

Site Address: Norbar Torque Tools 16/00985/F
Ltd. Beaumont Road, Banbury

Ward: Banbury Cross and Neithrop
District Councillor: Cllr Banfield; Cllr Dhesi; Cllr Milne Home

Case Officer: Bob Duxbury **Recommendation:** Approval

Applicant: Norbar Torque Tools Holding Ltd.

Application Description: Proposed Change of use from B2 to B1, B2 and B8

Committee Referral : major application

Committee Date: 7 July 2016

1. Site Description and Proposed Development

- 1.1 This application relates to the building currently occupied by Norbar Tools on the western side of Beaumont Road about 250 metres from its junction with Ruscote Avenue. The proposal is to change the use of the building from its current use as an engineering factory with ancillary offices and storage, to a flexible B1, B2 and B8 use to allow its use by an incoming business proposing to use the building predominantly for the storage and distribution of flour.
- 1.2 The case officer has spoken with the incoming company, FWP Matthews of Shipton under Wychwood, to ascertain their intentions. They are intending to retain their main milling use at Shipton and move their current storage and distribution activities from a site near Chipping Norton to Banbury. Initially this will be a B8 use, but they may in the future relocate some of their packaging activities to this site, hence the desire to retain a B1 and B2 use
- 1.3 They seek the ability to use the building from 5.00am to 9.00pm on all days, although it has been explained that their standard warehousing hours are currently 6.00am to 5.00pm Monday to Friday. This intended pattern of activity compares favourably to the existing Norbar use which is a 24 hour operation Monday-Thursday (albeit with downtime between 5.00pm and 9.00pm), and 7.00am to 7.00pm Friday to Sunday.
- 1.4 Part of the site has a boundary with the northern side of Longelandes Way, and hence there are some residential properties within about 40 metres of the site

2. Application Publicity

- 2.1 Individual letters were sent to residential properties fronting onto Longelandes Way and to adjacent commercial occupiers in Beaumont Road.

No comments have been received

3. Consultations

3.1 Town Council: No comments received

Cherwell District Council Consultees

3.2 Economic Growth Officer

The proposed extension of the use classes (from B1 to B1, B2 and B8) would in principle not conflict with the adopted Cherwell Economic Development Strategy. Retention of the site and premises for b-class employment uses is the important matter and the proposal would provide for the early occupation of the building to maintain its condition and employment opportunities at this location.

The mention of 'storage of flour' and 'supporting a local business' deserves some elaboration, as I would imagine that the proposal could make a valuable contribution to a range of employment opportunities and support local supply-chains. This could be useful to illustrate as part of this application.

Overall, I welcome the proposal to re-use the premises for business activity and would support the proposal.

Oxfordshire County Council Consultees

3.3 Transport

Objection – on the grounds of lack of information concerning trip generation, highway impacts, parking and turning areas for cars and HGVs, and waste collection arrangements.

Key issues:

- Lack of information concerning trip generation and traffic/highway impacts.
- Lack of information concerning parking provision for cars and HGVs.
- Will the site accommodate one business or more than one? I have treated this proposal as one business.
- Lack of information concerning the intended arrangements for the collection of commercial waste.

Trip Generation

The applicant seeks permission for the change of use of an existing site from B1 usage, in the form of research and development to inform the design and manufacturing of tools, to B1, B2 and B8, in the form of flour distribution and storage. The applicant states that the number of trips and therefore the overall burden on the local highway network will be reduced, but has not provided any statistical evidence to support this statement. In particular, more evidence is needed as to the likely number of HGV trips the newly proposed use will generate. Local feedback and observations have informed Oxfordshire County

Council that HGV parking on Beaumont Road disrupts the flow of traffic and can create congestion.

Because of the size of the site in square metres, the applicant will need to submit a full transport assessment. In particular, the applicant should submit a projection of the number of trips the newly used site will generate per day in the AM and PM peak. Although it is not the only statistical method used, many applicants use TRICS, an internationally recognised trip generation analysis tool.

On-site Car, Van, and HGV Parking

The applicant states that the site contains 69 parking spaces for 25 employees but does not say how many of these are for cars and how many for HGVs, where they are/will be, and does not give details of the existing access to be used and whether this can accommodate HGVs are large waste collection vehicles. The applicant must submit a plan, in A1 or A3 format with a scale, which displays the proposed access and gives the exact location of the parking spaces, for both cars and HGVs, and the loading bays for HGVs (these might be the same as the parking bays). This will help show that the applicant can minimise the risk of more HGVs parking on Beaumont Road and disrupting the flow of local traffic.

