

**Building To Rear Of Ocean House Noral Way
Banbury OX16 2AA**

24/02693/F

Case Officer: Katherine Daniels

Applicant: DCS Group UK

Proposal: The erection of a transport Office, vehicle storage building, maintenance building extension, and road track to the vehicle storage building (Part-Retrospective)

Ward: Banbury Hardwick

Councillors: Councillor Crichton, Councillor Thornhill, Councillor Brasha

Reason for Referral: Major development resulting in 1,000+ sq. m floor space

Expiry Date: 17 January 2025

Committee Date: 20 February 2025

SUMMARY RECOMMENDATION:

GRANT DELEGATED AUTHORITY TO THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to 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 and to the east and north of the existing building at Ocean's House. The application site is currently occupied by the existing lorry park and an area of grassland. The wider site of Ocean's House is bounded by the M40 to the north-east, Hardwick Farm and the new Southam Road to the east and Oxford Canal to the south. The former SAPA works to the west has now been redeveloped as large employment units occupied by The Entertainer and Amazon.
- 1.2. The site is located in an existing strategic employment site, as identified in the Cherwell Local Plan. It is within an area of potentially contaminated land. The site is not located in a conservation area and there are no listed buildings in the immediate vicinity.

2. CONSTRAINTS

- 2.1. 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.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The Transport Office, Vehicle Storage Building, a Maintenance Building extension, and a road track to access the vehicle storage facility at Noral Way, Banbury. The application seeks approval for the development of new facilities to enhance

operational efficiency and capacity at the existing industrial site. The Vehicle Storage building was granted planning permission under planning application ref. 21/03949/F on 8th February 2024. As part of this application, the use, scale, and appearance of the building is remaining the same as that approved. The only difference being applied for as part of the subject application is a slight change in location of the building itself.

- 3.2 The road track, vehicle storage building, and transport office are retrospective elements of this application, as construction for these components has already commenced. The maintenance building extension is not retrospective.

4. RELEVANT PLANNING HISTORY

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

Application: 01/00781/F Permitted 22 June 2001

Erection of extension to contain and sort finished goods prior to despatch

Application: 04/01491/F Permitted 26 August 2004

Extension to provide extended Finished Goods Store, New Components Store and by-pass road to allow continuation of one-way site traffic

Application: 09/00097/F Permitted 13 March 2009

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).

Application: 11/01868/F Permitted 10 February 2012

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.

Application: 16/00927/F Permitted 8 July 2016

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

Application: 16/01610/F Permitted 13 October 2016

Erection of dual helicopter hanger, formation of access roadway, path, helipads, and fencing/gates

Application: 17/00484/F Permitted 27 April 2017

Installation of proprietary bunded helicopter refuelling tank to rear of existing warehouse

Application: 19/00010/F Permitted 19 June 2019

Erection of warehouse extension, and relocation of lorry park and drivers amenity building, together with associated external works

Application: 19/01254/F Permitted 23 December 2019

Relocation of existing loading canopy and replacement with "infill" warehouse between existing warehouses

Application: 21/00427/F Permitted 28 April 2021

Variation of Condition 2 (plans) of 19/00010/F - Minor changes are proposed to the approved scheme: new roof profile direction (same overall volume), changes to the elevations of the warehouse

Application: 21/01854/F Permitted 26 March 2024

The proposals comprise the following changes: -

_The area immediately in front of the warehouse has been simplified to reflect the need for more manoeuvring space for the lorries, and the need to separate further the circulation of cars from lorries on the site.

_The "future parking extension area" of the previous application has been designed and built out.

_There is a new extension to the east elevation of the proposed warehouse, which will house fork lift chargers.

_Two mezzanine levels have been added within the latest warehouse extension.

_A new entrance canopy and an additional area of second floor offices has been added to the proposals. No change in staff numbers is forecast, with the additional space providing meetings rooms, an executive office suite allowing relief to more cramped office conditions elsewhere.

_New "over-cladding" has been introduced along the north elevation.

_A replacement lorry drivers cafe.

Application: 21/03949/F Permitted 8 February 2024

Erection of a vehicle storage and roadway maintenance building

Application: 24/02371/F Permitted 9 December 2024

Variation of Condition 2 (plans) of 19/00010/F - amendments to the wording of condition

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. 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 **17 December 2024**, although

comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

7.1. 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.

7.2. BANBURY TOWN COUNCIL: **No objections**

7.3. OCC HIGHWAYS: **no objections** subject to compliance with S106 obligations and transport/highways conditions relating to planning application 19/0010/F.

7.4. OCC LEAD LOCAL FLOOD AUTHORITY: Holding Objection as comments required from others regarding developing in flood risk areas. Sufficient freeboard in the attenuation basin should be maintained.

7.5. OCC ARCHAEOLOGY: **No objections**

7.6. ENVIRONMENT AGENCY: **No objections**

7.7. THAMES WATER: Have no objections to Foul Water and no objections to surface water drainage.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. 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 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigation and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – Oxford Canal

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design, and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal

- ENV1 – Development likely to cause detrimental levels of pollution.
- ENV12 – Potentially contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area.
- Heritage Impacts
- Neighbour amenity
- Flooding and Drainage
- Ecology

Principle of Development

9.2. The application site is identified in the Cherwell Local Plan 2011 – 2031 Part 1 ('CLP 2015') as an existing strategic employment site. Policy SLE1 of the CLP 2015 states, in part, 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.*

9.3. The use of Ocean House falls within Class B8 warehousing with ancillary B1(a) offices. The new warehousing and offices would be ancillary to the main building on the site and be in the same use. The proposed development would not extend outside the existing site and there would be no change of use. Therefore, the principle of development of increasing operational floorspace with ancillary alterations to parking and elevational details is acceptable, with overall acceptability subject to the other material considerations discussed below.

