

DCS Group
Rear Pt Lxb Rp No 26
Oceans House
Noral Way
Banbury
OX16 2AA

19/01254/F

Case Officer: Matthew Chadwick

Applicant: Mr Denys Shortt

Proposal: Relocation of existing loading canopy and replacement with "infill" warehouse between existing warehouses

Ward: Banbury Hardwick

Councillors: Cllr Bignell, Cllr Donaldson and Cllr Illott

Reason for Referral: Major development – floor space created

Expiry Date: 7 October 2019

Committee Date: 18 December 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Planning consent is sought to relocate the existing loading canopy of the building and construct a new warehouse between the existing warehouses on the site

Consultations

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

- Banbury Town Council, OCC Drainage, OCC Highways

The following consultees have commented on the application:

- CDC Building Control

Two letters of objection have been received and no letters of support have been received.

Planning Policy and Constraints

The site is located in an existing strategic employment site as identified in the Cherwell Local Plan. The site lies within 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 as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Design and impact on the character of the area
- Residential amenity and environmental protection
- Highway safety

- Drainage
- Environmental protection

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 relates to an area of the DCS Group site which has been used as the loading canopy for the warehouse. The application site is located to the south of the main building on the site but to the north of the warehouse extension approved under 19/00010/F.
- 1.2. The wider site of Oceans House, which is located towards the north of Banbury, at the end of Noral Way, is bounded by the M40 to the north-east, Hardwick Farm and the new Southam Road development to the north, the Banbury to Birmingham Chiltern railway line to the east, the Oxford Canal to the south and the former SAPA Works site to the west, now redeveloped as large employment units occupied by The Entertainer and Amazon.

2. CONSTRAINTS

- 2.1. The site is not located within a conservation area and there are no listed buildings in the immediate vicinity of the application site. The site lies within an area of potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning consent is sought for the erection of an infill warehouse on the site of the former loading canopy and the relocation of this loading canopy to the southern side of the southernmost warehouse building. The infill warehouse and canopy have been designed to match the existing building in terms of their design, with grey cladding panels and grey roof sheeting. The building would have the same ridge height as the existing warehouse buildings on the site.
- 3.2. The building subject to this application has been constructed during the course of the application. The Council's Planning Enforcement team has been monitoring this but has not taken any action whilst this application is under consideration.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/00927/F	Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a)	Application Permitted

16/02002/F	Extension of existing loading canopy and widening of access roadway to rear of existing warehouse	Application Permitted
17/02269/F	Erection of ancillary warehouse to rear of existing warehouse	Application Permitted
19/00010/F	Erection of warehouse extension, and relocation of lorry park and drivers' amenity building, together with associated external works	Application Permitted

4.2. The development approved under 19/00010/F has yet to be constructed.

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, 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 30th August 2019, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- Concerns have been raised regarding the lorries accessing DCS blocking the access to the nearby Hardwick Business Park.

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

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.

TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **No objections.**

OTHER CONSULTEES

7.3. BANBURY CIVIC SOCIETY: No comments received.

7.4. BANBURY HISTORICAL ASSOCIATION: No comments received.

7.5. CDC BUILDING CONTROL: A fire risk assessment should be carried out.

7.6. OCC DRAINAGE: **No objections**, subject to conditions relating to a drainage management plan and full details of a surface water pumping system.

- 7.7. CDC ECOLOGY: No comments received.
- 7.8. CDC ECONOMIC DEVELOPMENT: No comments received.
- 7.9. OCC HIGHWAYS: **No objections**, subject to conditions relating to a workplace travel plan and cycle parking.
- 7.10. THAMES VALLEY POLICE DESIGN ADVISER: No comments received.

