

**Showroom  
Antelope Garage  
Swan Close Road  
Banbury**

**18/01214/F**

**Applicant:** Salvation Army Trading Company Limited

**Proposal:** Change of Use to B8 storage and distribution with ancillary Class A1 shops and B1 offices.

**Ward:** Banbury Grimsbury and Hightown

**Councillors:** Cllr Andrew Beere  
Cllr Claire Bell  
Cllr Shaida Hussain

**Reason for Referral:** Application building is owned by the Council

**Expiry Date:** 14 September 2018      **Committee Date:** 20 September 2018

**Recommendation:** Approve

---

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Proposal**

The application seeks to change the use of the building from a car showroom to a storage and distribution centre, with ancillary retail and office elements. The development would involve no external changes and the current application simply relates to the change of use of the building.

### **Consultations**

No statutory or on-statutory consultees have raised objections to the application

### **Planning Policy**

The site is located within the Banbury Canalside Area, which is covered by Policy Banbury 1 of the Cherwell Local Plan 2011 – 2031 Part 1. The site is also located within the Oxford Canal Conservation Area.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

The key issues arising from the amended application details are:

- Principle of Development;
- Impact on highway safety

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions. The scheme meets the requirements of relevant CDC policies.

## **RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

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

- 1.1. The application site relates to a former car show room (previously known as the Antelope Garage) situated to the south east of Banbury town centre. The site encompasses a corner plot, situated in a prominent location at the junction of Swan Close Road and Upper Windsor Street. The unit itself sits within a wider industrial area and is accessed alongside the existing petrol filling station.
- 1.2. The application building is comprised of the southern section of a part single storey, part two storey, industrial type building which is constructed of brick and grey profiled metal cladding above. The building has relatively large openings at the front, consistent with its use as a car show room, with smaller openings at the back.
- 1.3. The application building is not a listed building but is situated within the designated Oxford Canal Conservation Area and adjacent to the locally listed building occupied by 'Laser Sailcraft'. The site is located within the Banbury Canalside area, which is part of policy Banbury 1 of the Cherwell Local Plan 2011 – 2031 Part 1.

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

- 2.1. Planning consent is sought for the change of use of the former car showroom to a storage and distribution centre with ancillary retail and office elements. The applicant is The Salvation Army and the building would be used as a donation centre. No external changes are proposed to the building.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. There is no planning history directly relevant to the proposal.

### **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 23.08.2018, 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. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions relating to cycle parking and car parking details.

#### NON-STATUTORY CONSULTEES

- 6.4. BUILDING CONTROL: **No objections.**
- 6.5. ECOLOGY: **No objections.**
- 6.6. ECONOMIC DEVELOPMENT: No comments received.
- 6.7. ENVIRONMENTAL PROTECTION: **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)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – The Oxford Canal
- Banbury 1 – Canalside

#### 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)
- Banbury Vision and Masterplan 2016 (SPD)
- Banbury Conservation Area Appraisal 2004
- Oxford Canal Conservation Area Appraisal 2012
- Banbury Conservation Area Appraisal (Draft 2017)

## 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

### Principle of development

8.2. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

8.3. Policy PSD 1 of the Cherwell Local Plan 2011 - 2031 Part 1 echoes these aspirations and states that wherever possible, development should improve the economic, social and environmental conditions in the area.

8.4. Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1 states that:

*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.*

8.5. The proposal is within the built up limits of Banbury; is outside of the Green Belt; makes efficient use of the site; has good access and can be easily accessed by public transport; does not affect the design or character of the area; and does not have an adverse effect on surrounding uses. The proposals are, therefore considered to be in accordance with Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1.

8.6. Policy Banbury 1: Banbury Canalside of the Cherwell Local Plan 2011 - 2031 Part 1 encompasses 26 hectares of land, including that which is occupied by the application site. *"Banbury Canalside is the name given to the land between Banbury Town Centre and Banbury Railway Station. The successful regeneration of Canalside and its potential to act as a catalyst for change in the town has been a key component of Cherwell District Council's planning and regeneration aims for a number of years".* When considering proposals for development in this location, it is important to understand the principles enshrined within the policy, which seeks the following:

*Provision of new homes, retail, office and leisure uses, public open space, pedestrian and cycle routes including new footbridges over the railway line, river and canal, and multi-storey car parks to serve Banbury railway station. Re-development would bring about significant environmental benefits in terms of improving the appearance of the built environment, the town centre, and the quality of the river and canal corridor. The wider community will have access to new services and facilities and Banbury's economy will benefit with the increase in the number of visitors to the town.*

