

Application No: 09/00097/F	Ward: Banbury Grimsbury and Castle	Date Valid: 27.01.09
Applicant:	Hella Manufacturing Ltd	
Site Address:	Noral Way, Banbury	

Proposal: Change of use of existing buildings from Class B2 and ancillary B1(A) to flexible uses: use Class B2 and/or B8 and ancillary B1(A)

1. Site Description and Proposal

The application is located at the northern end of the town adjacent to the former SAPA site. The whole site extends to approximately 10.29 hectares, however the application site which relates to the buildings themselves has an area of approximately 4.34 hectares. The factory buildings total approximately 17,370 square metres with ancillary office space. Access to the site is via Noral Way which has direct access onto the Southam Road. The site has an established B2 employment use.

Outline planning consent was granted for the application building in 1996 (95/01458/OUT refers). This was followed by a reserved matters application in 1996 (96/00184/REM refers). Further permissions were granted in 1996 and in 2004 relating to extensions to the building and the construction of an access road within the site to allow the construction of one way site traffic, (96/01506/F and 04/01491/F refers).

The site became vacant in January 2008 following a winding down period. The proposal seeks a change of use of the modern B2 building to a flexible B2/B8 use. The application has been submitted in the hope that the flexible permission will aid the marketing of the property enabling it to adapt more easily to market conditions.

2. Application Publicity

The application has been advertised by means of a site notice posted on Noral Way adjacent to the site and an advert in the local press. The statutory consultation period ends on 5 March 2009.

A letter of representation has been received from the owner of Hardwick Business Park whose objection relates to the access to the site. All traffic arriving at Hella need immediate access onto the Hella site. At present there is a security gate at the entrance which stops immediate access onto the property causing the following problems:

- (i) vehicles arriving at Hella block access to the Hardwick Business Park;
- (ii) vehicles use the Hardwick Business Park entrance to park and turn around;
- (iii) vehicles arrive early and/or park overnight close to Hella on Noral Way and make it difficult for access into Hardwick Business Park. Drivers of these vehicles often throw rubbish out onto the verge;
- (iv) many other vehicles not realizing Noral Way is a dead end have difficulty turning

around at the end of Noral Way.

3. Consultations

Banbury Town Council raise no objections to the proposal in the short term, the town needs to attract new employers and we understand the need for flexibility in difficult conditions. However, we are concerned that warehousing provides few and unskilled jobs.

Oxfordshire County Council as Highway Authority have yet to comment.

Oxfordshire County Council as Structure Plan Authority advise as this is an existing employment allocation in the adopted Local Plan and Non-Statutory Cherwell Local Plan there is no need for consultation. The District Council is best placed to assess in the context of its employment land review work for the LDF. Whether the proposed B8 element would meet local economic need.

The proposed needs to be assess proposed under Policies G1, G3, E1, E3 and T8 of the adopted Oxfordshire Structure Plan 2016 and the South East Plan as proposed to be modified by Policies RE2, RE3 and CC2.

Environment Agency advise that in accordance with PPS25 and their standing advice matrix that this development does not result in a more vulnerable use, nor does it change from water compatible to less vulnerable. As no operational development is proposed by the application, this is a low priority response proposal. However, as the development partly lies within flood zone 3 consideration should be given to flood proofing the development. Further comments regarding the flood proofing are awaited.

Cherwell District Council's Economic Development Officer supports the proposal in the current economic climate. It appears to meet the guidelines for the SPA/Hella site which were recently approved by the Executive for the re-use/re-development of the site. It would be beneficial to see this building brought back into use.

SEEDA – Comments are awaited.

SEERA – Comments are awaited.

4. Relevant Policy

Oxfordshire Structure Plan 2016	-	Policy E1 seeks to maintain economic prosperity within the district
Adopted Cherwell Local Plan 1996	-	Saved Policy EMP1 allocates this site for employment generating development
Non-Statutory Cherwell Local Plan 2011	-	Does not have any policies specific to this site as at the time of its preparation it was in active employment use that was expected to last the lifetime of the plan.

At the time of the preparation of the adopted Cherwell Local Plan, the application site was undeveloped and was allocated for employment generating development under Policy EMP1 which favourably considers proposals for uses within use Classes B1, B2 and B8.

The Non-Statutory Cherwell Local Plan 2011 makes no allocation in respect of the site as it was at the time of its preparation to be in active employment that was expected to continue for the lifetime of the plan.

