

**Site Address: 3663 Depot, Charbridge
Way, Bicester**

13/00579/F

Ward: Bicester East

**District Councillor(s): Councillor Rose Stratford
and Councillor Lawrie Stratford**

Case Officer: Tracey Morrissey

Recommendation: Approve

Applicant: BFS Group t/a 3663

Application Description: Alterations to distribution warehouse comprising additional loading docks and reduced external plant compound.

Committee Referral: Major application

1. Site Description and Proposal

1.1 This application relates to an existing warehouse building on the Bicester Distribution Park that was constructed in the 1990's. The building comprises a warehouse area of 7,804m² with an attached 3 storey office building (668m²) on the corner of the 2ha site fronting Charbridge Way.

1.2 The site is within Zones 2 and 3 of a flood plain and is potentially contaminated land.

1.3 Planning permission is sought for the various alterations to the building to fit it out for temperature controlled storage and distribution of foodstuffs and associated products. The proposal comprises:

- Replacement of an external plant area on the western end of the warehouse. Reducing the size from existing 17m x 15m x 14m high to a new refrigeration plant room of 8m x 5m x 3m high. This plant room will be of steel framed construction, clad in flat steel sheeting and coloured to match the existing warehouse.
- Nine additional loading docks and loading doors on the northern elevation alongside the existing docks and will match those existing docks in design and materials and the existing doors will be replaced. The existing lowered area of yard will be extended by 47m to accommodate these new docks.
- Two existing fire escape doors on the south elevation will be widened to suit the internal cold store construction and a further fire escape is required on this elevation. General upgrading of existing doors and provision of ridge ventilation cowls.

Also proposed as part of the overall scheme that does not require planning permission is :

- The creation of a single storey office within the warehouse (approx 80m²)
- 35 additional car parking spaces to be provided on the west side of the existing office building to be segregated from HGV movement by relocating the existing 2.4m high chain link fencing. Car parking provision for 105 vehicles and 54 Lorries is proposed through the reconfiguration of parking spaces.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The final date for comment on this application was 13th June 2013.
- 2.2 Two letters of concern have been received which focus on the increase in HGV movement along Charbridge way.
- The access to all sites on Charbridge way is via one privately owned road and congestion along this road is already an issue. The concern is the increased volume of HGV traffic from 3663 will add further congestion to an already busy road.
 - This road is also being used as an unofficial stop over for large commercial vehicles that require overnight breaks and does not appear to have any association with businesses in the immediate vicinity.
 - 3663 should give due consideration to traffic moving in and out of their premises as the planning application specifically mentions more loading bays than under the previous tenant and that they intend to increase car parking, all of which suggests they intend to increase the number of commercial vehicles and private cars using the site than was the case when Bibby Distribution were on site.
 - Any increase in vehicle movements along Charbridge Way can only lead to greater congestion and user risk if it is not correctly managed and will lead to traffic queuing on to the A4421 Charbridge Lane which could manifest in to a highways issue.

3. Consultations

- 3.1 Bicester Town Council raise no objection to the proposals.

Oxfordshire County Council Consultees

- 3.2 **Highways** – No objection based on amended drawings and further clarifying information regarding tracking and vehicle movements and operating times. The applicant's attention is however drawn to one area in the west corner of the site where the vehicle swept path is very close to the boundary fencing, and may require a minor internal amendment to the proposed layout.

Other consultees

- 3.3 **Environment Agency** raise no objection to the application as submitted, subject to the inclusion of a condition relating to unsuspected land contamination, without the inclusion of this condition we consider the development to pose an unacceptable risk to the Environment.

4. Relevant National and Local Policy and Guidance Policy Considerations

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
ENV1: Development likely to cause detrimental levels of pollution
ENV12: Contaminated land

Non-Statutory Cherwell Local Plan

- TR2: Traffic generation
TR4: Transport mitigation measures

Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012) (PSCLP)

Cherwell Local Plan – Proposed Submission Local Plan Incorporating Proposed Changes (March 2013) (PSLPIP)

The draft Local Plan has been through two rounds of public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

Sustainable local economy:

- SLE1: Employment development
SLE4: Improved Transport and Connections

Sustainable development

- ESD1: Mitigating and adapting to climate change
ESD3: Sustainable construction
ESD6: Sustainable flood risk management
ESD16: Character of the built environment

5. Appraisal

5.1 The issues raised by this development are:

- Policy Context and principle of development
- Design
- Highway safety and parking
- Flood risk

