

**CHANGE OF USE OF EXISTING EMPLOYMENT UNIT  
INCLUDING INTERNAL AND EXTERNAL  
ALTERATIONS AND NEW ACCESS**

**PLANNING STATEMENT**

**SOUTHAM ROAD, BANBURY**

**ON BEHALF OF PALOMA CAPITAL AND GRAFTONGATE**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**Pegasus Group**

4 The Courtyard | Church Street | Lockington | Derbyshire | DE74 2SL

**T** 01509 670806 | **F** 01509 672247 | **W** [www.pegasusgroup.co.uk](http://www.pegasusgroup.co.uk)

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

**PLANNING** | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

---

## CONTENTS:

Page No:

1.	INTRODUCTION	1
2.	SITE AND SURROUNDING AREA	2
3.	PRE-APPLICATION ENQUIRY	3
4.	THE PROPOSALS	5
5.	PLANNING POLICY AND GUIDANCE	7
6.	ASSESSMENT OF DEVELOPMENT PROPOSALS	13
7.	CONCLUSION	17

## APPENDICES:

APPENDIX 1: PRE-APPLICATION ENQUIRY WRITTEN RESPONSE  
17/00342/PREAPP

## 1. Introduction

- 1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Paloma Capital and Graftongate in support a full planning application for the proposed change of use from B8 to B1(c)/B2/B8 uses and the refurbishment of an existing employment unit, including internal and external alterations, new access to Southam Road and demolition on ancillary structures.
- 1.2 This Planning Statement demonstrates that the proposal is acceptable in planning terms. It will consider relevant planning policy, bring together the technical work prepared to support the proposals and provide an assessment of the development, setting out the planning reasons why planning permission should be granted.
- 1.3 This application is supported by the following supporting documents:
- Design and Access Statement by UMC Architects
  - Transport Assessment by David Tucker Associates
  - Flood Risk Assessment by T.R Collier & Associated Ltd
  - Air Quality Assessment by Vanguardia
  - Noise Assessment by Vanguardia
  - Lighting Scheme by Halligan Consulting Engineers
- 1.4 This Statement begins with a description of the site and the surrounding area in Section 2. The details of the pre-application discussions are set out in Section 3, before going on to provide a detailed description of the proposed development in Section 4. Section 5 continues with a review of the relevant planning policy context. Section 6 assesses the proposed development having regard to the development plan and other material considerations, with particular attention to the need to achieve sustainable development, through planning for environmental, social and economic gains as set out in the National Planning Policy Framework (the Framework). This is followed by a summary and conclusion on the above at Section 6.

---

## 2. Site and Surrounding Area

- 2.1 The site measures approximately 3.8ha in size and lies within the administrative boundary of Cherwell District Council.
- 2.2 The application site is an existing vacant warehouse unit which has a gross internal floor space of 18,214m<sup>2</sup>. The unit is adjacent to, and was previously part of, the Jacobs Douwe Egberts (JDE) facility that lies immediately to the north. The application site has been unoccupied for approximately two years.
- 2.3 Access to the site is via Ruscote Avenue and Southam Road. The Southam Road access became available following the construction of the adjacent Waitrose supermarket service access which terminated at the sites boundary directly abutting an existing internal access road.
- 2.4 The site is located to the north of Southam Road, Banbury, located 500m south of the A422 trunk road which leads onto Junction 11 of the A40 motorway, making the location of the site ideal for industrial and commercial uses.
- 2.5 Ruscote Avenue lies to the north-west, with Banbury Cross Retail Park just beyond. Southam Road is to the east.
- 2.6 There are dwellings approximately 70m to the south of the site on Nursery Drive, which are separated by a car parking area used by JDE, a cemetery and landscaping features.
- 2.7 Many of the properties fronting Nursery Drive do not have any direct relationship with the site due to the change in levels resulting in the subject site being significantly lower than the dwellings to the south. This is illustrated on the cross-section drawings contained within the submitted Design and Access Statement.
- 2.8 A recently constructed Waitrose supermarket is located on the land immediately to the east of the application site. The wider industrial and employment area continues to the north east along Southam Road.
- 2.9 There is a Public Right of Way (120/100/10) which runs parallel to the sites southern boundary but outside of the application site.
- 2.10 The site falls within Flood Risk Zone 1 and there are no Listed Buildings or designated Conservation Areas nearby that would be affected by the proposal.

