

Application No: 08/01897/F **Ward:** Banbury Grimsbury and Castle **Date Valid:** 03/09/08

Applicant: Minns Estates Ltd

Site Address: Land at Tramway Road, Banbury

Proposal: Erection of 1 no. building for class B1 office development with associated access and car and cycle parking (amendments to 07/02639/F)

1. Site Description and Proposal

This application site is located on the corner of Tramway Road on a parcel of land between the canal and river. The site was occupied by a former industrial building which has been recently demolished. The site has a frontage on to the main aspect of Tramway Road and also a road frontage onto a spur of Tramway Road. To the south west of the site is a three storey office building whilst to the south east of the site is a further industrial building. This adjoining building has outline consent for B1 offices. To the north east of the site is a building occupied by Britannia Joinery.

The applicant has previously received full planning permission for the erection of a building for use as B1 offices (07/02639/F). The applicant has requested amendments to the approved scheme. Some of these amendments have been approved as minor amendments and others are more significant and form part of the consideration of this application. The minor amendments which have been previously agreed include the reduction in the north wing by 600mm and the south wing by 1200mm, the inclusion of ventilation and comfort cooling grilles, the removal of the Brise Soleil, the installation of a bat roost and the inclusion of a circle slide door and atrium. The amendments that require formal approval and are part of this application are the insertion of 16 velux roof lights, solar panels, amendments to the car parking arrangements and the utilisation of the roof space for further office accommodation.

2. Application Publicity

The application has been advertised by way of a site notice, press notice and neighbour notification letters. The end of the consultation period was 9 October 2008.

No third party representations have been received.

3. Consultations

Banbury Town Council raises no objections.

The Local Highway Authority raises no objection subject to an increase in BITLUS contribution and conditions.

The Environment Agency raises no objections to the development and requires that similar conditions are used to those included on the previous consent.

Natural England has no objections to the proposal.

Thames Valley Police made the following comments; it is intended to have 1.8 metre brick wall on three sides of the application site. On the fourth side, the main entrance, facilities

will be laid for external CCTV. I recommend this CCTV system is installed at the earliest opportunity as a deterrent. Although levels of crime on this estate are relatively low, there have been two break-ins to vehicles nearby during daylight hours this year. There has also been one burglary at premises on the estate this year.

The Rights of Way Field Officer raises no objections as the proposal will have no significant impact on the footpath.

The Head of Planning and Affordable Housing - Policy raises no objections. The comments are as per the original application and included the fact that the site lies within the Banbury Regeneration Area as designated by Policy S5 of the Non-Statutory Cherwell Local Plan 2011 (NSCLP). The policy does support the introduction of a wider range of employment uses as part of a mixed use environment. The construction of B1 office space would be in keeping with the general terms of the policy.

The Council's Contaminated Land Consultant has stated that there are no contaminated land implications for this proposed development.

The Council's Principal Engineer raises no objections.

Thames Water raises no objections subject to the inclusion of informatives.

British Waterways raises no objection to the development but asks for a proportionate and reasonable contribution to be made for the improvement of the Oxford Canal area. This could be signage, or local towpath improvement.

4. Relevant Planning Policies

Oxfordshire Structure Plan 2016	- Saved Policies	G1, G2, G3, E1, E3 and T8
Adopted Cherwell Local Plan 1996	- Saved Policies	C28

5. Appraisal

The principle of the development has already been established therefore it is only necessary to consider the implications of the amendments to the scheme. The intention to use the roof space for further office accommodation will increase the internal floor space from 2090 square metres to 2361 square metres.

The insertion of the roof lights is a result of utilising the roof space for further office accommodation. The roof lights themselves are relatively small in comparison with the scale of the building. They are evenly spaced along the front and rear elevations and do not look out of character on such a building. Given the location of the building within an industrial area they will not have an adverse impact on privacy.

The proposed solar panels are on the front elevation which faces south west. This is the most appropriate position in terms of effectiveness and as with the roof lights they do not look out of place on a building of this scale or nature.

