

**Tesco Extra  
Lockheed Close  
Banbury  
OX16 1LX**

**16/00017/F**

**Ward:** Banbury Neithrop

**District Councillor:** Cllr Dhesi

**Case Officer:** Matthew Chadwick

**Recommendation:** Approval

**Applicant:** Tesco Stores LTD

**Application Description:** Proposed extension to existing home shopping area within existing service yard with replacement canopy

**Committee Referral:** Major Application by Site Area

**Committee Date:** 17.3.2016

## **1. Site Description and Proposed Development**

- 1.1 The application site is the Tesco Extra store, located off Lockheed Close in the north of Banbury. The total site area is approximately 3.6 hectares.
- 1.2 Planning permission is sought for an extension to the existing dotcom facility on the west of the site, with a new freezer measuring approximately 6.6m in width by 4.4m in depth, a small lobby link area to the dotcom area, measuring approximately 2.2m in width by 2.5m in depth and a new steel framed canopy over the dotcom area, to be finished in metal clad panels, measuring approximately 19.9m in width by 6.4m in depth.
- 1.3 On the northeast corner of the site, an overnight parking area for the dotcom vans is proposed, which would be a secure compound surrounded by a 2.4m fence. This will involve creating a new access which will go into the customer car park and realigning the fence of the existing recycling area.
- 1.4 The site is located adjacent to the Oxford Canal Conservation Area and is situated partially in Flood Zone 2. The site is located within an area of Potentially Contaminated Land and Common Frogs have been located nearby, which are a Protected Species.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was 25<sup>th</sup> February 2016. No correspondence has 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: No objections.
- 3.3 Ecology Officer: No comments received.

### **Oxfordshire County Council Consultees**

- 3.4 Highways Liaison Officer: The Highways Liaison Officer requested a condition for details

of turning for delivering articulated lorries. The agent has submitted a plan showing this, which the Highways Liaison Officer has deemed to be sufficient.

## **Other Consultees**

3.5 Environment Agency: No comments received.

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

4.1 Development Plan Policy

### Cherwell Local Plan (2011-2031) Part 1

SLE2: Securing Dynamic Town Centres  
ESD15: The Character of the Built and Historic Environment

### Cherwell Local Plan 1996 (Saved Policies)

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

### National Planning Policy Framework (2012)

### Planning Practice Guidance (2014)

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- Principle of Development;
- Effect on Visual Amenity;
- Effect on Residential Amenity;
- Highways Safety;
- Environmental Protection;
- Flood Risk.

### **Relevant Planning History**

- 5.2 95/00348/F – Extension of bulk store area into service yard and enclosure of existing unloading dock – Approval.
- 5.3 97/01940/F – Extension of existing sales area into existing storage area. Extension of storage area into service yard. Modifications to customer entrance and construction of customer exit lobby – Approval.
- 5.4 99/02100/F – Installation of steel canopy in service yard for storage – Approval.
- 5.5 06/01482/F – Dot.Com extension. Additional staff car parking spaces and Dot.Com delivery van parking spaces – Approval.
- 5.6 13/00684/F – Proposed secure van parking, customer car parking amended and recycling area relocated – Approval.

### **Principle of Development**

5.7 Policy SLE2 of the Cherwell Local Plan 2011 – 2031 Part 1 states that retail and other

'Main Town Centre Uses' will be directed towards the town centres of Banbury and Bicester and the village centre of Kidlington in accordance with Policies Bicester 5, Banbury 7 and Kidlington 2. It also states that the Council will apply the sequential test as set out in the NPPF as follows:

- Proposals for retail and other Main Town Centre Uses not in these town centres should be in 'edge of centre' locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered.
- When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

- 5.8 The Council will consider if the proposals satisfy the sequential test and if they are likely to have a significant adverse impact on one or more of the factors outlined in chapter 2 of the NPPF which is aimed at ensuring the vitality of town centres.
- 5.9 The application site is located out of the town centre. However it is identified as part of an existing retail park on the Key Policies Map: Banbury in the Cherwell Local Plan 2011 – 2031 Part 1. As such, and taking into account the minor nature of the proposed development, the sequential test is not considered to be relevant in this application as there is no increase in floor space of the shop and the proposals will be ancillary to the existing retail use. Therefore the development is acceptable in principle, subject to the material planning considerations that will be discussed below.

#### **Effect on Visual Amenity**

- 5.10 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."*
- 5.11 Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings.
- 5.12 Tesco Extra is well screened from the surrounding highways on the north, east and south sides of the site. The proposals involve the creation of an overnight parking area for dotcom vans on the north of the site, which was previously approved under 13/00684/F, and this would be located behind the store. The scheme also proposes to add a freezer within the service yard and add a canopy over part of the dotcom yard. The proposals would not be clearly visible from the public domain, and in any case are considered to be fairly minor additions and therefore would not be considered to cause harm to the visual amenities of the locality.

#### **Effect on Residential Amenity**

- 5.13 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 5.14 The application site is not located in close proximity to any residential properties and therefore there would be no significant harm caused by the proposals to the amenity of the nearest residential neighbours.

#### **Highways Safety**

- 5.15 The Highways Liaison Officer has offered no objections to the proposals, subject to a

planning condition requiring a swept path analysis of the associated vehicle movements. The agent has submitted a scheme to attempt to address these concerns which the Highways Liaison Officer has deemed to be sufficient. Therefore, it is considered that the proposal would not have a detrimental impact on Highway Safety in accordance with Government guidance contained within the National Planning Policy Framework.

### **Environmental Protection**

- 5.16 The site is located within an area of Potentially Contaminated Land. The Environmental Protection Officer has stated that they have no objections to the proposal and therefore it is considered that the application is acceptable in this respect.

### **Flood Risk**

- 5.17 Part of the Tesco Extra site is located within a Flood Zone of higher flood risk. The Environment Agency have not commented on the scheme, but the areas of the site that would be affected by this proposal are not located within Flood Zones 2 or 3 (the zones of higher risk) and therefore it is considered that the proposals would not be considered to be significantly affected by Flood Risk.

### **Engagement**

- 5.18 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.

### **Conclusion**

- 5.19 The proposal is acceptable in principle as a minor development that would operate ancillary to an existing, established retail use. The proposal is considered to be of a design, scale and style that is sympathetic to the context of the development. The proposal would also not have an adverse impact on neighbour amenity or highway safety and is therefore compliant with the policies outlined in section 4 of this report. Overall the proposals would have no adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

## **6. Recommendation**

**Approval**, subject to 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, Design and Access Statement and Drawing Numbers: 15-2208/P/01, 15-2208/P/05, 15-2208/P/06, 15-2208/P/07, 15-2208/P/08 and 15-2208/P/09 submitted with the application.

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. Any trees, herbaceous planting and shrubs forming part of the existing landscaping between the service road and the proposed freezer (as shown on Drawing No: 15-2208/P/06) 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 ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **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. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.