### 3. Pre-Application Enquiry

3.1 During the preparation of the planning application, the Applicant has engaged in pre-application discussions regarding the proposed development with Officers of Cherwell District Council.

3.2 A formal Pre-Application Enquiry request was submitted in November 2017 and the Applicant and Architect met the assigned Officer, Gavin Forrest, on site on December 3<sup>rd</sup>, 2017. The Officer provided a written response on December 12<sup>th</sup>, 2017, considering aspects such as the principle of the proposed use, visual impact, residential amenity and highways safety. The full written responses can be seen at Appendix 1.

3.3 The following key issues are relevant to this proposal:

- The matter of change of use is largely covered by Permitted Development, and no detrimental impact would arise as a result of the proposed external works;
- The removal of the substation will have a neutral impact on the visual amenity of the area;
- The main issue regarding the new access would be to ensure that the gradient and sightlines are adequate, the finish is appropriate with sufficient drainage and ensure the dimensions are appropriate to service the site;
- The site currently has no constraints regarding hours of operation, as such, the expansion of the service area towards the residential properties may have an impact on the amenity of the occupiers for a 24-hour operation.
- The proposed cladding will modernise the unit and reflect the recently developed supermarket;
- Proposed landscaping and boundary treatments is encouraged to the rear of the HGV parking area, potentially reducing the visual impact and impact of noise.

3.4 As part of the pre-application process comments have been received from Oxfordshire County Council Highways Department, providing advice on the

---

feasibility of the location, what to include within the application and the need for pre-application surveying.

- 3.5 The responding Officer encouraged the inclusion of opportunities for sustainable travel and confirmed that any submission would require a Transport Assessment to evaluate the intensification of the use of the junction at Southam Road.

#### 4. The Proposals

- 4.1 This full planning application seeks permission of the change of use of an existing industrial unit from B8 to B1(c)/B2/B8 along with internal and external alterations and the provision of a new access as described in detail below.
- 4.2 The proposals result in an overall loss (73m<sup>2</sup> GIA) of warehouse or shop floor space, through the introduction of a greater amount (512m<sup>2</sup> GIA) of ancillary office space. Accordingly the overall gross internal area proposed is 18,653m<sup>2</sup>.
- 4.3 There are currently two vehicular access points into the site, one being from the west off Ruscote Avenue and another from the east off Southam Road via the Waitrose supermarket. It is proposed to surrender the use of the sites access via Ruscote Avenue, and formalise and improve the access to Southam Road.
- 4.4 A significant part of the proposal is to re-clad the building, which will result in an improved appearance with subtle mixes in the cladding profile and colours including dark and light metallic greys.
- 4.5 The condition of the building has depleted during the two years of vacancy and currently stands in a poor state of repair; however, it has been deemed to be structurally sound.
- 4.6 The proposals would bring a vacant unit back into supply and provide a modern, future-proof and fit for purpose employment facility which provides future tenants with a more sustainable and contemporary appearance, the proposals include full height over-clad facades and a new roof.
- 4.7 The existing canopy over the loading doors to the south facing elevation is to be replaced. It is also proposed to include two new level access doors, to increase the operational functionality of the building.
- 4.8 The existing service yard area to the south of the site will be extended in order to provide 35 HGV parking spaces. The reconfiguration of the existing HGV spaces is required to create a better association with the location of the access doors. The extension of this area will provide sufficient turning circle to allow HGVs to enter and leave the site safely in a forward gear. This arrangement can be seen on the Proposed Site Layout Plan.
- 4.9 The existing HGV parking area to the east would be subject to a small extension and resurfacing to provide 186 vehicle car parking spaces, inclusive of 10

---

dedicated disabled spaces, which are located as close to the main entrance as possible. Covered cycle parking is also provided.

