

**Warehouse Car Park And Land At
Jacobs Douwe Edberts
Ruscote Avenue
Banbury**

18/01246/F

Applicant: Paloma Capital And Graftongate

Proposal: Change of use of premises from B8 to B1c/B2/B8, including internal and external alterations, demolition of ancillary structures and new access to Southam Road

Ward: Banbury Cross And Neithrop

Councillors: Cllr Hannah Banfield
Cllr Surinder Dhesi
Cllr Cassi Perry

Reason for Referral: Major application with neighbour interest

Expiry Date: 24 October 2018 **Committee Date:** 25 October 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The proposal is to change the use of the existing premises from B8 (storage and distribution) to B1c (business)/B2 (general industry)/B8 (storage and distribution) along with a new access onto Southam Road.

Consultations

The following consultees have raised **no objections** to the application:

- Banbury Town Council
- OCC Highways
- CDC Planning Policy and Environmental Protection

The following consultees have raised **objections** to the application:

- Banbury Civic Society

3 Letters of **objection** have been received.

Planning Policy

The application has 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;
- Design, and impact on the character of the area;
- Residential amenity; and
- 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 AND LEGAL AGREEMENT

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 is an existing vacant, brick built, warehouse, located to the north of Southam Road in Banbury. It is bounded to the immediate south by a Cemetery, the car parking area and Ruscote Avenue to the west, an existing factory to the north and a Waitrose Supermarket to the east, with Southam Road beyond that to the east. The existing site measures approximately 37,110 square metres with the building creating a footprint of approximately 18,250 square metres.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Consent is sought for the change of use of the building, which is currently authorised for B8 (Storage and Distribution) use. Access is to be taken from Southam Road utilising the service road to Waitrose and HGV and car parking is to be provided to the eastern and southern boundaries resulting in the increase in hard surfacing around the building.
- 2.2. The building is also to be re-clad with light and dark grey and silver coloured profiled metal cladding. New doors and windows are proposed in the elevations.

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>
15/00831/F	Proposed development of a new Waitrose food store with car parking and access arrangement onto Southam Road. Demolition of existing building.	Application Permitted
17/01953/F	Hardstanding and installation of a culvert for the purpose of the industrial undertaking of JDE	Application Permitted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
17/00342/PREAPP	Extension of hard surfacing/car park and yard areas. Recladding of external façade. Replacement of existing dock and loading doors. Addition of new first floor office area.

- 4.2. The advice given was that the principle of the development was likely to be acceptable but comments from OCC Highways and CDC Environmental Protection should be taken into account in any submission.

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 04.09.2018, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. The issues raised by third parties are summarised as follows:

- Noise
- Hours of operation
- Traffic generation
- Traffic congestion

- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

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

STATUTORY CONSULTEES

- 6.3 OCC HIGHWAYS:

Original comments –

Object. They comment that whilst the principle of the development is supported, there are some issues with the planning application that are not fully addressed.

- The proposals do not demonstrate safe and suitable access to the site for all people (NPPF).
- Travel Plan has not been provided contrary to NPPF.
- The proposal does not fully demonstrate whether traffic arising from the site can be accommodated safely and efficiently on the transport network, contrary to Policy SD1 of Oxfordshire Local Transport Plan 3 and NPPF.

Revised comments following receipt of additional information –

No objection subject to conditions relating to approval of car parking and cycle parking detail, provision of a safe pedestrian walkway within the site, travel plan and drainage.

NON-STATUTORY CONSULTTEES

6.3. CDC PLANING POLICY: **No objection**

6.4. CDC ENVIRONMENTAL PROTECTION:

Original Comments:

Noise: I note that residents have commented that they are worried about the potential for noise coming from the re-opened site and that there have been issues in the past but having checked our records I am unable to find any contact regarding this.

I am pleased to see that a fence is being erected to reduce the noise transfer to the nearby residential properties however I feel that could be improved further by extending the fence further around and further along the west/north-western boundary line. In addition there is also a discrepancy between the design and access statement (3.5) and the Noise Assessment as to the location of the fence. In my opinion the location of the fence should be more in line with that shown in the design and access statement as it is nearer the source which should help to reduce the noise form the site. I would like to see and agree the final actual location of the fence prior to any approval and it should be in place before the first operation of the site.

In addition I would like to see a noise management plan agreed which would include details of how the site will be managed to prevent as much as possible disturbance to the residential neighbours including such things as lorry idling, reducing sound from metal cages possibly being used amongst other things.

Contaminated Land: No comments

Air Quality: We would like to see provision made in the car park that would encourage the uptake of EV such as charge points.

