

# Plots 4 and 5 Brookhill Way, Banbury 15/02060/F

**Ward:** Banbury Grimsbury and Castle

**District Councillors:** Councillor Beere, Councillor Bell and Councillor Hussain

**Case Officer:** Bob Duxbury

**Recommendation:** Approval

**Applicant:** Banbury Storage Solutions Ltd.

**Application Description:** Erection of building to provide self-storage facility (Class B8)

**Committee Referral:** Major Development exceeding 1000sqm of new floorspace

**Committee Date** 17 March 2016

## 1. Site Description and Proposed Development

- 1.1 Situated between the Karcher building (just being completed) and Lloyds Bank building and on the northern side of the A422 Ermont Way, leading to junction 11 of the M40, the site is part of the last remaining parcel of undeveloped land within an area allocated for employment generating development within the Cherwell Local Plan 1996. The land in question is accessed from Brookhill Way (off of Daventry Road), which currently terminates in a turning head. The site is flat with some slight undulation across it however the south boundary of the site progress into a steep landscaped embankment adjacent to the A422 onto the northbound carriageway of the M40. A ditch runs along the bottom of the embankment. All of the site is unused and unkempt.
- 1.2 The application proposes to develop the site for 6,975 sq. metres of B8 floorspace. The application is submitted in detail. The amended plans show a building measuring approximately 55 metres x 24 metres and having a maximum height of 16 metres, which is approximately a metre higher than the adjacent Lloyds Bank building. The revised plans show the building moved further away from the Lloyds building.

## 2. Application Publicity

- 2.1 The application has been advertised as a major development by way of neighbour letter, press notice and site notices. The final date for comment on the amended plans was 18<sup>th</sup> February 2016.
- 2.2 One letter of representation has been received on behalf of Lloyds Bank Group, the occupiers of the adjacent building to the west. They object on the following grounds
  - Overdevelopment within 7.0 metres from the boundary- “the siting of the building is in close proximity to the Lloyds building and the scale would not allow for sufficient amenity space and landscaping to be provided. The proposals are not in line with Policy SLE 1 (Employment Development) of the Local Plan which sets out that proposals should, “meet high design standards, using sustainable construction, are of an appropriate scale and

respect the character of its surroundings". As indicated in other policies for strategic sites in the Local Plan, green space is an incidental infrastructure requirement for employment development, and development proposals should include a comprehensive landscaping scheme including on-site provision to enhance the setting of buildings. Whilst this policy does not relate to this site, it is considered the current proposals should provide this"

- Linked to the layout is the impact on amenity. The building is positioned in close proximity (approximately 7m from the boundary of the Lloyds site) to the Lloyds building. The proposal constitutes a five-storey self-storage building, which will have predominantly blank facades clad in grey aluminium with glazing at ground level. The building will be higher than the existing Lloyds building with a maximum height of 18.1m and is higher than development existing and proposed in the vicinity. For example the Karcher development extends to 14.9m. The building will therefore be approximately 3m higher than developments existing on adjacent sites.
- Further to this, Policy SLE 1 (Employment Development) of the Local Plan states that employment proposals in Banbury will be supported if they meet set criteria inclusive of ensuring that they do not have an adverse effect on surrounding land uses, residents and the historic and natural environment. Policy ENV1 (Development likely to cause detrimental levels of pollution) of the Saved Policies from the Cherwell Local Plan (1996) outlines that Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted. Due to the excessive bulk, massing and height of the proposed building, combined with its proximity to the existing Lloyds property, there would be an adverse impact upon the occupiers of the Lloyds building in terms of the levels of natural daylight into the building

### **3. Consultations**

- 3.1 Banbury Town Council:** Object on the grounds that this site is part of the existing strategic employment sites contained within the local plan. Banbury Town Council has always had concerns/objections over sites that have been used for B8 use as the ratio of the size of the area used and the number of employees is extremely low (Proposed number of FTE employees = 3.5 on this application)

#### **Cherwell District Council Consultees**

- 3.2 Planning Policy Officer:** No comments to make

- 3.3 Landscape Officer** It is important to retain the structure of the southern thicket to ensure visual mitigation of the development for users of the A422. Protective fencing in accordance with BS5837 to be erected prior to site clearance and construction.