Policy Context and principle of development

- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable economic development and in the context of this application would include delivering business and industrial units and securing high quality design.
- 5.3 The Framework seeks to secure sustainable economic growth in order to create jobs and prosperity and encourages Local Planning Authorities to proactively meet the development needs of businesses. Furthermore under paragraph 21 Local Planning Authorities should support existing business sectors, taking account of expansion and be flexible enough to accommodate needs not anticipated.
- 5.4 The application site is within an area shown as an existing employment area in the Proposed Submission Local Plan Incorporating Proposed Changes (March 2013) (PSLPIPC). Policy SLE1 states that employment proposals in Banbury and Bicester on non-allocated or on sites which are not shown as approved commitments will be supported if they meet the following criteria:
- Are within the built up limits of the settlement
 - Make efficient use of existing and underused sites and premises, by increasing the intensity of the use on accessible sites
 - Are, or will be, accessible to the existing and proposed labour supply
 - Have good access, or can be made to have good access by public transport and other sustainable modes
 - Are designed to a high quality, using sustainable construction, and are of an appropriate scale and character to the surroundings
 - Do not have an adverse effect on the surrounding land uses, residents and the historic and natural environment
- 5.5 There is no specific adopted local plan policy that relates to the site.
- 5.6 The proposal relates to changes to an existing warehouse building on an established employment park specialising in distribution. The building is to be occupied by the company trading as 3663 and in order to operate, they require a refit of the building for temperature controlled storage and the distribution of foodstuffs and associated products. 200 total staff will be employed at the warehouse and this is considered typical of a 8,500m² B8 storage and distribution warehouse. There is no planning restriction on internal alterations to the building only on the creation of additional floor area, so the formation of a single storey office within the building does not require planning permission and would not contravene any planning condition. Only the new refrigeration plant room requires consent along with the new doors, windows and docking bays, as these are external alterations and an extension to the building.
- 5.7 It is considered that the principle of the development proposed which amounts to

external alterations to the building as detailed in paragraph 1.3 are acceptable and consistent with the core principles of the NPPF.

Design

- 5.8 The proposed development represents minor works to changes the external appearance of the building to enable its efficient use by the new occupier. A new canopy over the proposed docking bays will be horizontal profiled steel cladding, in matching colour. Doors, windows, vents and plant room extension will also match the existing and colouring of the materials.
- 5.9 Policy C28 of the adopted Cherwell Local Plan relate to all new development and seeks to ensure that design and external appearance it is sympathetic to its context The proposal will not have a detrimental impact on the visual amenity of this existing commercial area and complies with the Policy C28 and NPPF guidance requiring good design.

Highway safety and parking

- 5.10 Oxfordshire County Council, as Local Highway Authority has asked for more information in respect to revised parking layout, however this reconfiguration and increase in parking provision does not actually require planning permission.
- 5.11 The applicant has provided an amended site layout detailing secure parking for 12 no. cycles in the new car parking area. Also has provided the following operational detail which essentially sets out how the vehicles use the site – “in terms of CV vehicle parking and on site manoeuvrability, 3663’s fleet comprises primarily 18 tonne rigid vehicles but also smaller 7.5 tonne and 12 tonne vehicles. The 10m x 3.75m parking bays indicated are all the large size to suit the largest 18 tonne vehicles. The restricted access bays on the west elevation (by the vehicle wash) would be used by the smaller 7.5 tonne or 12 tonne vehicles. The HGV service area shown on the existing layout was specific to the previous occupier, but 3663’s fleet is serviced off site and therefore this area is better utilised for their fleet parking as proposed. There remains on site, in the front yard area, ample space for full circulation of 38 tonne articulated delivery vehicles.
- 5.12 In terms of traffic generation, foodservice warehousing and distribution is essentially 24 hour with a general split of 1/3 warehouse pickers, 1/3 drivers and 1/3 warehouse and office staff. The picking and order assembly generally happens from late afternoon through to midnight. Outgoing deliveries occur from around 3.00am to 6.00am. Warehouse staffing is approximately uniform over an 18 hour cycle 6.00am – midnight and just the office staff (admin and sales) operating over the normal 8.00am – 6.00pm day. Incoming deliveries are scheduled between mid morning and mid afternoon ie. avoiding busy order picking periods and outgoing deliveries. As a result, both CV and car traffic movements are spread over an 18 hour day with the busiest periods avoiding the normal commuter rush hours.
- 5.13 Whilst the application proposes 9 additional loading docks, this change to the existing loading arrangement is due to the nature of the foodstuff products being stored and distributed. The original warehouse was designed and purpose built for storage and movement of beer using 38 tonne side loading articulated vehicles from 6 level access doors below the large canopy. 3633’s operation is entirely foodstuffs and all loaded from chilled loading docks. The existing 6 level access docking doors will not be used, instead internal racking will be laid out across these existing openings. Therefore the additional loading docks are not necessarily

reflecting an intensification of throughput at the warehouse, but a different loading regime to suit smaller vehicles and foodstuff content”.

