

Ward: Banbury Hardwick

Ward Councillors: Cllrs Donaldson, Turner and Ilott

Case Officer: Matthew Chadwick

Recommendation: Approval

Applicant: Hundred Percent Hella and DCS Group (UK) Ltd

Application Description: Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a)

Reason for Committee Referral: Major by site area

Committee Date: 7.7.2016

1. Site Description and Proposed Development

- 1.1 The application site is the former Hella building (also known as Oceans House) which is located at the eastern end of Noral Way in the north of Banbury. The building has a footprint of about 16,100sqm on a site that extends to some 4.38 hectares. The building is currently vacant. The site is bounded by the M40, Hardwick Farm and the new Southam Road development to the north, the Banbury to Birmingham railway line to the east, the Oxford Canal to the south and the former SAPA works site to the west, now redeveloped as large employment units occupied by The Entertainer, amongst other companies.
- 1.2 Planning permission is sought for change of use of the existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a). No extensions or external alterations are proposed to the buildings or the site curtilage.
- 1.3 The site is not located within a conservation area, though the Oxford Canal Conservation Area runs slightly to the south of the site. The site sits within an area of Potentially Contaminated Land and is located partly within Flood Zone 2. A number of Protected and Notable Species have been recorded in proximity to the site, including Black-headed Gull, West European Hedgehog and Common Kingfisher, amongst other species.

2. Application Publicity

- 2.1 The application has been publicised by way of advertisement, neighbour letter and site notice. The final date for comment was 16th June 2016. No letters have been received as part 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 Economic Development: **Supports the application.** The site has been actively marketed over recent years with assistance from the Council's own Cherwell Investment Partnership services www.cherwell-m40.co.uk. I have walked around the whole site and throughout the buildings.

I welcome this proposal and the only element that I would encourage the applicant to expand upon is to explain the occupations and skills provided by this change of use, illustrating the role that B8 logistics and supply chain management in the modern economy creates value beyond the traditional view of 'warehousing'.

The proposed re-use of this established industrial land and buildings for B-class employment uses is in accordance with the adopted Cherwell Economic Development Strategy. The Strategy seeks to create a resilient balance of employment opportunities in various sectors of activity to provide local residents with opportunities to work in the area. In particular, it seeks to enable the retention of viable employment sites for the provision of jobs.

Whilst small to medium sized manufacturing companies in Banbury are seeking to expand, this particular site has proven to be too large for any one of them to occupy and no joint venture has arisen to date to accommodate shared needs. Concurrently, the logistics market in Banbury has seen higher demand in recent years but that has tended to be for purpose-built high-eaves warehouse units aimed at the investor – lessee market.

By safeguarding this relatively modern building and offering it for freehold sale, the owners are to be applauded for having maintained an asset that is now readily able to accommodate the expansion needs of an owner-managed company from within the functional economic area of Banbury.

DCS Ltd operates nationally from Stratford upon Avon and this relocation will enable it to move to a location and into a building that suits its current and growing needs whilst adding to Banbury's economic vitality.

DCS would be expected to not only retain many of its existing staff but also to employ others from the Banbury area in unison with the increasing number of new homes being built in the town.

- 3.4 **Planning Policy: No objections.** Policy SLE1 sets out a number of policy criteria against which the application should be considered. In principle the application would comply with these criteria including making efficient use of previously developed land.

The application of policies should be considered in the context of the planning history of the site (employment use) and that the application is effectively returning the building to its former use as a functioning employment site.

Reflecting the National Planning Policy Framework (NPPF), the Local Plan seeks to facilitate economic growth and create jobs. The application proposals are fully consistent with the Local Plan and the NPPF in this regard.

The site is in a relatively sustainable location within the built-up limits of Banbury close to existing and developing residential areas and other employment areas in the north of the town.

A new B8 distribution centre (the Entertainer building) to the west has recently been constructed and is now occupied. This demonstrates that there is viable, commercial interest for employment generating development in this general location.

The application proposals are on existing employment land as identified in the Local Plan 2011-2031. The principle of employment development in this location is therefore established and the site has an important role to play in the delivery of employment development to support the growth in housing at Banbury.

Oxfordshire County Council Consultees

3.5 Highways Officer: **No objections.** DCS Group Limited, have applied for permission to change the site use from B2 (general industrial) with ancillary B1 (office) to B8 (storage and distribution) with ancillary B1 (office). The Transport Statement submitted has shown that, due to the nature of DCS's business and the longer working day that they will operate than the previous occupier, the number of trips in the morning and evening peak will be reduced. The applicant also states that the number of HGV trips will be reduced. Therefore, I am satisfied that this proposal will not place any extra burden on the local transport network.

The applicant intends for all users to access the site at the eastern end of Noral Way. This is equipped to accommodate large commercial vehicles. There is also a 3m wide pedestrian facility on the southern side of Noral Way which leads on to the site.