- 8.7. It is also noted that, given the complexities of the site, a separate Supplementary Planning Document (SPD) is to be developed and will form the basis of an Action Plan to take forward this regeneration scheme. It is noted that the 'Canalside SPD' is currently in preparation but not yet concluded..
- 8.8. The application seeks a permanent change of use of the southern part of the building to Class B8 use with ancillary retail and office elements. The applicant's agent states that the proposed building would be used as a donation centre, which often includes bulkier items such as furniture, and that the donation centre would support the existing Salvation Army shop in the town centre. Whilst this planning use does not generally conform with the aspirations of this policy, as there has been no progress on the SPD for some time and given that there is no imminent likelihood of a scheme coming forward for the comprehensive redevelopment of the Canalside area a change of use is considered to be acceptable in this instance.
- 8.9. Notwithstanding the above, the Council has ownership of the land and is responsible for leasing the property to the applicant. Should the 'Canalside SPD' progress in the future, then the Council would have control over whether this site could be vacated to make way for any future development. Whilst this is not necessarily a planning matter, given the control that the Council has over the land it is considered that the granting of this permission would not inhibit the future implementation of this Policy Banbury 1 and is therefore acceptable in this regard. The consent shall be made temporary in order to ensure that the Canalside development can be undertaken in the future.

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

- 8.10. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.11. Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 states that: "*New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.*"
- 8.12. Policy ESD 16 of the Cherwell Local Plan 2011 - 2031 Part 1 states that the LPA will '*protect and enhance the Oxford Canal corridor which passes south to north through the District as a green transport route, significant industrial heritage, tourism attraction and major leisure facility through the control of development*'. It goes on to state that '*the length of the Oxford Canal through Cherwell District is a designated Conservation Area and proposals which would be detrimental to its character or appearance will not be permitted.*'
- 8.13. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

- 8.14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Conservation Areas are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.15. The current application only relates to the change of use of the building and as such there are no external alterations proposed. Given that there would be no change to the overall appearance of the building, and given the building and wider site was previously in commercial use, it is considered that the proposal would not cause harm to the character and appearance of the area, including the Conservation Areas. Thus the proposal would be in accordance with Saved Policy C28 of the Cherwell Local Plan 1996; Policies ESD 15 and ESD 16 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within The Framework.
- 8.16. Notwithstanding the above, the applicants should be advised that, given that the proposal is sited in a designated Conservation Area, any advertisements and external alterations are likely to require 'Advertisement Consent' (for which a separate application will be required).

#### Residential amenity

- 8.17. Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Saved Policy C31 of the Cherwell Local Plan 1996 states: *in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.*
- 8.18. The application site is situated approximately 100m away from the nearest residential properties (located at Spencer Court and Gatteridge Street). Having regard to this distance (which is considered to be substantial) and the existing uses on the site, it is considered that the proposed use would not give rise to any detrimental impact to any nearby properties beyond what is currently experienced.
- 8.19. In addition to the above, it is noted that the Environmental Protection Officer raises no objections and the proposal is therefore not considered to give rise to any detrimental impact in regard to noise, air quality, odour or light.
- 8.20. The operating hours indicated in the application form (07:00am – 20:00pm Monday to Friday; 07:00am – 20:00pm Saturday; and no times on Sundays and Bank Holidays) are considered to be acceptable and appropriate for the proposed use. It is therefore considered that the hours of operation would not adversely affect the amenity of the occupiers of any residential property, the nearest of which is a minimum of 100 metres away.
- 8.21. Having regard to the above, the proposals are not considered to be detrimental to any residential properties in terms of noise, air quality, odour or light and would therefore be in accordance with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within The Framework.

#### Highway safety

8.22. The Highways Officer has offered no objections to the proposals, subject to conditions relating to car parking and cycle parking provision. The site is located in close proximity to the town centre of Banbury and, given the nature of the proposed use, these conditions are considered to be reasonable and are therefore included.

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

9.1. The principle of the change of use is considered to be acceptable in accordance with Policies SLE1 and Banbury 1 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the NPPF. Furthermore, there would not be a detrimental impact on visual amenity, residential amenity or Highway Safety. The proposal is therefore considered to be sustainable development that accords with the relevant policies of the Development Plan, and in accordance with Paragraph 11 of the NPPF permission should be granted.

## **10. RECOMMENDATION**

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time
2. Plans
3. Five year temporary permission
4. Details of cycle and car parking

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754