- 4.10 The footprint of the building will not change. A new first floor office will be situated in the southern corner.
- 4.11 There is limited pedestrian access into the site at present, there is a below standard footpath approaching the site from Southam Road. A proposed alternative pedestrian route has been incorporated alongside the new vehicular access from Southam Road.
- 4.12 New external lighting is also proposed and has been designed to incorporate a glare control to prevent light pollution to surrounding areas, whilst providing adequate security lighting for public and staff safety.
- 4.13 A former electricity sub-station is to be demolished.



## 5. Planning Policy and Guidance

5.1 This section of the Planning Statement considers the key aspects of the Local Development Plan, together with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) as other material considerations.

5.2 In this instance, the Development Plan comprises the Cherwell Local Plan which was adopted in July 2015 (CLP Part 1) and the 'saved' policies of the Cherwell Local Plan 1996. The adopted Policies Map currently identifies the site as an Existing Strategic Employment allocation.

### **Cherwell Local Plan Part I (2015)**

5.3 The adopted Cherwell Local Plan Part I is a key element of the Development Plan for the District. The following policies within the document are pertinent to the proposed development.

5.4 Policy SLE 1 *Employment Development* confirms that employment development will be focused on existing employment sites whether existing operational or vacant employment sites at Banbury and will be supported if they meet criteria which includes:

- They are within the build-up limits of the settlement,
- Make efficient use of previously developed land;
- Have good access, or can be made to have good access;
- Do not have an adverse effect on surrounding land uses.

5.5 Policy SLE 4 *Improved Transport and Connections* states that new development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

5.6 Policy ESD 7 *Sustainable Drainage Systems* states that all development will be required to use SuDS for the management of surface water run-off.

5.7 Policy PSD 1 *Presumption in Favour of Sustainable Development* confirms that the Council will take a proactive approach to reflect the presumption of sustainable development contained within the National Planning Policy Framework. Planning applications that accord with the Development Plan will be approved without delay unless material considerations indicate otherwise.

5.8 Policy ESD 15 *The Character of the Built and Historic Environment* states that successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context and new development proposals should, amongst other aspects:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work;
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness;
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette;
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space;
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation; and
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation.

#### **Cherwell Local Plan 1996 (saved policies 2007)**

5.9 The following 'saved' policies contained within the Cherwell Local Plan, adopted in 1996, are of relevance to the current proposals.

5.10 Policy C28 *Layout, Design and External Appearance of New Development* 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 external-finish material, are sympathetic to the surrounding character of the area.

5.11 Policy ENV1 *Pollution Control* states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

## Other Material Considerations

### National Planning Policy Framework (NPPF, 2012)

- 5.12 The NPPF was published in March 2012 and sets out the Government's policies for the planning system to ensure that it helps to achieve sustainable development.
- 5.13 The NPPF reaffirms the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 where applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.14 The overarching policy objective of the NPPF is the presumption in favour of sustainable development. In Paragraph 14, it states that for decision making this means approving development proposals that accord with the development plan without delay.
- 5.15 The three dimensions of sustainable development are set out at paragraph 7, requiring the planning system to perform an economic, social and environmental role.
- 5.16 Paragraph 17 of the NPPF then sets out the 12 Core Planning Principles which include economic growth, high quality design and making the best use of public transport, walking, cycling and supporting the transition to a low carbon future.
- 5.17 Paragraph 19 goes on to confirm the Government's commitment to supporting sustainable economic growth:

*"Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*

- 5.18 Section 1 of the Framework deals with building a strong and competitive economy. It states that the Government is committed to securing economic growth in order to create jobs and prosperity (para.18) and to ensuring that the planning system does everything it can to support sustainable economic growth (para.19). Planning should operate to encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support economic growth through the planning system (para.19).