The car parking arrangement is remaining largely similar to that approved in 2007. However there is a reduction in the number of parking spaces by 2. Whilst this does not have a significant impact in itself the fact that the intention is to utilise the roof space for further office accommodation may raise issues. However the Local Highway Authority are

satisfied that in this central location and with the inclusion of a condition requiring a travel plan there will be no detriment caused to highway safety. Furthermore the S106 agreement relating to the previous application is being amended to increase the BITLUS contributions.

With regard to British Waterways' request, there is no functional relationship between the site and the canal and no provision was made in the original application.

The amendments to the scheme are considered to be acceptable and do not result in any concerns over the principle of the development which has already been established. The proposal complies with the policies set out. Therefore the application is recommended for approval subject to the conditions set out below. These conditions cover all those previously imposed as this consent will technically replace the previous approval.

6. Recommendation

Approval subject to

- (i) an amendment to the existing S106 agreement
- (ii) the following conditions
 1. SC 1.4A
 2. That the following materials will be used in the construction of the development hereby approved, as agreed through the discharge of Condition 2 of 07/02639/F, unless otherwise agreed in writing by the Local Planning;
 - a. Ibstock brick, Berkshire Orange/Parham Red Blend for the external walls
 - b. Powder coated aluminium RAL 7024 for the windows and curtain walling
 - c. Bath wet cast fine etch masonry for the portico and curtain walling
 - d. Marley Edgemere Eternite Thrutone Slate for the roof
 - e. Marshalls Tegular Concrete Sett Paving for the external surfaces.
 - f. Tarmac with granite setts on the car park.
 - RC4
 3. That the finished floor levels of the building, shall be built in accordance with plan no. 100 'Site Layout' which shows the floor levels in relation to the existing ground levels on site which was submitted to the Local Planning Authority 29 October 2008 with the agents email dated 29 October 2008. (RC7)
 4. That the landscaping of the site be carried out in accordance with drawing nos. 002A 'External Works Construction Details' and 004A 'Proposed Planting Plan' as received by the Local Planning Authority on 13 October 2008 with the agents letter dated 10 October 2008.(RC10)
 5. SC 3.1 (RC10)
 6. SC 4.0AA (RC13B) 'construction' 'building'
 7. SC 4.13CC (RC13B)
 8. SC 4.14D (RC66)
 9. SC 8.13 (RC80)
 10. SC 8.14 (RC81)
 11. That the building shall be used only as offices falling within Class B1 (a) of the Town and Country Planning (Use Classes) Order 1987 (as amended 2006) and for no other purposes whatsoever including any other use falling within Class B1. Reason: In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy G2 of the Oxfordshire Structure Plan 2016.
 12. The cycle parking provision hereby approved shall be provided on site prior to the first use of the development hereby permitted and shall thereafter be retained and

maintained for the parking of cycles in connection with the development. Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policies G1 and T1 of the Oxfordshire Structure Plan 2016.

13. That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved enclosures shall be erected prior to the building first being brought into use. 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.

PLANNING NOTES

1. A Landfill Gas Risk Assessment has been undertaken which highlighted elevated levels of Methane. A protective gas barrier should be installed to mitigate the effects of pollution arising from ground gas exposure. This should be covered as part of the remediation process. Further rounds of gas monitoring should be carried out and the Environment Agency asks to be consulted on these details.
2. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or redevelopment to a surface watercourse. Contact Graham Tanner on 01491 828334 for further details.
3. Any further visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present.

Roof water down pipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.

Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking areas, roads and hard standing shall be passed through sealed trapped gullies to BS. 5911:1982' with an overall capacity compatible with the site being drained.

All sewerage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

Any open chemical or refuse storage areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system. Such areas should be connected to the foul sewer subject to the approval of Thames Water Utilities or its sewerage agent.

4. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
5. There is a Thames Water main crossing the development site which may/will need

to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water developer Services on the above number for further information.

6. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

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 the site and surrounding area and has no undue adverse impact upon the amenities of any neighbouring properties or highway safety. As such the proposal is in accordance with Policies G1, G2, G3, E1, E3 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.

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