

<b>Application No:</b> 11/00266/F	<b>Ward: Banbury Grimsbury and Castle</b>	<b>Date Valid: 22 February 2011</b>
<b>Applicant:</b>	Colin Knott and Jon Cookson Joint Fixed Charge Receivers	
<b>Site Address:</b>	Unit 1 Adj Topps Tiles, Southam Road, Banbury	

**Proposal:** Alterations to existing building comprising external alterations at ground floor level including installation of new shop front and entrance feature (front elevation) and new fire escape door (rear elevation), internal alterations including installation of mezzanine floor, three no. fire escape staircases, 1 no. feature customer staircase and new customer lift and consequential reconfiguration of car parking

## 1. Site Description and Proposal

- 1.1 The property is located on the east side of Southam Road within a mixed commercial area. Adjacent occupiers include retailers of DIY products and car showrooms. The area has developed as a location for the retail of 'bulky' goods but does not lie within the town centre boundary or within an identified local shopping centre.
- 1.2 Planning permission is sought for alterations to the building as set out above.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comment was 31 March 2011.
- 2.2 No letters of representation have been received.

## 3. Consultations

- 3.1 **Banbury Town Council:** no objections
- 3.2 **Head of Planning and Affordable Housing Policy:** provides detailed consideration of the application concluding that whilst the proposal would make use of a long term, vacant unit, the information submitted does not demonstrate that the proposal would not adversely affect the viability and vitality of the town centre.
- 3.3 **County Highways Liaison Officer:** raises no objections stating that appropriate access, levels of parking provision and associated manoeuvring areas would be provided/remain. A contribution is required towards the Local Transport Strategy given the increased vehicular movements that would result from the increase in floorspace.
- 3.4 **Head of Safer Communities:** If it is proposed that the signage to the building be illuminated then prior approval of the lighting levels and method of illumination will be required.

- 3.5 **Thames Water:** raises no objections in relation to the water or sewerage infrastructure

## 4. Relevant Planning Policies

- 4.1 Planning Policy Statement 1: Delivering Sustainable Development
- 4.2 Planning Policy Statement 4: Planning for Sustainable Economic Growth
- 4.3 Planning Policy Guidance 13: Transport
- 4.4 South East Plan  
Policy CC1: Sustainable Development  
Policy TC2: New Development and Redevelopment in Town Centres  
Policy T1: Transport: Manage and Invest  
Policy T4: Parking
- 4.5 Adopted Cherwell Local Plan (1996): No relevant saved policies
- 4.6 Non-Statutory Cherwell Local Plan  
Policy S1: Sequential Approach  
Policy S2: Maintenance of a Compact Central Shopping Area

## 5. Appraisal

### 5.1 Main Planning Considerations

- 5.1.1 The main issues to consider in the determination of this application are as follows:
- Relevant Planning History
  - Principle of Extending Floorspace of Existing Retail Warehouse
    - Sustainable Economic Growth
    - Economic growth, job creation and wider development plan objectives.
  - Transport, Highways and Access
  - Design/Visual impact
- Each of these matters will be considered in turn.

### 5.2 Relevant Planning History

- 5.2.1 01/01358/OUT: Demolition of existing building and erection of non-food bulky goods retail unit inc. alterations to existing vehicular and pedestrian access to the highway (as amended by plans received 16.09.02) – APPROVED
- 5.2.2 Condition 6: That the retail use hereby permitted shall be limited to building materials, DIY home and garden improvement products, hardware, self assembly and pre-assembled furniture, household furnishings, floor coverings, motor accessories, electrical goods and office supplies and for no other purpose whatsoever notwithstanding the provisions of Class A1 of the Town and Country

Planning (Use Classes) Order 1987 (as amended), other than the ancillary sale of sweets or food consumption on the premises, providing the area given over to the sale of such items does not exceed 10% of the floor area of the unit.

Reason - In order to minimise the impact on the vitality and viability of the retail outlets in Banbury Town Centre.