In 2006, the Council commissioned URS Limited to undertake an Employment Land Review (ELR) to study past demand, current supply and future provision of employment land and premises within the District to aid the Council in the preparation of its Local Development Framework. The ELR concluded that the site was a valued employment location that should be protected for this use and recommend that B2 use should be maintained if possible.

Following the announcement that the Banbury SAPA site and the Hella sites were to cease production, the District Council produced a development brief setting out the development principles for the sites. This document seeks to provide informed guidance in relation to the Council's aspirations for proposals for the re-use/re-development of the site. The Brief recognises that re-occupation of the site by a single large scale B2 use would be unlikely. The Council intends therefore to adopt a flexible approach for B1, B2 and B8 uses in bringing forward proposals for the re-use and/or redevelopment of the site. It was the subject of public consultation, amended as appropriate and was approved by the Council's Executive on 7 July 2008. This document is therefore a material consideration in the determination of planning applications on the site.

PPG4 'Industrial and Commercial Development and Small Firms' emphasises that the planning system should allow development where it accords with the development plan and all material considerations unless it would cause demonstrable harm, and that land wherever possible should be returned to beneficial use.

Draft PPS4 'Planning for a Sustainable Economic Development' reiterates this advice and seeks to provide sustainable economic development and seeks to ensure that LPAs are flexible in responding to changes in the economic climate and ensure that vacant buildings are brought back into economic use.

5. Assessment of the Application

The site is accessed via Noral Way which has direct access onto the A423 Southam Road. A Traffic Assessment has been submitted with the application which also assesses any transport impact in terms of the proposed B8 element, and the level of trips attracted to the site if the building was to be used purely for B8 purposes with ancillary B1(A). The TRICS data shows that a typical B8 user generates less traffic than the existing B2 user during peak periods, although a use such as parcel distribution may be higher. The site has been used by HGV's in the past and therefore the large vehicles associated with B8 uses can be accommodated on the site. The site currently has 149 car parking spaces and it is not proposed to alter this.

Further comments in relation to the access and Transport Assessment are currently awaited from the Highway Authority.

Landscape Impact

The site is located on the northern edge of Banbury and the building is visible from the M40, the canal and the approach into Banbury and from the town along the A423, although some

screening is provided by existing hedgerows. The change of use to include B8 use however should not have any significant greater impact on its surroundings than the existing B2 use, as there are no proposals to extend or alter the building or increase the car parking areas.

Flood Risk

The western part of the site lies within Flood Zone 3 and within the flood plain of the Hanwell Brook. However, the Environment Agency have raised no objections as the proposed B8 use is no more vulnerable to flooding than the existing B2 use.

Further comments in respect of any conditions relating to flooding are awaited from the Environment Agency.

Land Use

It is considered important that this site should continue to play a role in the provision of employment within Banbury. The Council has a responsibility to assist the prosperity of Cherwell and to ensure that it remains 'A District of Opportunity' and maintain the existing relatively low level of unemployment. In this difficult economic time, to ensure that these buildings are retained and re-used in employment use, it is considered that a flexible approach should be taken in respect of any re-use of the site and its buildings. It is therefore considered that the proposal to enable this site to be used for B2/B8 purposes is acceptable and in accordance with the requirements of the Development Plan, Central Government Guidance, the Council's Economic Strategy, the Cherwell Community Plan and the development guidelines which have been drawn up for the site.

6. Recommendation		
It is therefore recommended that the application as submitted be approved subject to the following conditions:-		
1.	SC1.4A	Full permission
2.	SC3.0	Submit landscaping scheme
3.	SC3.1	Carry out landscaping scheme
4.	SC4.15(a)	Parking, servicing and manoeuvring areas kept free of obstruction
5.	SC6.15(a)	Use Class (Specified) - Class B/B8 with ancillary B1(a) only
6.	SC7.13	No Ext Storage or Other Ops
7.	SC8.5	Noise Emissn Mech Equipmt
<p>SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES</p> <p>The Council, as local planning authority, has determined this application in</p>		

accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as it seeks to ensure the economic vitality continues through re-use of the building. As such the proposal is in accordance with Policy E1 of the Oxfordshire Structure Plan 2016, Policy EMP1 of the adopted Cherwell Local Plan and the Council's informal development guidance for the site approved by Executive July 2008. 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.

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