The proposed tree on the north western corner should be of sufficient ultimate size to mitigate as required above. A structural engineer should be consulted to ensure that the adjacent structure to the north is not structurally damaged. Root deflectors will be required to protect both structure and parking area paving. A recommend a hornbeam (*Carpinus betulus*) which may achieve an ultimate height of 20+ m; supplied as a 16 -18 cm (containerised) and planted and

maintained in accordance with *BS 8545: 2014 Trees: from nursery to independence in the landscape – Recommendations*.

Full (hard and soft) landscape details are required. The thicket proposals in the north-western corner are important to reinforce the screening of the development. The planting should be maintained in accordance with *BS4428: 1989 Code of practice for general landscape operations (excluding hard surfaces)*.

The meadow and mown grass 'verge' to the future plot is acceptable. Unfortunately there is no opportunity for landscaping between Lloyds and this large building.

### **Oxfordshire County Council Consultees**

#### **3.4 Updated single response on transport and drainage matters**

##### **Objection**

This response contains much of the same information from my previous response for the original application 15/02060/F; however, I have changed comments linking to the amendments made in this application.

##### **Key issues:**

- Pedestrian safety implications on the site
- Disabled parking layout
- Car parking layout
- No Transport Assessment submitted
- No Travel Plan submitted
- Cycle parking adequate, but still not covered

##### **Legal agreement required to secure:**

If the Local Planning Authority is minded to grant planning permission it is recommended that the following mitigation is required:

##### **Bus Infrastructure**

The opening of the Banbury Gateway Retail Park to the north of Wildmere Road has provided a new bus service which operates between Banbury Town Centre and the Retail Park (passing Brookhill Way). Currently, there is no public transport infrastructure within a suitable walking distance of the site; therefore, we ask that a Section 106 Developer contribution of **£4,000** is requested to provide for the installation of two new bus stops north of Brookhill Way (including bus stop poles, flags, information cases and bus stop clearways). The latter, would require a TRO and therefore, further consultation. This will be a service that staff of the new Magenta self-storage will be able to utilise to get to and from work, where appropriate.

##### **Hennef Way/A422 roundabout mitigation costs**

A Section 106 Developer Contribution is sought for capacity improvements on the Hennef Way / A422 roundabout south of Wildmere Road. Contributions will be calculated as follows:

The standard charge has been calculated by taking the total estimated funding shortfall cost of transport and access schemes planned in the District and then dividing that cost by the number of residential units and new jobs being planned

for over the Plan period, giving a per dwelling or per job contribution figure. This also provides a figure of £824 per job created or per 75m<sup>2</sup> of B8 floor space.

Development Proposal – 6,975m<sup>2</sup>

$6,975\text{m}^2 / 75\text{m}^2 = 93$

$93 * 824 = 76,632$

Transport Strategy Contribution = **£76,632.00**

## **Conditions**

The following conditions are recommended in the event that the Local Planning Authority is minded to grant planning permission:

### **Drainage**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include (some of which has already been submitted:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

### **Parking and Manoeuvring Areas Retained**

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

### **Details of Turning for Service Vehicles**

Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of a 16.5m articulated lorry turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

## **Travel Plan**

The proposed building will require a Travel Plan Statement in support of this application. This will be put together using the Oxfordshire County Council (OCC) Travel Plan Statement template and will be sent to the Travel Plan Team at OCC for approval before first occupation.