5.19 To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century (para.20). Furthermore, investment in business should not be over-burdened by the combined requirements of planning policy expectations (para.21).

5.20 Section 4 of the NPPF focuses upon the promotion of sustainable transport. It makes clear at paragraph 32 that plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.21 The requirement to ensure good design in new development is set out in section 7 of the Framework. Paragraph 58 recommends that planning decisions should aim to ensure that developments;

- function well and add to the overall character of the area;
- establish a strong sense of place;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;
- respond to local character and history and reflect the identity of local surroundings and materials;
- create safe and accessible environments;
- are visually attractive as a result of good architecture and appropriate landscaping.

- 
- 5.22 Paragraph 61 advises that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 5.23 Section 10 focuses on climate change and flooding. Paragraph 96 states that to support the move to a low carbon future, new development should comply with adopted local plan policies on the requirements for decentralised energy supply and seek to minimise energy consumption.
- 5.24 In terms of flood risk, local planning authorities should ensure flood risk is not increased elsewhere (Paragraph 103). Site specific flood risk assessments are required for proposals of 1 hectare or greater in Flood Zone 1 (Footnote 20).
- 5.25 An important feature of the Framework is the culture change it requires from local planning authorities. It requires local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development, looking for solutions rather than problems and seeking to approve applications for sustainable development where possible (Paragraph 186 & 187).
- 5.26 Section 12 of the Framework focuses upon the conservation and enhancement of the historic environment. It seeks to understand the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment, as well as the conservation of England's heritage assets in a manner appropriate to their significance.
- 5.27 Paragraph 128 states that planning decisions should be based on the significance of heritage assets and that the level of detail supplied by an applicant should be proportionate to the importance of the asset, and should be no more than sufficient to review the potential impact of the proposal upon the significance of that asset.

### **Planning Policy Guidance (PPG)**

- 5.28 The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework. The PPG is a web based resource that is continually updated.
- 5.29 The PPG also provides extensive guidance on the matter of design, including listing the planning objectives that be achieved via good design. These include considering local character, landscape setting, safe, connected and efficient

---

streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

## 6. Assessment of Development Proposals

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 Whilst the Framework does not change the statutory status of the Development Plan as the starting point in decision making, the Framework constitutes an important material consideration in determining applications. The Framework constitutes the Government's view of what sustainable development means in practice for the planning system.
- 6.3 The Government's objective is a clear presumption in favour of sustainable development, and local planning authorities proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units and infrastructure the country needs.
- 6.4 A key message in the Framework is to proactively drive and support economic development.

### Planning Considerations

- 6.5 The key planning issues that have been identified in respect of the proposed development are as follows:
- The Principle of Development
  - Highway Safety and Vehicular Access
  - Flood Risk and Drainage
  - The Visual Impact
  - Residential Amenity

### The Principle of the Development

- 6.6 The site is located within an area which is characterised by existing employment units, primarily including B1, B2 and B8 uses. This application seeks to expand the existing B8 use to include B1c and B2 uses in order to maximise the market opportunities for the site and provide flexibility for future occupiers.

- 
- 6.7 Policy SLE 1 confirms that development on existing vacant employment sites in Banbury will be permitted subject to compliance with other policies in the Plan.
- 6.8 Although the unit has remained vacant for a period of approximately two years, the principle of using this site for industrial purposes has been established through earlier permission and the previous uses on the site. Accordingly, the principle of the development is supported.
- 6.9 The proposed change of use and modifications are required in order to update the property to attract prospective occupiers and ultimately bring economic investment in the local economy. The delivery of the building for employment purposes will secure economic development and has the potential to create a significant number of jobs.
- 6.10 As such, the principle of the proposed use does not conflict with adopted Policy SLE 1 and the objectives of the NPPF.