There is a more than sufficient amount of car parking spaces on site (the applicant states that 169 car parking spaces are required, but the site can accommodate 273 spaces). Paragraph 8.9 of the Transport Statement mentioned that the site has two covered cycle racks with space for 24 bicycles. The applicant describes these, but does not describe the changing facilities mentioned in the title to this section. Changing facilities will complement the secure cycle storage provided. This is particularly important, as Banbury town centre is within 5k of the site, and there is a reasonable cycle route from here to the site through Spiceball Park and along Southam Road.

The site is located immediately south of a proposed residential development of 600 dwellings and a new primary school. The applicant needs to provide a pedestrian and cyclist link between this site and the other proposed development. This might attract new members of staff and further reduce the number of short-distance car journeys to work.

Pedestrian and cycle links from the site southwards to Banbury town centre and Railway Station are reasonable. People can either travel through Spiceball Park on to the A361 Southam Road, which has a 3m wide pedestrian and cycleway on the west side and a 1.5m wide pedestrian facility on its eastern side. Pedestrians can also use the towpath that runs to the east of the canal, and can cross the canal on to the pedestrian facility on the western side of Southam Road. However, the applicant might wish to consider providing another crossing of the canal further eastwards closer to the south of the site.

The site is not well served by public transport. The nearest bus stop is located on the A361 Southam Road, approximately 800m from the site. It is difficult to see how bus services to and from the site could be improved due to the cul-de-sac nature of it. However, I strongly advise the applicant provide a staff shuttle bus service from Stratford to the site if this is where the bulk of the initial workforce will come from. Our Travel Plan team look forward to reading more about this proposal in the travel plan mentioned above.

As of July 2016, services 277 and 503 will no longer operate in the Banbury area. However, a large residential development immediately north of the site is due to come on stream in 2017. A new bus service will operate between this site and Banbury town centre. We would need an additional financial contribution to help meet the cost of operating one early morning trip and one late evening trip to ensure that employees working these shifts and needing to get from Banbury town centre and residential areas to the site can do so by public transport.

Suggested conditions: Pedestrian and Cyclist Access from the North of the Development and a Workplace Travel-Plan.

Suggested Legal Agreement to secure improvements to public transport, pedestrian and cycle links to the site.

Other Consultees

3.6 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

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| PSD1: | Presumption in Favour of Sustainable Development |
| SLE1: | Employment Development |
| SLE4: | Improved Transport and Connections |
| ESD1: | Mitigating and Adapting to Climate Change |
| ESD6: | Sustainable Flood Risk Management |
| ESD15: | The Character of the Built and Historic Environment |
| ESD16: | The Oxford Canal |

Cherwell Local Plan 1996 (Saved Policies)

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| C28: | Layout, design and external appearance of new development |
| C30: | Design Control |
| ENV12: | Development on contaminated land |

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;
- Transport and Highways Safety;
- Flood Risk;
- Planning Balance.

Relevant Planning History

5.2 95/01458/OUT – New production plant and offices for the manufacture of motor vehicle lighting and associated components – Approved.

5.3 96/00184/REM – New production plant, vehicle hall and offices for the manufacture of motor vehicle lighting and associated components. Construction of a new vehicular and pedestrian access. Temporary site access north of Hardwick Cottages – Approved.

5.4 09/00097/F – Change of use of existing buildings from class B2 and ancillary B1(A) to flexible uses: use class B2 and/or B8 and ancillary B1(a) – Approved.

5.5 11/01868/F – Refurbishment of premises to include changes to external appearance of the building, and new entrance and gatehouse totalling 175sqm. External changes involving new car parking, hard standing, landscaping, footpaths and amenity areas – Approved.

Principle of Development

- 5.6 Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 5.7 The application site is located within an existing Strategic Employment Site as indicated on the Key Policies Map for Banbury in the Cherwell Local Plan 2011 – 2031 Part 1. Policy SLE1 of the Cherwell Local Plan 1996 states a number of criteria that employment proposals in Banbury, Bicester and Kidlington should meet. These include that proposals are within the built up limits of the settlement, make efficient use of existing and underused premises and sites, and have good access including by sustainable transport modes. This proposal would meet those criteria as it is located within the built-up limits of the town and would make efficient use of a previously developed employment site that is currently vacant.
- 5.8 The application seeks to change the use of the site from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a). It is notable that this scheme is essentially a resubmission of a previously approved scheme from 2009 (ref: 09/00097/F), which sought for a change of use of existing buildings from class B2 and ancillary B1(A) to flexible uses: use class B2 and/or B8 and ancillary B1(a) and was approved by Planning Committee.
- 5.9 The applicants are DCS Group. The company are currently based in Stratford-upon-Avon and employ 292 people on the site as of April 2016. DCS is the UK sales and distribution company for a number of major health, beauty and household brands, such as Gillette, Colgate and Unilever. The company also has a manufacturing arm, though this is to remain in Stratford-upon-Avon and is not covered by this application. The company plan to move to the site at Noral Way as this would give them more warehouse storage space, more space to park lorries and trailers which are vital for their distribution services and will also offer a significant amount of office space for the business.
- 5.10 As previously stated, in April 2016 DCS Group employed 292 people. This total consisted of 4 Directors, 113 people working in administrative roles, 130 working in selling and distribution roles and 45 in production. The manufacturing arm makes up 63 of these jobs, bringing the total number of potential jobs to be brought into the District under this application to 229. The development would not only be policy compliant but would also deliver an economic benefit to Banbury by bringing back a currently vacant site into employment use and bringing a significant number of jobs into the town.
- 5.11 The development is therefore considered to comply with Policies PSD1, SLE1 and SLE2 and Government guidance contained within the NPPF.