Reason – To comply with sustainable development guidance contained within the National Planning Policy Framework

### **Detailed comments:**

#### ***Site Location***

The proposed development site is a generally level rectangular plot with an area of 0.56ha, situated on the north-east edge of the built-up area of Banbury. The immediate surrounding area is characterised by large commercial buildings that make up the Wildmere Industrial Estate, this being the only remaining undeveloped plot in Brookhill Way.

The site has an access from Brookhill Way, which leads off the north-west side of Wildmere Road, which meets Hennef Way (A422) at a roundabout, 200m west of Junction 11 of the M40 motorway.

It is therefore, in a suitable location that allows visitors to make use of the highway network connections, from all directions

#### ***Traffic generation and impact***

It is worth noting here, that given the size of this development (5580m<sup>2</sup>); normally a Transport Assessment would have to be submitted in the planning application for B8 land uses over 3000msq. The developer has just submitted a Transport Statement.

According to the Transport Statement submitted, the trips generation for the site generated using the software TRICs, will be as follows:

The above trip rates would equate to a maximum vehicle movement every 4 minutes at peak times, which is in line with TRICs surveys for other similar sites.

Whilst I acknowledge these trip generations for AM and PM peak times are slight, I do not think the daily trip generation impact on the surrounding highway network has been taken into consideration.

It is assumed that all car movements to and from this development, regardless of their origin of travel, will travel through the Hennef Way/A422 roundabout. Although the impact of this development in isolation could not be considered severe, its cumulative impact together with other developments contributing traffic to this junction will become severe and require mitigation. Bearing this in mind, a Section 106 Developer contribution will be sought towards capacity improvements on the Hennef Way / A422 roundabout south of Wildmere Road

#### ***Access and manoeuvring***

The access to proposed development will be through a shared access road with the Lloyds Commercial Finance Ltd. building to the west. This first access road was approved under the planning application 15/00763/F (later modified under 15/00259/DISC) and the current application seeks to realign this shared access to allow the new road to be built accessing the self-storage car park.

The visibility splays at this new junction would be satisfactory and vehicle speeds of approaching traffic would be slow, given the fact that vehicles will have either come through of a barrier to the west from the Lloyds Commercial Finance Ltd. car park or just turned into the shared access road from Brookhill Way.

#### ***Swept path analysis***

It is worth noting that tracking was provided previously for a 16.5m articulated lorry, so therefore, we would need to see new swept path analysis for this amended layout, to ensure that they could manoeuvre safely in the car park,

especially if there are two vehicles in the 2 unloading bays. They also need to prove that they egress from the site in a forward gear.

### ***Pedestrian access***

The footway into the site still exists and terminates adjacent to the disabled space opposite the reception. Whilst I am assuming that not many people will be walking onto this site, it would be safer if the developer were to provide some demarcation for a pedestrian walkway across the car park from these disabled spaces.

They have not provided a direct footway access or demarcation zone for a pedestrian that links the front of the building to the rear. On the whole, it is safe to assume that a visitor will park nearest to the point at which they want to enter the building; however, we still have to assume that there will be some pedestrian movement between the reception areas along the western side of the building.

By adding 11 car parking spaces to the western side of the building that are perpendicular to the building, this forces pedestrians out into the access road leading to the rear of the car park. Whilst this access road is wide enough to accommodate a car/HGV and a person two way movement and even 2 cars passing each other, it doesn't remove the fact that it could pose a safety risk, especially in the case of a small child. A pedestrian would only reach a safe area once they reach the widened footway running around the north western corner of the building.

I suggest placing a clear demarcation zone that pedestrians can walk in, together with some signs warning drivers to be aware of pedestrians along this part of the site.

The drive width is 5.8m, so there would be ample space to add a demarcated footway, even if this was just 0.8m in width. I appreciate that this would mean that two HGVs would not be able to pass if there was a pedestrian, but I feel that this occurrence would be minimal. Priority signage could be used to remove the risk of this happening, thus creating a safer through route for all users to and from the rear of the car park.

The developer should submit full details of the pedestrian areas (including signage if appropriate), car parking areas and driveways to the Local Planning Authority.