#### **Flood Risk and Drainage**

- 6.11 The assessment identified that the site is located entirely in Flood Zone 1 with a low probability of flooding. However, in-line with national Planning Practice Guidance, a Flood Risk Assessment has been prepared and submitted with the application due to the size of the site.
- 6.12 Whilst the proposal includes an increase in hardstanding areas to provide adequate parking for all associated vehicles, the assessment demonstrates that the proposed development is not at significant flood risk, subject to the recommended flood mitigation being implemented. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.
- 6.13 The extensive nature of the FRA and the drainage strategy adequately demonstrate that the proposals satisfy the requirements of Policy ESD 7 and the overarching requirements of the Framework.

#### **Highway Safety and Vehicular Access**

- 6.14 As discussed in earlier sections of this Statement, the site benefits from two points of access, one to Ruscote Avenue and one to Southam Road. It is proposed to formally change the current vehicular access arrangements for the site, with



the access from Ruscite Avenue being surrendered, and the existing access from Southam Road becoming the sole access point for all vehicles.

- 6.15 The new access will be through the existing point from Southam Road, which also services the adjacent supermarket to the south east of the site. All associated vehicles will enter and egress the site via Southam Road.
- 6.16 There is currently a below standard footpath leading into the site from Southam Road, and the proposals incorporates alterations to provide a suitable pedestrian footpath provision alongside the new access.
- 6.17 The enclosed Transport Assessment concludes that, in accordance with the NPPF, the additional traffic created by the proposed development would not have a material impact on the safety or operation of the local highway network and therefore the impact of the development is not considered to be "severe". As such, there are no justifiable reasons for refusal on highway grounds.
- 6.18 In delivering the access alterations, it is considered that the proposal is in full accordance with Policy SLE 1 which requires employment developments to have good access.

### **The Visual Impact**

- 6.19 The existing building is finished in buff brick and green vertical cladding and now stands in a relatively poor condition due to being vacant for approximately two years. Subsequently, the building has a detrimental impact on the visual amenity of the area, albeit, within a mostly industrial context.
- 6.20 The proposed external cladding would modernise the building, bring it up to a contemporary standard and ensure it is more aesthetically relevant to the recently development supermarket to the east of the site. The high-quality refurbishment would improve the visual appearance of the site.
- 6.21 The proposals external alterations would not adversely affect nearby residential properties, given the change in ground levels resulting in the dwellings being significantly higher than the application site.
- 6.22 The external alterations are necessary to bring the unit up to modern day requirements for future occupiers. Given the current condition of the unit, the cumulative effect of the proposed alterations would create a visual improvement

to the building and the surrounding character, in full accordance with Policy ESD 15.

### **Residential Amenity**

- 6.23 As part of the pre-application discussions the potential impact on residential amenity has been considered and particular attention has been paid to the topography of the surrounding area.
- 6.24 The submitted Design and Access Statement includes cross sectional drawings to illustrate the topographical context and show the relationship between the application site and residential properties along Nursery Avenue.
- 6.25 The Proposed Section A and Section B show the change in levels between the site and the dwellings to the south. It is considered that due to this change in level, and given a separation distance of 70m at their nearest point, there would be no detrimental affect the amenity of residents, in terms of acoustic disruption or light pollution. The proposed extension to the yard area would have no discernible impact.
- 6.26 The proposals incorporate soft landscaping features alongside a 2.0m fence to the south of the service yard area. This provides a suitable buffer between the site and neighbouring residential properties, further protecting occupants from potential noise and light disturbances.
- 6.27 A Noise Assessment has been prepared to assess the arising noise impacts from the broader range of uses sought. The assessment concludes that no adverse impact will occur.
- 6.28 An Air Quality Assessment has been prepared to assess the arising air quality impacts. This assessment covers both the construction and operation phases and confirms that all impacts are within acceptable limits.
- 6.29 In accordance with Policy LEP 1, it is considered that the proposal and associated activities can be carried out without undue detriment to the residential amenity of the properties on Nursery Avenue.