- 5.2.3 02/02659/REM: Reserved matters application ref: 01/01358/OUT for erection of non-food bulky goods retail unit (as amended by plans and letter received on 16.01.03) – APPROVED

### 5.3 Principle of Extending Floorspace of Existing Retail Warehouse

- 5.3.1 Amongst a small range of relatively minor external alterations which are assessed below in terms of their design and visual impact, this proposal seeks consent for the creation of a mezzanine floor measuring 1,006sqm. The existing unit has a floor area of 1,394sqm therefore the total floorspace for the unit would amount to 2,400sqm. These physical alterations are required in connection with Dunhelm's proposals to occupy the unit subject to gaining planning permission for the parallel application 11/00267/F which seeks consent to vary the range of products that could be sold from the unit. The existing restrictive condition limits the sale of goods to 'bulky' goods only.
- 5.3.2 Given the submission of two separate applications, the two matters (variation of condition and alteration including the insertion of mezzanine floor) are given separate consideration. The assessment of this application therefore lies mainly with whether or not the increase in the footprint of the building could be considered acceptable in relation to the *current* use of the building i.e. the sale of 'bulky' goods.
- 5.3.3 The existing unit is considered to be a retail warehouse, which under Annex B of PPS4 is defined as a large store specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering mainly for car-borne customers. Furthermore, the unit is situated in an out of centre location, defined in the same annex as a location which is not in or on the edge of a centre but not necessarily outside the urban area.
- 5.3.4 At the time of the outline application in 2001 which granted planning permission for the existing unit, the Council concluded that, based on the applicant's retail assessment and the corresponding assessment made by a retail consultant employed by the Council at the time of the application, there was a quantitative need for the proposed retail warehouse which was reflected by a lack of provision of such retailers in the Banbury catchment area and which consequently resulted in significant leakage of expenditure away from Banbury. Furthermore, it was considered that there would be capacity in expenditure terms to support the modest scale of additional retail warehousing floorspace despite a further retail warehouse commitment on an adjacent site (now Homebase) and that the proposal satisfied the requirements of the sequential approach which had demonstrated at that time that the proposal would not lead to any measurable adverse impact upon the town centre. This conclusion was subject to various planning conditions which included the restriction over the sale of non-bulky goods.

- 5.3.5 In light of the favourable conclusions that were drawn in relation to the development of a new retail warehouse measuring in total 1,860sqm, the principle of such a use in this location has been established. The assessment that must now be made is whether or not the addition of 1,006sqm retail floorspace within an approved but restricted retail warehouse is acceptable or not when considered against planning policy.
- 5.3.6 Whilst there are a number of policies contained within PPS4 which refer to the consideration of applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan and the associated sequential and impact assessments of such development, this particular proposal, by virtue of the previous consent and restrictive condition is not considered to be a main town centre use (being a retail warehouse more commonly found in edge or out of town centre locations) and as such it is only necessary to give consideration to policies EC10 and EC11 of PPS4 in relation to the proposal.
- 5.3.7 Policy EC10 relates to the determination of a planning application for economic development, setting out that planning applications which secure sustainable economic growth should be treated favourably taking into consideration matters relating to climate change, accessibility by a choice of means of transport, high quality and inclusive design, impact upon economic and physical regeneration and impact upon local employment.
- 5.3.8 In addition, Policy EC11, which refers to the assessment of planning applications for economic development other than main town centre uses, requires local planning authorities to weigh market, economic, environmental and social factors, take full account of any long term benefits and consider whether the proposal helps to meet the wider objectives of the development plan.
- 5.3.9 Turning to the requirements of Policy EC10, a critical assessment must be made of the application submission which should be weighed against the independent evidence (both historical and recent) that is available to the Council.

#### 5.4 Climate Change

- 5.4.1 The unit already exists and has remained vacant since construction in 2003/2004, which the applicant describes as being an unsustainable use of the land given the imbedded energy in the construction of the building. Reference is made to incorporating energy saving technology as part of the use of the building (although little evidence of this approach is apparent throughout the submission) however it is stated that the unit does not afford significant opportunity to incorporate such technology retrospectively.
- 5.4.2 SDPHE considers that making use of the building (whether extended internally or not) would be more sustainable than it remaining empty. However it should be noted that the addition of a mezzanine floor of 1,006sqm is likely to attract further vehicular movements to the site (which is referenced by the Local Highway Authority) which would result in greater carbon dioxide emissions and it is considered that opportunities to reduce carbon emissions from the building could be further explored. Nevertheless these issues must be balanced against the

advantage of making use of an existing resource (the building). Whilst SDPHE considers that the efficiency of the building could be improved it is concluded that it could not be demonstrated that the mezzanine extension would result in carbon emissions so great that the application could be refused on these grounds.