### ***Car parking***

The car parking spaces being provided have gone down from 27 to 23 in the amended site layout. The gross floor space has also gone down from 6975m<sup>2</sup> to 5580m<sup>2</sup>, so therefore we would ideally see a total of 28 spaces according to current OCC guidance. I am willing to deem this an appropriate number of spaces; given that this kind of development will not experience high surges in demand like its retail counterparts on out of town sites. Also, further car parking accumulation figures from the transport statement originally submitted; suggest that approximately 14 spaces will be needed at any one time on a typical weekday.

I am concerned that there may be some conflict between the users of bay 2 and visitors using the spaces closest to the building that run along the north eastern boundary of the site. Realistically, these parking spaces may not be used if bay 2 is in use; however, it is a layout issue that needs addressing.

The refuse area could be moved so that it is adjacent to the building, which would allow the 5 car parking spaces to be moved along, although, this is still not ideal, given the proximity of the spaces to the loading bay.

### ***Disabled parking***

I have noted that, whilst 2 disabled spaces are being provided for, there are some issues with the layout of these. The most easterly space has lost its buffer width on one side of 1200mm, as the adjacent car parking space comes right up to it. The most westerly space, whilst it retains its buffer on all sides, the westerly side of the parking space is footway and therefore the surfacing and /or levels of the buffer for this space may vary and not run continuously to allow the transfer of a wheelchair/person with mobility difficulties. Both spaces should have a buffer strip along all but the wall side, measuring 1200mm in width that is on the same level as the parking space itself.

The area of footway directly in front of the reception does not show any details of a dropped kerb or tactile surfacing to allow for the access of the above user either.

### ***Cycle parking***

The recommendation of 14 stands, as outlined in our current guidance on cycle parking, is still not being met, as they are proposing to provide 3 stands. The location is appropriate, as cyclists can dismount and walk onto the footway, without having to walk in the open car park. I am mindful that, like pedestrians, not many people will be cycling to a self-storage unit and will choose to come by car, so providing 3 stands (6 spaces) seems reasonable. I would want to see these covered, as staff may want to leave a cycle all day.

### ***Drainage***

The developer proposes the use of an attenuation tank on site to store water temporarily before entering into the surface water sewer along Brookhill Way, due to insufficient infiltration rates on the site for the drainage of surface water. This is not yet an approved strategy agreed with Thames Water, who owns the sewer in Brookhill Way.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include (some of which has already been submitted):

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

## **Other Consultees**

**3.5 Highways England:** No objection

**3.6 Thames Water:**

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a 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 groundwater. 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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

#### . Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## **4 Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

#### **Cherwell Local Plan - 2011-2031**

The Cherwell Local Plan was adopted by the Council in July 2015 and provides the strategic policy framework. The policies listed below are considered to be material to this case:

- Policy SLE1 Employment Development
- Policy SLE4 Improved Transport and Connections
- Policy ESD6 Sustainable Flood Risk management
- Policy ESD7 Sustainable Drainage Systems (SUDS)
- Policy ESD10 Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD15 The Character of the Built Environment

#### Cherwell Local Plan 1996 (Saved Policies)

- Policy TR1 Transportation funding
- Policy C28 Standards of layout, design and external appearance
- Policy ENV1 Development likely to cause detrimental levels of pollution
- Policy ENV12 Land Contamination



## 4.2 Other Material Policy and Guidance

National Planning Policy Framework  
National Planning Practice Guidance

## 5 Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of Development
- Transport Impact
- Design and layout
- Landscaping and Trees
- Flood Risk and Drainage
- Planning Obligation

