

Former Oak Cash and Carry, Beaumont Road, Banbury

14/01345/F

Ward: Banbury Neithrop

District Councillor: Cllr Surinder Dhesi and Cllr Matt Johnstone

Case Officer: Caroline Roche

Recommendation: Approval

Applicant: Hill Street Holdings

Application Description: A terrace building of 3 industrial B2/B8 units with ancillary offices at first floor level

Committee Referral: Major application due to site area **Committee Date:** 30 October 2014

1. Site Description and Proposed Development

- 1.1 The site is located on the eastern side of Beaumont Road to the rear of the retail park on Lockheed Close. The site is currently vacant as the original building was destroyed by a fire in December 2013, and all that remains is a concrete plinth. The site is located within an area characterised by industrial, commercial and warehouse type uses.
- 1.2 Planning permission is sought for a new building with a floor area of 3909 square metres and a maximum external height of 11.2 metres. It would accommodate 3 units of industrial B2/B8 uses with ancillary office spaces at first floor level. The proposal also includes the provision of 44 parking spaces as well as areas for heavy goods vehicles.
- 1.3 With the exception of potential contamination there are no other constraints to the site.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and notification to neighbouring businesses. The final date for comment is the 30th October 2014. To date no letters have been received as a result of this consultation process.

3. Consultations

- 3.1 Banbury Town Council: No objections

Cherwell District Council Consultees

- 3.2 Environmental Protection Officer: Initially requested imposing standard contamination conditions however having had sight of contamination reports from the applicant it is likely to be satisfactory to apply a standard informative.

Oxfordshire County Council Consultees

- 3.3 Highways Liaison Officer/One Voice: No response received to date

Other Consultees

- 3.4 None

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
- ENV1: Detrimental levels of noise, vibration, smell, smoke or other forms of environmental pollution
- ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance (2014)

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan (January 2014) has now been through public consultation and was submitted for examination in January 2014, although this plan does not have Development Plan status, it is a material planning consideration. The plan sets out the Council's strategy for the District to 2013.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- SLE1: Employment Development
- ESD16: The Character of the Built and Historic Environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of the development
- Visual Impact;
- Affect on amenities;
- Highways Safety
- Contamination

Relevant Planning History

- 5.2 CHN.180/90 – Alterations to existing cash and carry building – approved
CHN.200/85 – Change of use of Automotive Products to warehousing – approved

There are more historic applications but these predate the use of the premises as a Cash and Carry and are therefore not directly relevant to this application.

Principle of the development

- 5.3 There are no adopted Local Plan policies that relate specifically to this site as it forms part of an established industrial area of Banbury which pre-dates the adopted Local Plan. The Submission Local Plan contains Policy SLE1 which encourages the retention of existing employment sites for employment uses. The NPPF encourages sustainable forms of development.

- 5.4 The former cash and carry, given its scale is likely to have been categorised as a B8 warehouse type use and this proposal seeks to replace that use, and building, with 3 smaller units of B8 with ancillary office space. The principle of this use is therefore considered acceptable as it replaces a previous use of a similar nature. B8 uses remain compatible with the neighbouring land uses and the wider area. There are no policy reasons which would lead to a negative recommendation regarding the principle of the development.

Visual Amenities

- 5.5 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.6 Saved Policies C28 of the adopted Cherwell Local Plan exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing building.
- 5.7 The proposal consists of a functional structure within an established industrial area which is benefiting from some piecemeal redevelopment, probably due to the age of the original buildings in the area. It is a large structure which uses the majority of the site and will have a height of 11.2 metres. Whilst this seems large it is only a couple of metres higher than the approved scheme on the site to the north (Gem Tool Hire). It will be a taller structure than the building to the south but in reality it will have a similar ridge height due to land levels differences. The building is of a typical scale and design for its function and is considered to fit into its surroundings. It is therefore considered that there is no adverse visual impact arising from the proposal and the application complies with Policy C28 of the adopted Cherwell Local Plan and guidance contained within the NPPF.

Affect on Amenities

- 5.8 Given the nature of the development and its surroundings, set within an industrial area the proposal is unlikely to give rise to any adverse impact on any neighbouring land uses. B8 uses can include warehousing and distribution centres and these are not likely to give rise to any noise, vibration, smell or other environmental effects that aren't otherwise occurring or considered acceptable in the area. There are no residential properties in the area which are likely to be affected by the proposal. Given this assessment it is considered that Policy ENV1 of the adopted Cherwell Local Plan is complied with.

Highway Safety

- 5.9 A formal response is awaited from the Local Highway Authority. However based on the Council's parking standards as set out in the Non-Statutory Cherwell Local Plan the maximum requirement for parking based on 3430 square metres of warehousing and 479 square metres of office space would be 33 spaces. This scheme provides for 44 spaces and as such would appear adequate. However it is not known, without a response from OCC Highways, whether the layout of the parking and manoeuvring areas, especially in relation to the heavy goods vehicles is acceptable. It is hoped that an update on this matter can be provided by the time of the committee meeting.

Other issues and Conclusion

- 5.10 Contamination has been raised as a potential issue on this site. However a contamination report has been provided and given the nature of the original use is not vastly different to the proposed use, and the majority of the site is covered in a concrete base it is unlikely that the proposal poses any real contamination risks. Although a further response is awaiting from the Council Environmental Protection Officer it is expected that a standard informative will be sufficient to discharge the Council's duties in this respect.
- 5.11 Whilst the proposal is of a large scale it is proportionate and in keeping with its surroundings both in terms of its scale and its use. It is considered to comply with Local Plan policies which seek to protect employment land and the amenities of neighbouring uses as well as visual amenity. It also complies with guidance contained within the NPPF requiring sustainable forms of development and high quality design.

Engagement

- 5.12 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application. No problems or issues have arisen through the assessment of this application.

6. Recommendation

Approval subject to;

- a) The end of the consultation period;
- b) the following conditions;
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawing numbered: 14023 P001, P002, P003 and P004. 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 Government guidance contained within the National Planning Policy Framework.
 3. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details 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 to comply with Government guidance contained within the National Planning Policy Framework.
 4. 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 buildings 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 floor space 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 Notes

1. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

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 through the timely and efficient determination of the application.