---

## **7. Conclusion**

- 7.1 The current use of the building falls within Use Class B8 (Storage and Distribution), and this planning application seeks permission to expand the lawful uses to include Use Class B1c (Light Industry) and B2 (General Industrial) alongside internal and external alterations and the regularisation of a new access arrangement to Southam Road.
- 7.2 The proposal has been formulated in conjunction following formal pre-application discussions with Officers of Cherwell Borough Council.
- 7.3 The development will bring a currently vacant employment building back into an active use, and provide a desirable development creating approximately 1,130 full time equivalent jobs across the uses.
- 7.4 The access to Southam Road has been demonstrated to be suitable with no adverse impacts in terms of trip generation and impact on the network.
- 7.5 The proposals have been demonstrated to have no adverse impact on residential amenity through the assessment of noise and air quality assessments.
- 7.6 The proposals are in full accordance with key Policies LEP 1 and ESD 15 which relate to employment development and the effect on the character of the surrounding area.
- 7.7 This Statement has demonstrated how the proposals are consistent with other relevant policies of the Development Plan and the NPPF.

**APPENDIX 1: PRE-APPLICATION ENQUIRY WRITTEN RESPONSE  
17/00342/PREAPP**

CHERWELL DISTRICT COUNCIL

Pre-Application Report

<b>Pre-application Reference No:</b>	17/00342/PREAPP	
<b>Proposal:</b>	Recladding of the existing warehouse, Internal & external alterations and change of use from B8 to B1, B2 & B8	
<b>Site Address:</b>	Warehouse Car Park and land at Jacobs Douwe Edberts, Ruscote Avenue, Banbury	
<b>Site Meeting:</b>	<b>Date:</b> 3/12/2017	<b>Time:</b> 14.00pm
<b>Attendees:</b>	Gavin Forrest, Graftongate, Gary Horton from UMC Architects	
<b>Applicant:</b>	Graftongate, Victory House, 26-28 Ludgate Hill, Birmingham, B3 1DX	

**TECHNICAL ASSESSMENT**

**Internal Consultations**

**Cherwell District Council Highways Department:** No consultation response received at time of writing.

**Cherwell District Council Environmental Protection:** No consultation response received at time of writing.

***Consultation responses will be forwarded on to the agent once received.***

**Cherwell District Council Economic Development:** “The proposed updating and modifications to this warehouse are to be welcomed as a positive investment in Banbury’s commercial and industrial property. As a stand alone unit, the extension of the use class to also incorporate B1 and B2 is appropriate to ensure the flexibility required by prospective occupiers now and in years to come.

“The location of the site is within an established employment area whereby it would complement neighbouring industrial and retail uses. The proposal would appear not to adversely affect residential neighbours and indeed would make the buildings visually more attractive and provide a source of job opportunity within walking distance. I would therefore encourage access by foot to be properly considered in the planning application – both for workers from the nearby housing to the south west and for access to public transport, town centre and to shops such as Waitrose whereby safe alternatives to car usage car should be provided, thus creating leisure options and a more attractive neighbourhood in which to work. I also note the applicant’s consideration of the landscaping and would encourage that to be fully implemented.

“With planning permission in place, I would expect this unit to be readily occupied. I have discussed with the developer and offered the support of the Council’s economic growth service to ensure that advice and practical assistance is offered to prospective occupiers with recruitment and any other operational issue to return this site to a viable and productive use.”

### **External Consultations**

N/A

**Flood Risk:** The site is within Flood Zone 1 which is the zone of lowest flood risk. The Environment Agency has produced advice for applicants and agents about assessing flood risk in the planning process, and this can be viewed online at: <https://www.gov.uk/flood-risk-assessment-for-planning-applications>. You should have regard to this advice when preparing your application.

**EIA Screening Opinion Required?** No.

### **Committee or Delegated Matter?**

The matter is likely to be delegated unless it is requested to be brought to Committee by a Member of the Council, or a recommendation of approval is made where it would be contrary to Policy.