### Relevant Planning History

- 5.2 98/00160/OUT: Development for employment-generating purposes within classes B1 (business), B2 (general industrial) and B8 (storage and distribution) with associated access, parking, drainage and landscaping. (OUTLINE). PERMITTED.
- 5.3 01/01002/REM: Two storey offices (B1) with associated access, parking and landscaping including alterations to existing vehicular and pedestrian access. PERMITTED.
- 5.4 02/01376/REM: Reserved matters App Ref: OUTLINE 98/00160/OUT for erection of building for purposes within use class B8 (storage and distribution) with associated offices, access, vehicular parking and landscaping. PERMITTED.
- 5.5 03/02118/F: Erection of 2 No. premises for motor dealership and ancillary uses. PERMITTED.
- 5.6 04/02792/F: Erection of 2 No. buildings for motor dealership and ancillary uses. PERMITTED.
- 5.7 .
- 5.8 10/00309/F: Erection of 2 No. buildings for motor dealership and ancillary uses - Extension of time to extant permission 04/02792/F. PERMITTED.
- 5.9 12/01748/OUT OUTLINE - Development of site for up to 10,500sq.m (Gross) of employment uses comprising a mix of light industrial (Class B1c), general industrial (B2) and storage and distribution (B8) with ancillary office accommodation and associated road, car parking and landscaping works

### **Principle**

- 5.10 The main theme of the NPPF is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies indicate that development should be restricted.
- 5.11 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything that it can to support sustainable economic growth.
- 5.12 The site was allocated for employment generating development in the Cherwell Local Plan 1996 and as such Policy EMP1 applies which states that 'Employment generating development will be permitted on the sites shown on the proposals map, subject to the other relevant policies in the plan'.
- 5.13 With regard to the Cherwell Local Plan 2011-2031, Policy SLE 1 of the new allocated sites within the plan (which does not include this site as it was allocated in the adopted Cherwell Local Plan), however the supporting text states that the Council will continue to protect existing employment land and buildings for employment (B class) uses.
- 5.14 The proposed B8 use represents employment generating development on a previously allocated site which has a planning history of approvals for employment generating uses. For these reasons, the proposal is considered to be appropriate in principle for this site subject to the individual material planning considerations set out below.

### **Transport Impact**

- 5.15 The site lies within an existing industrial area that accommodates a number of employment generating uses. It is supported by a significant road network, including the M40, and is serviced by good walking and cycling links. Given the nature of the proposal, the adopted Cherwell Local Plan allocation for the site and the extant permissions, officers are satisfied that this is a sustainable location, in transport terms for the proposed use. To support sustainability, the Local Highway Authority requires a Travel Plan which can be secured via condition, but there is some doubt about the necessity of this given the low employment numbers and the fact that nearly all users of the facility will be arriving by vehicle.
- 5.16 A development of this scale would normally attract developer contributions towards general transport and access in accordance with the Council's Draft Planning Obligations SPD, together with any highway improvements that would be required as a direct result of the impact of the development and associated movements on the local highway network. In this case however, planning permission has previously been granted and implemented in relation to the site and other parcels of land immediately adjacent (including the Lloyds and DHL buildings), in association with which, all of the highway improvements and a contribution towards transport infrastructure was made to mitigate the impact of

the development of the site as a whole (including the undeveloped part of the site which is the subject of this application) on the local highway network. Therefore in your officer's opinion the request from the County Council for further contributions is unreasonable and unnecessary. Further comments on this are anticipated from OCC.

- 5.17 With regard to the indicated layout of the site, the OCC comments have been reported to the applicants and further detailed amended plans are awaited.
- 5.18 The Highways Agency raises no objections to the scheme in terms of its impact upon the wider highway network.
- 5.19 In light of the above assessment and subject to the recommended conditions, officers are satisfied that the proposed development would be located in a sustainable location, would achieve safe access and would have no greater impact upon the highway network than the previously approved application(s), and as such no further obligations or highway works are required. The advice contained within the NPPF therefore on sustainable transport, regarding sustainability, safety and improvements within the transport network, is therefore satisfied, with which SLE4 of the adopted Cherwell Local Plan is consistent.