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)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigation and Adapting to Climate Change
- ESD2 – Energy Hierarchy And Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – Oxford Canal

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Potentially contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, impact on the character of the area and heritage assets
- Residential amenity

- Highway safety
- Drainage
- Environmental protection

Principle of Development

- 9.2. The application site is identified in the Cherwell Local Plan 2011 – 2031 Part 1 as an existing strategic employment site. Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 states that: *on existing operational or vacant employment sites at Banbury....employment development, including intensification, will be permitted subject to compliance with other Policies in the Plan and other material considerations.*
- 9.3. The use of Oceans House falls within Class B8 warehousing with ancillary B1(a) offices. The new warehousing and offices would be ancillary to the main building on the site and in the same uses. The application form indicates that 15 new jobs would be created as a result of the development. The development would not extend outside the existing site and there would be no change of use. Therefore, the principle of development is acceptable.
- 9.4. Given that there is no change of use, the principle of development is considered acceptable, with overall acceptability subject to the other material considerations discussed below.

Design and impact on the character of the area

Policy context

- 9.5. 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.
- 9.6. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Development should respect the traditional pattern of spaces, blocks and plots and the form, scale and massing of buildings.
- 9.7. Policy ESD16 of the Cherwell Local Plan 2011 – 2031 Part 1 states that proposals which would be detrimental to the character and appearance of the Oxford Canal will not be permitted.
- 9.8. Saved Policy C28 of the Cherwell Local Plan 1996 states that control will be exercised over all new development to ensure that the standards of layout, design and external appearance, including the choice of materials, are sympathetic to the character of the context of that development.
- 9.9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Assessment

- 9.10. The proposed warehouse extension has a footprint of 96m in length and 24m in depth and is constructed from materials to match those of the existing warehouse on the site. The warehouse infills the area in which the former loading canopy was located, which has been relocated to the south of the new warehouse building (approved under 17/02269/F). Given that the infill warehouse is surrounded by existing warehousing, it would not be clearly visible from any public views.
- 9.11. The site is well screened from the public domain by nearby buildings and vegetation from the M40 motorway. There has been some site clearance along the Oxford Canal and the new canopy is visible from this viewpoint. However, the building is seen in the context of the existing industrial site and does not cause harm to the character and appearance of the area.
- 9.12. The site is located in close proximity to the Oxford Canal Conservation Area and under this proposal the canopy would be extending closer to the heritage asset. However, this element of the proposal has a relatively 'lightweight' design and would have no significantly greater impact on the Conservation Area than the existing built form. Furthermore, the site is in an industrial use which would not change under this application.

Conclusion

- 9.13. It is considered that the development would not cause harm to the character and appearance of the Oxford Canal Conservation Area or the visual amenities of the wider area. The proposed development therefore complies with Policies ESD15 and ESSD16 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 and government guidance contained within the NPPF.

Residential amenity

- 9.14. 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.
- 9.15. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 9.16. The proposals would not extend towards the residential development on Southam Road and would therefore not cause any significant impact on these dwellings. Similarly, the canopy to the south would not have an impact on any residential properties. The development would increase the warehouse capacity on the site which would increase vehicular movements. However, given the size of the increase and the existing use of the site, it is considered that the development would not have a demonstrably harmful impact in this regard.
- 9.17. Overall, therefore, it is considered that the development would not cause significant or demonstrable harm to the amenities of neighbours. The proposed development therefore complies with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance in the NPPF.

Highway safety

Policy context

- 9.18. Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. New development in the district will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.
- 9.19. Government guidance contained within the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Development should first give priority to pedestrian and cycle movements and second to facilitating access to high quality public transport.

Assessment

- 9.20. The Highways Officer has offered no objections to the scheme, subject to conditions relating to a workplace travel plan and cycle parking provision. The condition relating to cycle parking provision is not considered to be reasonable or necessary as there is a significant amount of cycle parking on the site already. A workplace travel plan was approved under 19/00010/F and given that this development would only constitute an increase of 15 jobs it is considered that the condition does not meet the tests set out within Paragraph 55 of the NPPF.
- 9.21. There have been third party objections based on the highways impact that the DCS site would have on Noral Way and the access to Hardwick Business Park to the west. It has been stated that the lorries accessing the site currently queue back from the access to DCS and that a larger warehouse would only exacerbate this situation.
- 9.22. Following these objections, the Highways Officer has looked at this situation and confirms he raised no objections to the scheme. It is recognised that lorries accessing DCS have queued back past the access to Hardwick Business Park and blocked this access. A consultation process with the County Council has taken place regarding the entirety of Noral Way having double yellow lines, which would improve the situation by reducing the queues along the road.
- 9.23. Concerns have been raised by neighbours regarding the amount of parking on the site and that this is overspilling onto Noral Way. The agent has responded and demonstrated that the parking provision on the site exceeds the standards set by OCC. Furthermore, OCC Highways has not raised any issue in this regard, and it is therefore considered that the level of parking provision is acceptable.