Design, Character & Heritage Impacts

9.4. 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.*

9.5. Policy ESD15 of the CLP 2015 reflects this advice and 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.

9.6. Policy ESD16 of the CLP 2015 states that proposals which would be detrimental to the character and appearance of the Oxford Canal will not be permitted.

- 9.7. Saved Policy C28 of the CLP 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.
- 9.8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.9. The proposed warehouse extension would be of a design form and constructed from materials to match those of the existing warehouse on the site.
- 9.10. The site is well screened from the public domain by nearby buildings and vegetation and would not be clearly visible from the Oxford Canal or from the M40 motorway. The extensions may be visible from the Southam Road development to the north of the site. However, it would be seen in the context of the existing industrial site and would be visually contained within the existing site.
- 9.11. The site is located in close proximity to the Oxford Canal Conservation Area, and, under this proposal, the buildings would be extending closer to the heritage asset. However, the site is well screened from the Oxford Canal and is in an industrial use, which would not change under this application.
- 9.12. It is considered that the development would not cause harm to the character and appearance of the Oxford Canal Conservation Area or the visual amenities of the wider area and that the development is therefore acceptable in this regard.

Neighbour Amenity

- 9.13. Policy ESD15 of the CLP 2015 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.
- 9.14. Saved Policy ENV1 of the CLP 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 9.15. Saved Policy ENV12 of the CLP 1996 states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site, the development is not likely to result in contamination of surface or underground water resources or the proposed use does not conflict with the other policies in the plan.
- 9.16. The development is set away from the houses (approx. 74m), on the Bellway development to the north to not result in any impact through loss of light or privacy. The boundary to the north comprises of mature vegetation (trees and hedges).
- 9.17. The proposal has the potential to result in additional disturbance to the nearby neighbours through noise, however the Environmental Health Protection Officer does not have any comments on this application. Therefore, the proposal is considered to be acceptable in terms of noise disturbance to the nearby residents.
- 9.18. Overall, the impact on residential neighbours is considered to be acceptable.

Highway Matters

- 9.19. Policy SLE4 of the CLP 2015 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. New development in the district will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.
- 9.20. Government guidance contained within the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Development should first give priority to pedestrian and cycle movements and second to facilitating access to high quality public transport.
- 9.21. The current proposal does not seek to revise any access arrangements and seeks retrospective consent for the construction of the surface level northern staff car park containing 54 no. spaces.
- 9.22. OCC as local highway authority (LHA) has been consulted on the proposals and has sought the following S106 contribution obligations:
- £1,240 to monitor the Travel Plan;
 - £3,120 to administer a Traffic Regulation Order and an additional £1,000 towards lining and signage if the Order is successful.
- 9.23. The Traffic Regulation Order has been undertaken along Noral Way, therefore there is no longer a requirement for this to be undertaken.
- 9.24. In addition, the LHA also seeks a contribution towards the monitoring of a travel plan for staff on site. However, the proposal does not seek to increase staff numbers and has been put forward purely to improve existing facilities/operations for existing employees. Furthermore, the previous approval (16/00927/F and 19/00010/F) imposed a condition to secure the monitoring of a travel plan. As such Officers do not consider the request for money towards further travel plan monitoring to be justified in this case.
- 9.25. Finally, the LHA requests the imposition of a condition to secure revised cycle storage provision on site. Such a request is considered appropriate in this case.

Flooding and Drainage

- 9.26. The LLFA have been consulted on the proposal and have submitted a holding objected to the proposal to allow for further comments from other parties.
- 9.27. The Environment Agency has no objections, and no comments have been received from Thames Water. Therefore, on the basis of the comments received, and the previous applications on site, the proposal is unlikely to result in a detrimental impact on flooding or drainage.

Ecology Matters

- 9.28. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it is likely that protected species are:
- Present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPAs can also ask for:

- A scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it is not clear which species is/are present, if at all.
- An extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species are not affected at each stage (this is known as a 'condition survey').

9.29. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a large area of grassland, is adjacent to the Oxford Canal and there are several mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for reptiles, otters, great crested newts and badgers.

9.30. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017, when considering a planning application where ecological protected species (EPS) are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing, the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.31. In respect of planning applications and Councils discharging their legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant a licence then the Council may grant planning permission.

9.32. The Ecologist has raised a query about BNG; however, this application is for a retrospective application and therefore is not required in this particular case. The new element which is not retrospective is on existing hardstanding. Therefore, BNG is not required in this particular case.

10. PLANNING BALANCE AND CONCLUSION

10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The proposed development would help support the local economy by providing improved facilities for an existing business that employs nearly 300 local people on a strategic employment site that is recognised in the Local Plan. The development would provide a development that – through conditions – would ensure that the amenities of neighbouring occupiers are protected. It is therefore considered that the development would comply with the provisions of Paragraph 8 of the NPPF and is acceptable subject to the conditions set out below.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

Time Limit

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:
 - Site Location Plan (0712/101)
 - Existing Block Plan (0712/102)
 - Proposed Block Plan (0712/103)
 - Proposed Elevations and Layouts for the Transport Office (0712/115)
 - Proposed Elevations and Layouts for the Maintenance Building Extension (0712/120)
 - Proposed Site Plan, Ground and First Floor Layouts for the Vehicle Storage Building (0712/125)
 - Proposed Elevations for the Vehicle Storage Building (0712/126)

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.

Cycle Storage Provision

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

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

Drainage Strategy

4. Notwithstanding the previously submitted drainage strategy, before any above ground works commence, a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the extensions hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

External Lighting

5. Details of the external lighting, including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be

installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

Update to Out of Date Ecological Protected Species Check

6. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked through an updated walkover survey by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous ecological surveys that are now out of date were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Katherine Daniels