### **Design**

- 5.20 The proposal relates to a warehouse building with only loading doors at ground floor level on three elevations and little fenestration other than on the front elevation at ground floor facing towards Brook Hill Way. The building will be set back from Brook Hill Way behind a small area of land which is reserved for future development. The building will be constructed with an aluminium cladding system in light grey with a darker grey top band, with prominent advertising on magenta coloured panels on corner areas of the building.
- 5.21 As originally submitted the building was considered to be too tall in the context of the adjacent Lloyds and Karcher buildings, and was proposed to be sited too close to the Lloyds building with a gap over only 7.7 metres. The revised scheme now before Committee is a longer, thinner and lower building which now sits 13 metres away from the Lloyds building.
- 5.22 In the configuration now proposed the building is considered to be acceptable in scale in relation to the surrounding buildings and will now sit comfortably in the context of the adjacent set of buildings. In terms of impact upon the adjacent office building and its workforce, the revisions which involve lowering the building and re-positioning it further away from have , in our opinion, reduced the impact to a tolerable level

### **Landscaping and Trees**

- 5.23 The site is well contained by the existing landscaped embankment and the backdrop of the existing commercial and industrial buildings, when viewed from junction 11 of the M40 and the A422. The comments of the Council's landscape architect are noted and it would seem that protection of the existing trees together with the introduction of a comprehensive landscaping scheme across the site would be the most appropriate way in which to achieve a quality development.

### **Flood Risk and Drainage**

- 5.24 The proposed development lies within Flood Zone 1 and as the site is less 1ha in area, a Flood Risk Assessment (FRA) is not required. A SUDS approach to drainage will be required. Relatively late in the process drainage arrangements have been submitted and are currently being consulted upon.

### **Land Contamination**

- 5.25 The Council's Environmental Protection Officer has not responded but has previously confirmed that the Council holds no records of previous contaminative uses on the adjacent site and as such it is considered that no further investigative work or associated mitigation measures are required in relation to land contamination..

### **Planning Obligation**

- 5.26 As all the highway works and contributions have previously been carried out and paid for in association with the previous planning applications this application does not attract the need for the developer to enter into a S106 agreement associated with the application..

### **Conclusion**

- 5.27 The proposed development represents employment generating development which is supported by the NPPF and the development plan. The design of the buildings is now considered acceptable and the degree of impact upon the neighbouring office building does not warrant a refusal. The proposed development is considered to be sustainable, would be appropriate within its urban context and would have a natural impact upon the existing highway network. The proposal takes into account the existing landscaping and trees, As such the application is recommended for approval

### **Engagement**

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

## **6. Recommendation**

**Approval**, subject to:

A) 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 development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered.....  
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. The materials to be used for the building hereby approved shall be in accordance with the details contained on the submitted and approved drawings  
Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework
4. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.  
Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework
5. Prior to the commencement of the development hereby approved, full details of a new boundary fence to be constructed to a height of 2.4 metres and 3 metres on the northern and southern boundaries of the site respectively as shown on the approved site plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the new boundary treatment shall be erected, in accordance with the approved details, and retained and maintained in situ at all times.  
Reason - To ensure the satisfactory appearance of the completed development, and to comply with Policies C28 and C30 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework
6. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the building, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins

Reason - To provide appropriate and essential infrastructure for business waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

7. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
  - (d) details of protective fencing around the tree/shrub planting on the southern boundary of the site which shall be installed prior to the first commencement of other development

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 Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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 Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include (some of which has already

been submitted:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS features
- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

10. 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

11. Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of a 16.5m articulated lorry turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

12. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

13. 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 approved 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 development of the site in order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

14. The building shall be used only for the purpose of self-storage warehousing only and for no other purpose whatsoever, including any other purpose in Class B1,B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005  
Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.
  
15. All buildings hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.  
Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

#### **Planning Notes**

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### **Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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 discussions have been undertaken to secure amendments to ensure that an appropriate form of development has been arrived at.