

**Unit 1, Plot 1
Thorpe Way
Banbury
OX16 4SP**

18/02193/F

Applicant: Cherwell District Council/ South Northants Council

Proposal: Installation of external air conditioning units and lights to Units 1, 2, 3, 4, 5 & 6 at Thorpe Way and Units 21, 22, 24 at Thorpe Place.

Ward: Banbury Grimsbury And Hightown

Councillors: Cllr Andrew Beere
Cllr Claire Bell
Cllr Shaida Hussain

Reason for Referral: Application is submitted by Cherwell District Council

Expiry Date: 12 February 2019 **Committee Date:** 14 February 2019

Extension of time: 18 February 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Planning consent is sought to install external air conditioning units and lights onto a number of existing industrial units on Thorpe Way and Thorpe Place

Consultations

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

- CDC Environmental Protection, OCC Highways

No comments have been received from Banbury Town Council

Planning Policy and Constraints

The application site is designated an Existing Strategic Employment Site in the Cherwell Local Plan 2011 – 2031 Part 1 and the site is located in an area of potentially contaminated land.

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 application details are:

- Principle of Development
- Impact on character of the area
- Impact on neighbour amenity

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable 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 is located in the east of the town of Banbury on the Thorpe Way industrial estate. The application relates to three different buildings (units 1-5 and units 6-7 Thorpe Way and 21-24 Thorpe Place).

2. CONSTRAINTS

- 2.1. The application site is within an area of potentially contaminated land and a number of protected species have been located in proximity of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning consent is sought to install air conditioning units on the front elevation of Units 1, 2, 3, 4 and 5 facing out onto Thorpe Way, whilst the air conditioning unit on Unit 6 would be installed on the front elevation facing the central parking area. The air conditioning units on Units 22 and 24 would be on the front elevation facing the parking area, whilst the air conditioning unit on Unit 21 would be on the eastern side of the building.
- 3.2. Planning consent is also sought to replace a number of lights on the building. On Units 1, 2, 3, 4, 5 and 6 replacement LED floodlights would be mounted at high level above shutter door on the front elevation and to the rear an external light would be replaced above the rear entrance door. On units 22 and 24, replacement LED floodlights would be mounted at high level above shutter door.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site 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 30.01.2019, 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: No comments received.

CONSULTEES

- 7.3. CDC ECOLOGY: No comments received.
- 7.4. CDC ENVIRONMENTAL HEALTH: **No objections.**
- 7.5. OCC HIGHWAYS: **No objections.**

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 2031 Part 1)

- 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
- ENV1 – Development likely to cause detrimental levels of pollution

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

- 8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are "Protected, Green & Clean", are places which support "Thriving Communities & Wellbeing", and are

Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

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
- Residential amenity
- Highway safety

Principle of Development

9.2. The application site is designated an Existing Strategic Employment Site in the Cherwell Local Plan 2011 – 2031 Part 1. Thorpe Way is an industrial area, with a significant number of different businesses and uses. The proposed development comprising of the installation of air conditioning units would not result in a change of use of the site and therefore the principle of development is acceptable, subject to the other material considerations below.

Design and impact on the character of the area

9.3. 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.

9.4. Saved Policy C28 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

9.5. 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, and should respect the historic environment including Conservation Areas and listed buildings.

9.6. The proposed lights would replace existing lights on the building of a similar nature and therefore considered to be acceptable. The most visible air conditioning units are those to be installed on Units 1-5, which would face out onto Thorpe Way. These would result in a minor detrimental impact on the character and appearance of the area. However, given the small size of the air conditioning units and the

existing industrial appearance of the area, it is considered that the impact on the character and appearance of the area would not be significantly harmful.

Residential amenity

- 9.7. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.
- 9.8. The Environmental Protection Officer has offered no objections. The application site is located in an industrial area and a significant distance away from the nearest residential properties. As a result, it is considered that the development would not cause harm to the amenity of neighbours.

Highway safety

- 9.9. The Highways Liaison Officer has offered no objections to the application. It is therefore considered that the development would not cause harm to the safety of the local highway network.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

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

CONDITIONS

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 following plans and documents: Site Plan Units 1-7 Site Plan Units 18-24 (NTBS3086/04); Units 1-5 Elevations (NTBS3086/01); Unit 6 Elevations (NTBS3086/02) and Units 21-24 Elevations (NTBS3086/03).

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.

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