### **Relevant Planning History:**

**16/02385/F-** New boundary fencing to define south western boundary to JDE; and external lighting on boundary- **Application Withdrawn**

**17/01322/OUT-** mixed use development-**Application Returned**

**17/00058/SO-** This is an outline planning application to establish the change of use of the Car Park at Ruscote Avenue for a mixed use development – **Application Returned**

**17/01953/F** - Hardstanding and installation of a culvert for the purpose of the industrial undertaking of JDE – **Application Permitted**

### **Policy**

Any application made for this proposal will be considered against the policy guidance contained in the National Planning Policy Framework (NPPF) and policies within The Cherwell Local Plan 2011-2031 Part 1 (CLP) and the ‘Saved Policies’ of the Cherwell Local Plan 1996.

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Local Plan and its associated documents are available on the Council’s website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk).

The following policies of the Development Plan are of particular relevance to this proposal:

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)

**You should be aware of the following matters/issues/designations which have been identified as particular constraints at/close proximity to this site:**

- Public right of way, 120/100/10, runs adjacent to the new access route in to the site, off Southam Road, and the southern boundary of the site.
- The site is currently identified as an Existing Strategic Employment Site.

**PROFESSIONAL ASSESSMENT BY CASE OFFICER**

The proposed development would involve the change of use of the building from B8 to B1, B2 & B8, recladding of the existing warehouse and various internal and external alterations.

It is considered that the main issues relating to your proposal are:

- Principle of the proposed change of use
- Visual impact
- Residential amenity
- Highway safety

The site which forms the basis for the pre-application application is an existing vacant warehouse, located to the north of Southam Road in Banbury. The area is characterised by B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) use classes. To the north east of the site is a predominantly Class 1 retail estate. The main town centre is situated to the south of the existing site. The existing site is bound to the immediate south by a Cemetery, the car parking area and Ruscot Avenue to the west, existing factory to the north and the proposed new 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.

Whilst on site a number of discussions were had, regarding the proposals and a number of other issues which were not detailed within the original submission. This response will address all the points discussed, individually, as requested.

### **Change of Use**

The matter of change of use can largely be covered by Permitted Development. Under industrial and business conversions, as detailed within the General Permitted Development Order (GPDO);

*Development consisting of a change of use of a building—*

*(a) from any use falling within Class B2 (general industrial) or B8 (storage or distribution) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule;*

*(b) from any use falling within Class B1 (business) or B2 (general industrial) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution) of that Schedule.*

*\*1.1 Development is not permitted by Class 1, where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 500 square metres of floor space in the building.*

The existing building has a B8 use class with elements of B1 use. The proposed increase in floor space, I wouldn't image, would create more than 500 square metres of floor space. However, if it were to, and required permission, the office use would be ancillary to the main B8 use. No issue would arise as a result of the proposals. The creation of the proposed additional floor area, on the first floor would result in limited alterations to the exterior of the building, including the creation of windows. No detrimental impact would arise as a result of the external works.

A change of use would also be required if there were to be a change from Class B8 to B2, regardless of the proposed floor area. Given the surrounding locale is predominantly Industrial in use. My assumption is that there would be limited detrimental impact on the surrounding area. However, given the possibilities available within this use class, they will need to be assessed on a case by case basis and on their own merits.

The fact that the site has remained vacant for over 18 months would also be taken into consideration is the assessment of change of uses.

### **Removal of Substation**

There is an existing brick built, flat roofed substation situated at the top of the newly created access off Southam Road. The existing building will be removed as part of the overall site development. The building is of no architectural merit and its demolition will have a neutral impact on the visual amenity of the surrounding area.

### **Parking layout and number/ Access to the site**

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 and would provide 186 car parking spaces. The parking requirement would be



assessed on the uses of the site/floor space allocation for each use and the number of potential employees.

The access point to the site will also be changed. The existing access from Ruscote Avenue is proposed to be closed, only retained to comply with building standards for the use by fire machinery. The new access which has been created off Southam Road, also services the rear of the Waitrose Supermarket, situated to the south east of the site. The main issues with regards to the access would be to ensure that the gradient and sightlines are adequate, the finish is appropriate, sufficient drainage is in place to ensure water and deleterious material does not enter the highway and to ensure the dimensions are appropriate to service the site, given the HGV nature of the majority of the traffic.

