

**Application No: 08/02402/F Ward: Banbury, Grimsbury & Castle Date Valid: 27/11/08**

**Applicant:** Coast and Capital LLP

**Site Address:** Units 1 and 4-10 Riverside, Banbury

**Proposal:** The extension of temporary change of use for car parking to units 1, 5 and 10 at Tramway Industrial Estate, which approval expires on 1 March 2009, and the widening of this temporary change of use to units 4 and 6 - 9 inclusive for a period to expire at 1 October 2013.

### **1. Site Description and Proposal**

This application relates to a group of industrial/warehouse buildings on the Tramway Industrial Estate to the south of Banbury railway station. The proposal is two fold:

- (i) to retain the use of three of the Units (Nos. 1, 5 and 10) as overflow car parking for the station (for which permission otherwise lapses on 01.03.09) and
- (ii) allow the use of Units 4 and 6-9 for the same use

The latter will provide the opportunity to increase the car parking from 310 to 510 spaces available to rail users.

Permission is sought for a further temporary period – to expire in September 2013

### **2. Application Publicity**

The application has been advertised by means of letters to local businesses and an advertisement in the local press. No comments have been received.

### **3. Consultations**

Banbury Town Council raise no objections to the proposal.

Oxfordshire County Council (as Local Highways Authority) comment that the proposed change of use to car parking is unlikely to have a material impact on the highway. Unit 1 is accessed from the public highway but the remainder are accessed from a private access road. They consider that there may be an impact on the nearby road network due to the volume of traffic wishing to use the parking facility, however this is not likely to be material. They support parking off the highway and raise no objections.

The Environment Agency initially objected to the scheme in the absence of a flood risk assessment but have since withdrawn that objection.

The Council's Head of Economic Development and Estates in commenting upon the original proposal to retain these uses until 2014 stated that whilst he understood the applicant's desire to co-ordinate with the lease expiry dates, he anticipates that the site will be protected from flooding by the end of 2010 and that he would hope that the Canalside Regeneration Scheme would then come forward. Consequently he sought the temporary uses to be limited to 3 years. He has more recently agreed to the permission terminating in 2013.

#### **4. Relevant Planning Policies**

Oxfordshire Structure Plan 2016 - Policies G1, G2, T1, T2 and T3

The transport policies seek to increase the use of public transport through improved integration and improved interchange facilities. Increased parking for the station will assist in this objective.

In the adopted Cherwell Local Plan there is no special designation of this area. There are no employment policies protecting the loss of employment sites and any relevant transport policies have not been saved.

In the Non-Statutory Cherwell Local Plan 2011 the site is central to the site identified under Policy S5. This policy seeks the wider regeneration of this prominent area to provide mixed use development comprising residential, commercial, leisure and open space uses. The policy seeks a comprehensive approach to the redevelopment in order to secure wider infrastructure improvements. The redevelopment of this area is currently restrained due to the existing flood risks. In the meantime the progression of proposals that would prejudice the implementation of a comprehensive strategy for the area should be resisted.

#### **5. Appraisal**

Unit 1 Riverside has been used for car parking for railway users since it was first permitted in 2001. That permitted use was renewed in 2003, when permission was also granted for the use of Unit 5. Those permissions lapse in March 2009. Unit 10 was also allowed to be used for similar purposes in 2007 (07/00520/F which lapses in May 2009). The applicant seeks to renew and roll-forward these consents. Whilst some of the additional units for which permission is sought for car parking use have existing warehousing/industrial tenants the applicant's intention is that any vacant units could be used for further station car parking. They do not intend to get rid of any existing tenant, Chiltern Railways have indicated that they would take up additional accommodation should the occasion arise, and the permission would therefore enable such uses to commence soon after a unit becomes vacant. There is therefore no threat to existing employment from this parking use, and it will enable buildings to be retained in beneficial use in the interim period until the regeneration scheme can be formulated and implemented.

The applicant initially sought consent for 5 years (until October 2014), but negotiations following the Head of Economic Development and Estates' comments have led to a compromise agreement on the prospective permission running until 2013. The HEDE is now content that this will not prejudice the early delivery of this regeneration scheme. There are no other significant issues arising from the enlarged use of the buildings for car parking.

#### **6. Recommendation**

It is recommended that the application be approved subject to the following conditions:-

1. That at the expiration of the period terminating on 1 October 2013 the use shall be discontinued.

Reason - To enable the Council to review the position at the expiration of the stated

period, in order not to prejudice the consideration of future proposals for the land and/or in view of the special/personal circumstances of the case which are such as to override basic planning objections to the development in accordance with Policy S5 of the Non-Statutory Cherwell Local Plan 2011.

2. That prior to the first use of Units 4 and 6-9 hereby approved the parking spaces shall be laid out in accordance with details which shall first be submitted to and approved by the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport and Policy T8 of the Oxfordshire Structure Plan 2016.

### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal will not prejudice the implementation of redevelopment proposals that will come forward for the planned regeneration of this area. As such the proposal is in accordance with Policies G1, G2, T1, T2 and T3 of the Oxfordshire Structure Plan 2016 and Policy S5 of the Non-Statutory Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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