

**Dcs Group**  
**Rear Pt Lxb Rp No 26**  
**Oceans House**  
**Noral Way**  
**Banbury**  
**OX16 2AA**

**17/02269/F**

**Applicant:** DCS Group UK Ltd

**Proposal:** Erection of ancillary warehouse to rear of existing warehouse

**Ward:** Banbury Hardwick

**Councillors:** Cllr Anthony Ilott  
Cllr J A Donaldson  
Cllr Nicholas Turner

**Reason for Referral:** Major by site area created

**Expiry Date:** 9 February 2018      **Committee Date:** 18 January 2018

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is a parcel of land on the DCS Group site. The site is located in the north of the town of Banbury, at the end of Noral Way. The application site is located to the south of Oceans House and is currently a flat area of land in close proximity to the loading canopy of the building.
- 1.2. The wider site of Oceans House is bounded by the M40 to the north-east, Hardwick Farm and the new Southam Road development to the north, the Banbury to Birmingham Chiltern 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 and Amazon.
- 1.3. The site is not located within a conservation area and there are no listed buildings in the immediate vicinity of the application site. The site lies within an area of Potentially Contaminated Land (as identified on the Council's records).

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Planning consent is sought for an additional warehouse on the land to the south of the existing warehouse on the site. The proposed warehouse would have a total floor area of 3,300m<sup>2</sup> with a length of 90m, a width of 37m and a height to ridge of 16m. The building would be designed to match the existing warehouse, with walls constructed of silver-grey metal panels under a light grey profiled metal sheet roof.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
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16/00927/F	Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a)	Application Permitted
16/02002/F	Extension of existing loading canopy and widening of access roadway to rear of existing warehouse	Application Permitted

#### 4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

#### 5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 28.12.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties.

#### 6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

##### TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BANBURY TOWN COUNCIL: **No objections.**

##### STATUTORY CONSULTEES

- 6.3. CANAL AND RIVER TRUST: **No objections**, subject to conditions relating to a drainage strategy and a Construction Environmental Management Plan.
- 6.4. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions relating to a travel plan, drainage strategy and cycle parking. A contribution towards a monitoring fee for the travel plan is also sought.
- 6.5. THAMES WATER: No comments received.

##### NON-STATUTORY CONSULTEES

- 6.6. ECOLOGY: No comments received.
- 6.7. ECONOMIC DEVELOPMENT: No comments received.
- 6.8. ENVIRONMENTAL PROTECTION: **No objections**, subject to land contamination conditions.
- 6.9. PLANNING POLICY: **No objections.**

#### 7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- SLE1 – Employment Development
- SLE 4 – Improved transport and connections
- ESD 3 –Sustainable construction
- ESD 6 – Sustainable flood risk management
- ESD 7 Sustainable drainage systems
- ESD15 - The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **8. APPRAISAL**

#### 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Surface water drainage

#### Principle of development

- 8.2. Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 states that: *on existing operational or vacant employment sites at Banbury....employment development, including intensification, will be permitted subject to compliance with other Policies in the Plan and other material considerations.* The use of Oceans House is B8 warehousing with ancillary B1(a) offices. The new warehouse would be ancillary to the main building on the site and in the same use. The application form indicates that 25 new jobs would be created as a result of the development. It is contained within the existing site and the principle of the development is therefore considered to be acceptable, subject to the material considerations discussed below.

#### Design and impact on the character of the area

- 8.3. Government guidance contained within the Framework 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.

- 8.4. Saved Policy C28 of the Cherwell Local Plan 1996 states that control will be exercised over all new development to ensure that the standards of layout, design and external appearance, including the choice of materials, are sympathetic to the character of the context of that development.
- 8.5. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Development should respect the traditional pattern of spaces, blocks and plots and the form, scale and massing of buildings.
- 8.6. The proposed warehouse would be 91m in length and 37m in width and constructed from materials to match the existing warehouse on the site. The warehouse would be considerably smaller in scale than the recently constructed warehouses on Noral Way which are occupied by Amazon and The Entertainer. The new warehouse would be screened from the public domain by the existing warehouse and vegetation and would not be clearly visible from Noral Way, the Oxford Canal or from the M40 motorway.
- 8.7. The warehouse would be located in close proximity to both the existing warehouse on the site and the recently constructed canopy which would enable workers to access both buildings under shelter. It is therefore considered that the development would not cause harm to the character and appearance of the area.

#### Residential amenity

- 8.8. 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.
- 8.9. The Southam Road development to the north of the site is currently being built out. The proposed warehouse would be screened from these dwellings by the existing warehouse and due to its siting it is considered that the development would not have an impact on the amenity of neighbours.

#### Highway safety

- 8.10. OCC as local highway authority have offered no objections to the application, subject to conditions relating to a travel plan, drainage strategy and the provision of cycle parking. A contribution towards a monitoring fee for the travel plan is also being sought.
- 8.11. A workplace travel plan was conditioned on the approval of the change of the use of the building under 16/00927/F and this condition was discharged. Given that there has been a travel plan approved at the site and the proposed warehouse would provide a small addition to the number of overall jobs at the site, it is considered that this condition would not be reasonable to impose. For the same reason, the proposed contribution would fail to meet the tests set out within Paragraph 204 of the NPPF.
- 8.12. OCC has also asked for details of cycle parking for 54 bicycles on the site. The development would create an additional 25 jobs at the site above the existing 250 and there is currently cycle parking provision on the site. It is therefore considered that this condition would not be reasonable to impose.

### Surface water drainage

8.13. The site is located outside of Flood Zones 2 and 3 but is located in close proximity to areas at risk of flooding. During the course of the application, a drainage scheme was submitted by the applicants, which showed the water from the site draining to the attenuation pond at the south of the site. This drainage scheme is considered to be acceptable and would ensure that the development is not at risk of flooding.

## **9. PLANNING BALANCE AND CONCLUSION**

9.1. The principle of development is considered to be acceptable and would serve the existing use on the site. The design and scale of the building would be similar to that of the existing building on the site and other buildings in the vicinity. The development would not cause harm to neighbour amenity, highway safety or flood risk and is therefore considered to be acceptable, subject to the conditions set out below.

## **10. RECOMMENDATION**

That permission is granted, subject to the following condition

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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 1988/501, 1988/503, 1988/504A, 1988/505 and 1988/506.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the first occupation of the development hereby approved, the sewage disposal/drainage works to serve it (as shown on drawing no. 1988/504A) shall be completed and operational and the development connected thereto.

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.

4. 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.