Alongside the main site plan, the applicant should submit vehicle tracking analysis that describes the dimensions of the HGVs and commercial waste collection vehicles the site will have to accommodate, and will have to show that the turning head(s) and loading bays can accommodate these vehicles.

On-site Cycle Parking

The applicant will need to show that they have considered how they will encourage employees to travel to and from the site by sustainable modes of transport in their travel plan. The applicant should provide secure cycle parking spaces.

Waste Disposal Arrangements

The applicant is advised to submit a Design and Access Statement alongside their planning application. In this, they should state what the intended arrangement is regarding the collection of commercial waste..

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1:

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms

part of the statutory Development Plan and the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the Development Plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The following policies are considered to be relevant:-

Policy PSD1	Presumption in Favour of Sustainable Development
Policy SLE1	Employment Development
Policy SLE4	Improving Transport and connections
Policy ESD10	Protection of Biodiversity
Policy ESD15	The Character of the Built Environment

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

Policy EMP4 Existing employment sites

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Transport Assessment and Access
- Car parking
- Residential amenity

Planning Policy and Principle of Development

5.2 The Development Plan for Cherwell District comprises the recently adopted Cherwell Local Plan 2011-2031 and the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning

Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to:

- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
- Proactively drive and support sustainable economic development
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.3 The NPPF at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking'....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 permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
- Specific policies in this framework indicate development should be restricted

- 5.4 This site is an established employment site to which Policy SLE 1 of the adopted Local Plan applies. This policy supports existing businesses and indicates (in para B.38) that the Council will seek to ensure that operational activity is not compromised wherever possible. The policy includes the following section re the assessment of employment proposals in Banbury, Bicester and Kidlington

Employment proposals at Banbury, Bicester and Kidlington will be supported if they meet the following criteria:

- Are within the built up limits of the settlement unless on an allocated site
- They will be outside of the Green Belt, unless very special circumstances can be demonstrated
- Make efficient use of previously-developed land wherever possible
- Make efficient use of existing and underused sites and premises increasing the intensity of use on sites
- Have good access, or can be made to have good access, by public transport and other sustainable modes
- Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings
- Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.

This proposal meets all these criteria and is considered acceptable in policy terms

Transport assessment

- 5.5 It will be noted at 3.3 above that OCC object as highway authority. On trip generation I am content that the Council has adequate information about possible HGV and car movements. It is estimated that 10-15 HGV movements would occur per day from this site, either of their own fleet or those of suppliers/hauliers. If packaging were moved across from Chipping Norton this could add a small number additional bulk tanker movements per week. This is not significantly different to the existing traffic flows. In car terms there will be significantly fewer employees based on this site with the new use – only 25 warehouse staff. The applicants are content that by making use of one of the rear car parks for the turning of HGVs that all HGV movements will be able to enter and leave the site in forward gear, thereby eliminating the risk of reversing manoeuvring on the street

Car parking

- 5.6 The site has over 60 car parking spaces, some to the front of the building and at two levels on the sloping land to the rear. Even with one car park utilised as HGV turning (as referred to above) adequate parking will remain

Residential Amenity

- 5.7 This site borders on its southern side to Longelandes Road, which has fifteen houses facing the site at 40-50 metres distance. The site has a good extent of boundary planting of trees and hedgerow shrubs, which at this time of year are an effective screen.

The storage use of the site is a relatively quiet use, with all loading and unloading taking place on the far side of the building from these houses. Activities in the building, such as the use of forklifts will be largely inaudible from off site, and would be quieter than the machining equipment etc currently used. Officers are content that this use will be less harmful than the current use.

Engagement

- 5.38 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 site plan

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 its installation, full details of any new external lighting to be provided in the car parking areas or on the building 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

4. Prior to the commencement of the development hereby approved, details of the revised car parking and HGV turning provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be retained for the parking of vehicles at all times thereafter

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework

6. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework

7. The operational use of the premises shall be restricted to the following times:-

Monday-Friday – 5.00am- 9.00pm

Saturday – 8.30am to 1.00pm

Sunday and Public Holidays – No time

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 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) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.