Conclusion

- 9.24. Overall, therefore, it is considered that the development would not cause harm to the safety of the highway network. The development would therefore comply with Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance in the NPPF.

Drainage

- 9.25. Policy ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 states that all development will be required to use sustainable drainage systems for the management of surface water run-off.
- 9.26. The Drainage Engineer from Oxfordshire County Council initially objected to the development due to the lack of a drainage strategy. A drainage strategy was then submitted by the applicant; however, the Drainage Engineer was not content with the detail in this document. Following further discussions between the applicant's

drainage consultants and the Drainage Engineer, the Drainage Engineer has offered no objections to the drainage strategy subject to conditions. It is considered that subject to these conditions, the site would use sustainable drainage systems for the management of surface run-off.

- 9.27. The determination of this application was delayed to allow for the above mentioned issues to be resolved.
- 9.28. Subject to these conditions, it is considered that the development would not cause harm with regard to the drainage of the site. The proposed development therefore complies with Policy ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance in the NPPF.

Environmental protection

Policy context

- 9.29. Policy ESD1 of the Cherwell Local Plan 2011 – 2031 Part 1 states that measures will be taken to mitigate the impact of the development within the District on climate change.
- 9.30. Policy ESD3 of the Cherwell Local Plan 2011 – 2031 Part 1 states that all development proposals will be encouraged to reflect high quality design and high environmental standards and to demonstrate sustainable construction methods.
- 9.31. Policy ESD5 of the Cherwell Local Plan 2011 – 2031 Part 1 states that the Council will support renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact.
- 9.32. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 9.33. Saved Policy ENV12 of the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site, the development is not likely to result in contamination of surface or underground water resources or the proposed use does not conflict with the other policies in the plan.

Assessment

- 9.34. The site currently has four electrical vehicle charging points for its staff and has cabling installed for twelve dual charging points, which would allow for the simultaneous charging of a further twenty-four electric vehicles. DCS are in discussions with the Low Carbon Hub regarding installing renewable energy power sources on the site and are in the process of planting 30,000 trees in the Banbury Country Park to the east of the site to help offset its carbon footprint. It is considered that these measures are being taken to mitigate the impact of the development on climate change.

Conclusion

9.35. The proposal development thus complies with Policies ESD 1, 2 and 3, Saved Policies ENV1 and ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

10. PLANNING BALANCE AND CONCLUSION

10.1. The development is contained within the existing confines of the site and no change of use would occur under this application. The development would not cause harm to the character and appearance of the area, given that the new infill warehouse is well-screened by existing buildings and the lightweight structure of the canopy. Subject to conditions, the development would not cause harm to the safety of the local highway network or sustainable drainage systems. The development would not cause harm to the amenities of neighbours. It is therefore considered that the development is acceptable, subject to the conditions set out below.

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

Compliance with Plans

1. 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: 1988/701 (Site Location Plan); 1988/703 (Proposed Site Plan); 1988/705 (Proposed Ground Floor Plan); 1988/707 (Proposed Elevations) and Nolan Associates Drainage Strategy reference 2019-279.

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.

Drainage management plan

2. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The details shall be in general accordance with the Nolan Associates Drainage Strategy reference 2019-279. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the first use of the building hereby approved.

Reason – To comply with Policy ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and to ensure that the principles of sustainable drainage are incorporated into this proposal.

Completion of sustainable drainage scheme

3. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason - To comply with Policy ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and to ensure that the principles of sustainable drainage are incorporated into this proposal.

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