harm to neighbouring or visual amenity, nor would it cause harm to highway safety. As such and having had regard to the adopted Cherwell Local Plan and the Non-Statutory Cherwell Local Plan 2011, the application is recommended for approval for the reason stated and subject to the above condition.

The application is brought before Members of the Committee due to the fact that Cherwell District Council is the applicant.

Referring to the existing parking provision at Sandford Green which does not benefit from planning permission, the Council's Assistant Engineer has been advised to either apply for retrospective planning permission for the development or to apply for a Certificate of Lawfulness for the development if it has been in place for more than 10 years. It is expected that were this to be a retrospective planning application it will be heard at Committee soon.