## 5.5 Accessibility by a Choice of Means of Transport

- 5.5.1 The applicant states that the site is accessible from the main road network, is within close proximity to other bulky goods retailers (allowing linked trips) and makes reference to bus services running along Southam Road, the location of the site in relation to the town centre and the site being accessible on foot and by bicycle.
- 5.5.2 Given the bulky goods nature of the existing retail warehouse use, the likely and accepted means of transport to the site (as referred to in PPS4) is by private vehicle. The site benefits from being closely related to a main road and therefore access by private vehicles is good. There are other means of transport available for accessing the site to an extent, however it is unlikely, given the range of products that could lawfully be sold from the unit that these would be made use of.
- 5.5.3 SDPHE is satisfied that given the nature of the lawful use of the building, it is accessible by appropriate means of transport.

## 5.6 High Quality and Inclusive Design

- 5.6.1 The original building was designed to a high standard and remains to be of that quality on the site. The applicant's intention to make a greater feature of the frontage and include features such as a step free entrance from the car park level represents inclusive design.

## 5.7 Impact upon Economic and Physical Regeneration

- 5.7.1 With regard to physical regeneration, as the unit already exists, SDPHE does not consider that this matter applies in this case. The physical alterations to the building as referred to above are considered to be acceptable which will form part of the continued regeneration of the area and as such are supported.
- 5.7.2 In terms of economic regeneration, evidence provided at the time of the 2001 application indicated that there was a lack of provision of 'bulky goods' retail within Banbury's catchment area and as such leakage of expenditure away from Banbury was occurring; one of the factors which lead to the acceptability of the proposal at that time. It was concluded that the proposal was acceptable despite the retail warehouse commitment on the adjacent site.
- 5.7.3 Whilst the applicant makes reference to the CBRE study and its 2010 addendum, this does not provide specific evidence in SDPHE's view that there is a lack or otherwise of warehouse retailing as it focuses mainly on the town centre. Nor is reference made to leakage of expenditure out of Banbury's catchment area due to lack of warehouse retailing opportunities.
- 5.7.4 Based on the evidence available from 2001 and the fact that conclusions were drawn about there being capacity for retail warehousing over and above the existing commitments at that time, together with no significant permission being

granted for further retail warehouses in Banbury since that time, it is reasonable to conclude that there is still some capacity for retail warehousing (particularly as the unit in question has not yet been occupied) and as there was expenditure leakage outside of the Banbury catchment area at that time, a modest extension of 1,006sqm of retail warehousing could assist with 'clawing back' some of this leakage. SDPHE is therefore satisfied that the proposal for an extension to the floorspace of this retail warehouse unit would assist with economic regeneration.

## 5.8 Local Employment

- 5.8.1 Whilst the submission makes reference to securing 50 jobs if Dunhelm were to occupy the building, their occupation of the building is not guaranteed. The application must be assessed therefore in terms of its contribution generally to local employment. The building has remained empty since it was constructed. Whilst this may well be reflective of the economic downturn in more recent years, it may also be concluded that the available internal floor space (1,394sqm) provided since the subdivision of the unit to provide premises for Topps Tiles is not attractive to the majority of warehouse retailers due to its smaller size in comparison to other leading companies. The addition of a further 1,006sqm could assist with creating a more attractive space for warehouse retailers and as such increase the likelihood of the unit being occupied, bringing with it local employment opportunities. For this reason, regardless of the specific company that may occupy the building, SDPHE is satisfied that the application to extend the available floorspace has the potential to meet local employment objectives and should therefore be supported on these grounds.
- 5.8.2 Based on the requirements relating to Policy EC10 of PPS4, SDPHE is satisfied that the proposal to extend the footprint of the building internally is acceptable in principle.
- 5.8.3 With regard to the requirements of Policy EC11 of PPS4 much of the points for consideration overlap those referred to under Policy EC10 and therefore they are addressed below as one entity.
- 5.8.4 As referred to above, the proposal is capable of securing a number of benefits including making use of an existing resource, creating a number of job opportunities and assisting with reducing the level of expenditure leakage to centres other than Banbury (due to a current lack of retail warehousing). Furthermore, the proposal is capable of contributing towards the wider objectives of the development plan by securing a sustainable form of development in a location which has been established as sequentially appropriate for a retail warehouse.

## 5.9 Conclusion (in relation to principle)

- 5.9.1 To conclude in relation to the principle of extending the building by way of a mezzanine floor creating an additional 1,006sqm SDPHE is satisfied that it represents a sustainable approach to economic development which would assist with economic growth, job creation and the wider sustainability objectives of the development plan. As such the proposal compiles in principle with the provisions of PPS4.