- 5.14 It is therefore considered that based on the detailed assessment of vehicle movements and day to day operation undertaken by 3663, the occupation of the building by the application will not exacerbate the congestion currently experienced along Charbridge Way and is therefore considered to be an acceptable and complies with the NPPF and relevant development plan policies.

In respect to the comments made by the neighbouring businesses OCC’s Highway’s Liaison Officer has provided the following advice/information:

“I can confirm that, according to the LHA’s land and highway record plan, Charbridge Way is not public highway maintainable at public expense. It is a private road and any concerns regarding unauthorised use of or parking on Charbridge Way should be raised with the road owner.

I note that a request has been made to Cherwell District Council for assistance with managing ‘a shared issue of employees commuting’ and for information on ‘joint projects such as overflow car parks, cycle paths, park and ride schemes etc’. Oxfordshire County Council would welcome a discussion with representatives of the businesses located at Bicester Distribution Park. Please be advised that Oxfordshire Liftshare.com is available to match car share journeys. Additionally, work is ongoing with the Bicester Movement Study to identify wider improvements to the Bicester transport infrastructure”

Flood Risk

- 5.15 The site is located within a Zone 2 and 3 flood plain and so potential for flooding of the site and surrounding areas as a result of the proposed works must be considered. The proposed development comprises external alterations and a small extension to replace an existing plant room. Works involve creation of a lowered ramp in the existing yard in order to access new loading docks. The affected area is approx. 50m x 20m with an average depth reduction of 0.5m. The net excavation volume is approx. 500m³. The proposal therefore creates an additional 500m³ storage volume in the flood plain. No additional flood risk measures are proposed as the proposal creates additional storage volume within the floodplain and therefore reducing risk of flooding. There are no additional residual risks associated with the proposal otherwise requiring further management. The Environment Agency has considered the proposal and raises no objection subject to condition, and consequently it is considered that the proposal is acceptable and will not cause an increase risk to flooding the locality and complies with guidance set out in the NPPF.

Engagement

- 5.16 With regard to the duty set out in paragraphs 186 and 187 of the Framework, further clarification was required in terms of vehicle manoeuvring and provision cycle parking during the course of the application, which the applicant provided to enable further consideration by OCC. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

5.17 In conclusion therefore taking into account the above appraisal it is considered that the proposal is acceptable and complies with the Government guidance contained in the NPPF and the other relevant development plan policies listed above.

6. Recommendation

Approval subject to:

The following conditions:

- 1 Time – 3 years
- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents and the materials and finishing details included therein: Application forms, Design and Access Statement, Flood Risk Assessment, 3663 traffic letter and vehicle photographs dated 28.06.13, vehicle and site location plan drawing 4130-100, drawing 4130-105B received 28.06.13, 4130-106A received 29.05.13, 4130-107, 4130-108A received 29.05.13 and 4130-SK15 received 28.06.13.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with The National Planning Policy Framework.

- 3 That the covered cycle parking and reconfigured parking and manoeuvring areas shall be constructed and laid out in accordance with approved drawing no. 4130-105B received 28.06.13, prior to the use of the building by 3663 and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and sustainability and to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

- 4 If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement as to how to deal with this contamination. Thereafter the development should be carried out in accordance with those approved details.

Reason - To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water and to comply with guidance contained within the National Planning Policy Framework.

- 5 Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the building shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

Reason – To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6 The building shall be used only for purposes falling within Class B8 with associated B1 offices specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason - In order to maintain the character of the area, sustain an adequate overall level of parking provision and servicing on the site in the interests of highway safety and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 Notwithstanding the provisions of section 55 (2) (a) (i) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act) and Article 2A of the Town and Country Planning (General Development Procedure) Order 1995 and Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 and its subsequent amendments, no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior express planning consent of the Local Planning Authority.

Reason – To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Note

1. The Environment Agency advises the applicant to be aware that lowering the ground in this area may cause the loading bays to flood artificially quickly, acting as a sump. This may lead to operational issues if the bays are flooded.
2. Pursuant of condition no. 3, the applicant's attention is drawn to one area in the west corner of the site where the vehicle swept path is very close to the boundary fencing, and may require a minor internal amendment to the proposed layout.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

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