Effect on Visual Amenity

- 5.12 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.
- 5.13 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.”

- 5.14 No external changes are proposed to the building or its curtilage; this application is for a change of use only. Therefore, it is considered that the development would not detract from the visual amenities of the locality and would therefore comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Effect on Residential Amenity

- 5.15 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.
- 5.16 The Environmental Protection Officer has offered no objections to the application. The Southam Road development, which is currently being constructed, is located to the north of the site at a minimum distance of approximately 120m and has been designed so as to take account of the relationship with the employment land to the south. The building is located within an existing industrial area and therefore it is considered that the proposed change of use would not have a detrimental impact on the residential amenity of neighbouring properties.
- 5.17 The proposals would therefore comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C30 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Transport and Highways Safety

- 5.18 One of the criteria stated in Policy SLE1 is that employment proposals should have good access, including by public transport and other sustainable transport modes. The Transport Planner is satisfied that the proposal would not place any added burden on the local transport network and states that there is sufficient parking on the site as well. In this respect, the proposal is considered acceptable in highway safety and parking terms.
- 5.19 The Transport Planner has requested a link between the application site and the Southam Road development to the north. This comment is noted, however the Southam Road development has a link to Noral Way currently planned but is separated from Noral Way by land that is not under the ownership of either the developer or the landowners of Ocean House. Furthermore it must be remembered that Ocean House is an existing employment building and what is proposed is a change of use of the existing building, not additional employment development. As such whilst it would be desirable for the creation of a link between the building and the new development, it would not be reasonable to insist on this as a condition of granting permission.
- 5.20 The Transport Planner has also asked for a financial contribution to meet the cost of operating one early morning trip and one late evening trip of bus services to Banbury town centre. Once again, this would be desirable however it would not be reasonable to insist on this contribution as the proposal is not for a new building; it would be possible for a business to move in to the premises and operate a B2 use under the current permission.
- 5.21 Therefore, with the Transport Planner’s comments that the development would have sufficient parking and would not detrimentally impact on the local transport network, and taking account of the existing employment use of the building, 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.

Flood Risk

- 5.22 A small part of the site in the southwest corner is located within Flood Zones 2 and 3. The Environment Agency has been consulted, but has not commented on the application. The proposal would not involve any operational development and would not result in a more vulnerable use (in flood risk terms) than the current B2 use. Furthermore it should be noted that planning permission has previously been granted for a change of use to B8 on this site, and flood risk was considered acceptable at that time. It is therefore considered that the development would not present a detrimental risk in respect of flooding and would comply with Policy ESD6 and government guidance contained within the NPPF.

Planning Balance

- 5.23 Paragraph 7 of the NPPF identifies that there are three dimensions to sustainable development: economic, social and environmental. It is considered that the proposed change of use would offer considerable economic benefits to both Banbury and the wider Cherwell District, by bringing a vacant employment site back into use and providing circa 200 jobs within the town. The application site is located within an industrial area and is identified within the Cherwell Local Plan 2011 – 2031 Part 1 as an existing Strategic Employment Site. There are no significant social, economic or environmental impacts which would weigh against the scheme. Therefore, it is considered that the proposed change of use is sustainable development, in accordance with the NPPF and the Development Plan, and is considered to be acceptable.

Engagement

- 5.24 With regard to the duty set out in paragraphs 186 and 187 of the Framework, where problems or issues have arisen during the application these have been discussed with the applicant's agent. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.25 The application site is located within the built-up limits of Banbury and is an existing vacant employment unit. It is considered that the proposed change of use would make efficient use of previously-developed land and would not have a detrimental impact on the visual amenities of the locality, residential amenity of neighbouring properties or on the local highway network. It is therefore considered that the development is acceptable, subject to the conditions set out below.

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, Transport Statement and Drawing Numbers: SL-P-05 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. Prior to the first occupation of the site, a full workplace Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Travel Plan shall be implemented in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE1, SLE4, and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior submission of details and approval in writing by the Local Planning Authority.

Reason – In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

PLANNING NOTE

1. With regard to condition 3, the Travel Plan should include a timetable for monitoring the implementation of the Plan, including the submission of monitoring reports to Oxfordshire County Council's Travel Plans Team. It should also include details of a Travel Information Pack to be issued to employees on the site. For further advice and guidance about the Travel Plan and Information Pack, please contact the Travel Plan Team at: travelplan@oxfordshire.gov.uk.

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.

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