## 5.10 Highway Safety

- 5.10.1 As set out above, the Local Highway Authority raises no objections to the creation of additional floorspace within the building commenting that an appropriate access, level of parking provision and associated manoeuvring areas would be provided/remain and stating that the submitted staff travel plan is appropriate and provides reasonable and practical objectives and measures in the interests of reducing single occupancy car trips (recommended to be secured via condition).
- 5.10.2 In addition to the above comments, SDPHE is advised that the increase in floor space would attract a greater number of trips to and from the site and it can be expected that most of these trips would be made by car and furthermore the proposal is likely to increase the number of deliveries and associated vehicles. The Local Highway Authority considers that the small increase in traffic, which is foreseen, would be unlikely to have any measurable impact upon any specific part of the local network; however, a local transport strategy is in place to tackle congestion and promote sustainable transport services and infrastructure.
- 5.10.3 The Local Highway Authority seeks financial contributions towards the strategy in proportion to peak hour trip generation. Currently, a contribution of £2,100 is requested per additional average peak hour trip, therefore a contribution of £9,450 at price base Baxter Jan 2011 is required. The financial obligations can be met via a Unilateral Undertaking.
- 5.10.4 Based on the above assessment of the proposal in highway safety terms and subject to the receipt of the required financial contributions towards the local transport strategy and a condition relating to the travel plan, SDPHE considers that the proposal complies with PPG13. It should be noted however that in relation to the Travel plan, it would be unreasonable to tie this via condition to Dunhelm. Instead a more standard approach to securing a Travel plan via condition should be taken.

## 5.11 Design and Visual Amenity

- 5.11.1 The alterations to the external appearance of the building would be relatively minor, involving a new shop front opening, centrally positioned on the north west facing elevation (rather than being positioned to the far west of this elevation), and a new fire escape opening on the south east elevation. The arrangement of the existing parking provision would be reconfigured to allow for the repositioning of the shop entrance. The proposed alterations would be visually appropriate given the context of the area and the reconfiguration of the shop frontage would create a visual focal point for the entrance to the building. SDPHE therefore considers that the proposal would be appropriate in design and visual amenity terms in accordance with PPS1: Delivering Sustainable Development and Policy BE1 of the South East Plan.

## 5.12 Conclusion

- 5.12.1 This proposal represents a relatively modest increase in the floorspace of an existing acceptable retail warehouse. Subject to the retention of the restrictive condition which excludes the sale of non-bulky goods, the proposal is acceptable in principle as the application is considered to represent development appropriate for

an out of centre location would assist with sustainable economic growth and job creation and is appropriate when considered against the wider objectives of the development plan (assisting with 'clawing back' expenditure leakage into other catchment areas).

5.12.2 The development would not cause harm to highway safety or convenience and would be appropriate in design and visual amenity terms.

## **6. Recommendation**

**Approval;** subject to:

i) the applicant entering into a planning obligation satisfactory to the District Council to secure a contribution towards the Local Transport Network

ii) the following conditions:

1. SC1.4A (RC2)Time Limit (RC1)

2. That the retail use of the unit shall be limited to building materials, DIY home and garden improvement products, hardware, self assembly and pre-assembled furniture, household furnishings, floor coverings, motor accessories, electrical goods and office supplies and for no other purpose whatsoever notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, other than the ancillary sale of sweets or food consumption on the premises, providing the area given over to the sale of such items does not exceed 10% of the floor area of the unit.

Reason: In order to minimise the impact on the vitality and viability of the retail outlets in Banbury Town Centre and to comply with PPS4: Delivering Sustainable Economic Development and Policy EC2 of the South East Plan.

3. The retail unit hereby permitted shall not be subdivided to enable any single unit to comprise less than 465 square meters (5,000sq.ft) gross floorspace.

Reason: In order to minimise the impact on the vitality and viability of the retail outlets in Banbury Town Centre and to comply with PPS4: Delivering Sustainable Economic Development and Policy EC2 of the South East Plan.

4. That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express permission of the Local Planning Authority

Reason: (RC50).

5. 4.14DD (RC66A) [Green Travel Plan]

### **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. Incorporating



and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is considered to be acceptable in principle as it would assist with reducing expenditure leakage to other centres, would not cause harm to the vitality and viability of Banbury Town Centre and would not give rise to any unacceptable risk to highway safety, nor would it be detrimental to visual amenity. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS4: Delivering Sustainable Economic Development, PPG13: Transport, Policies CC1, TC2, T1 and T4 of the South East Plan 2009 and Policies S1 and S2 of the non-statutory Cherwell Local Plan. For the reasons given and having regard to all other matters raised including third party representations, 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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