Odour: No comments

Light: No comments

Officer Comment: In response to the above concerns, the applicant was agreeable to extending the fence line to provide further mitigation. In regard to the noise management plan, the applicant advised that a noise assessment has been submitted with the planning application which concludes that no adverse impact will arise. Given the mitigation measures incorporated into the proposals, we see little justification to prepare a noise management plan.

Revised comments following receipt of additional information –
No objections

6.5. CDC ECONOMIC DEVELOPMENT: **No comment to date**

6.6. BANBURY CIVIC SOCIETY: **Comment** in relation to traffic generation and the impact on Southam Road. They also comment that whilst they do not object to the building being brought back into use this must be weighed against the adverse

effect on traffic here and the wider town. Likewise the impact on neighbours must be weighed against the economic benefits.

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)

- SLE2 – Securing Dynamic Town Centre
- SLE4 - Improved Transport and Connections
- ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment
- PSD1: Presumption in Favour of Sustainable Development
- 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
- C30 – Design of new residential development
- ENV1 – Development likely to cause detrimental levels of pollution

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; and
- Highway safety

Principle of the development

- 8.2 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.
- 8.3 Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1 states that employment proposals at Banbury 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.*

8.4 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.

Design and impact on the character of the area

8.5 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.

8.6 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.*”

8.7 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.

8.8 The proposal involves the cladding of the building with profiled metal sheeting and the alteration in the position/size/number of doors and windows. The style of the new works is considered to be compatible with the context and therefore the works would not have a significant impact on the visual amenities of the area.

8.9 The hardsurfacing around the site is to be increased to enable access and parking for vehicles. However, given the location behind the Waitrose building when viewed from Southam Road and the industrial context of the site this additional hardsurfacing and subsequent reduction in green space would not detract significantly from the visual amenities of the area.

8.10 The application is therefore considered to comply with Policy ESD15 of the CLP 2031, saved Policy C28 of the CLP 1996 and relevant paragraphs of the NPPF.

Residential Amenity

8.11 The proposed development relates to an existing B8 warehouse building. It is set off the boundary with adjacent residential properties and having regards to its nature, scale and positioning; the proposed change of use would not result in any material harm to the living conditions of neighbouring residents.

- 8.12 The CDC Environmental Protection Team has been consulted on the application and has raised no objections to the change of use following the receipt of an amended plan showing the increase in fencing to the western/north western boundary.

Highway safety

- 8.13 The existing parking servicing the site is situated to the north of the site in an elevated area, accessed off Ruscote Avenue. The workers and visitors parking is proposed to be repositioned to the south of the site in an area which is currently largely tarmacked and is currently utilised for the parking of HGV's. The proposed area would remain largely the same with a further area of tarmac to the south of the existing. The proposed area would relocate the majority of the parking to this area.
- 8.14 The access to the site is to be relocated, with the existing access from Ruscote Avenue closed, and access to be taken from the new access which has been created off Southam Road. This currently services the rear of the Waitrose Supermarket.
- 8.15 Following discussion during the course of the application and the submission of amended modelling work, the local highway authority is satisfied that the proposal would not result in detriment to highway safety. Adequate parking and turning is to be provided within the site and the access from Southam Road is now shown to be suitable for large vehicles. The proposed development would have a negligible impact on traffic flow and congestion on the surrounding highway network.

Planning Obligations

- 8.16 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. New development often creates a need for additional infrastructure or improved community services and facilities without which there could be a detrimental effect on local amenity, service provision, and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for or contribute towards the cost of all or part of the additional infrastructure/services necessary to make the development acceptable. Obligations are the mechanism to secure these measures.
- 8.17 In respect of planning obligations the NPPF advises at paragraph 56 that these should only be sought where they meet all the following tests:
- Necessary to make development acceptable in planning terms
 - Directly related to the development, and
 - Fairly and reasonably related in kind and scale to the development.
- 8.18 Having regard to the above the contributions towards public transport infrastructure are sought in the event that planning permission was to be granted. The contributions would be towards a pair of Premium Route bus stop pole /flag /information cases and two shelters.

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 Government guidance contained within the NPPF. Furthermore, there would not be a detrimental impact on visual amenity, or residential amenity. However until it can be demonstrated that safe and suitable

access to the site for all people can be achieved, the proposed development would result in detriment to highway safety and is considered to be contrary to the guidance set out in the NPPF.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.18 and;
2. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

Draft summary of conditions, detailed conditions will follow in written updates

1. Time Limit
2. Compliance with the Approved plans
3. Boundary fence to be constructed prior to first use of the building to protect neighbour amenity
4. Approval of car parking and cycle parking detail
5. Provision of a safe pedestrian walkway within the site
6. Travel plan
7. Drainage
8. Provision in the car park that would encourage the uptake of EV such as charge points

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