There is currently a below standard footpath approaching the site, on the northern side of the road. There may be a necessity to allow for suitable footpath provision. Although the southern side of the road is on a gradient falling away from the road, there may be an opportunity to provide a footpath in this area if required.

Comments regarding the footway provision requirements, parking requirements, layout etc will be forwarded on once received from OCC's Highways Department.

#### **HGV Parking/Service Yard**

The area immediately to the south of the existing building is currently utilised as loading bays with an onsite footpath and an area of green open space which rises southwards towards the boundary. The footpath is clearly identifiable as a pedestrian route through the site.

The proposal is to "push back" the green area and footpath to provide parking for approximately 40 HGV's with associated turning area. The footpath will be lost as a result of the works although part of the southern most green area will be retained. There may be some requirement to retain a pedestrian route through the site. There will be no retaining wall proposed in the area and the back area will remain natural, albeit on a higher elevation than the ground level. Depending on the level of ground/engineering works, a Planning permission may be required.

Given where the site is in relation to the road to the south and the residential area to the west, the works in this area of the site are unlikely to create any issues in terms of the visual amenity of the area. However, I am led to believe that the site currently has no constraints regarding the operating hours of the site. The expansion of the area towards the residential properties may have an impact on the amenity of the properties if it were to operate 24 hours a day, e.g. engine idling/starting, noise from reversing signal, worker noise etc. The nearest properties are situated approximately 40 metres away from this area.

The Environmental Protection Department have been consulted regarding this and their comments will be passed on once received.

In terms of the creation of the hard standings generally, Part 7, Non-domestic extensions and alterations etc of the GPDO 2015 ;

**Permitted development J.** Development consisting of—

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or
- (b) the replacement in whole or in part of such a surface.

**Development not permitted**

**J.1** Development is not permitted by Class J if the development would be within the curtilage of a listed building.

**Conditions**

**J.2** Development is permitted by Class J subject to the following conditions—  
(a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and  
(b) in all other cases, either—  
(i) the hard surface is made of porous materials, or  
(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse

**Recladding of the existing building**

The existing building is finished in buff brick and green vertical cladding. The property is currently in a poor state of repair and has a detrimental impact on the visual amenity of the area, albeit, within a predominantly industrial context. The proposal is to re-clad the whole building which is considered to be a positive step. Although no details of the type, style and colour of the cladding have been proposed, the proposed works will modernise the unit and will ensure it is more visually relevant to the recently developed Waitrose supermarket. The proposal to replace the existing lorry canopy is also expected to have a positive impact. Given what is currently *in situ* and the significant difference that recladding will have visually, and the replacement of the existing lorry canopy, refurbishing the existing roof etc, cumulatively, the proposals will create a visually material difference to the building and the locale to which it relate.

**Landscaping & Boundary Treatment**

There have been no other details submitted relating to any proposed landscaping/boundary treatment, however, this would be encouraged, especially to the rear of the HGV parking area proposed and the southern part of the site generally. The public right of way and the residential area are situated in close proximity to the site. Planting would potentially reduce the visual impact and the potential impact in terms of noise travel.

Given the loss of the green space within the site, areas surrounding the entrance could be landscaped to ensure a softer approach and view in to the site from the main road to the south.

**Conclusion**

Whilst the principle of what is proposed may be acceptable you should take into account the above as well as the comments from the Local Highways Authority and the Council's Environmental Protection Team which will be forwarded to you in due course.

**Date of Report: 12<sup>th</sup> December 2017**

**Case Officer: Gavin Forrest**

**DISCLAIMER**

The above advice represents the professional views of Council Officers and although given in good faith, it cannot prejudice any decision with the Council, as Local Planning Authority, may make at either Planning Committee or delegated officer level.