

Case Officer: Shona King

Recommendation: Approve

Applicant: Paloma Capital And Graftongate C/o Pegasus Group

Proposal: Variation of Condition 2 (plans) of 18/01246/F - Replace drawing P003 Rev U with P003 Rev W. and addition of landscaped bund - additional details indicated on 16083_P022_A

Expiry Date: 13 August 2019

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to 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.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Consent is sought for the variation of 2 of 18/01246/F which granted consent for the change of use of the premises from B8 to B1c/B2/B8 including internal and external alterations, demolition of ancillary structures and new access to Southam Road.

2.2. The proposal is to add a landscaped bund to the southern boundary of the site. The bund is to measure approximately 4.5m high and is to be approximately 80m in length.

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>
18/01246/F	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	Approved

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **15 July 2019**, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

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

NON-STATUTORY CONSULTEES

6.3. ENVIRONMENTAL PROTECTION: **No objection**

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

7.3. 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

Principle of development

- 8.2. The principle of the development has been established under application 18/01246/F. The current application seeks to amend that approved scheme as set out at paragraph 2.1 above. The Planning Practice Guidance advises:

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306)

- 8.3. Therefore, the main issue to consider is whether the alterations raise any other material considerations which would result in unacceptable impacts.

Design, and impact on the character of the area

- 8.4 The proposed amendment involves the addition of an 80m long bund to the southern boundary of the site. It is to measure approximately 4.5m above existing ground levels on the site and is to be approximately 38m wide at its widest point.
- 8.5. The location of the bund is within the site and would not be prominent in public views from Southam Road due to the length of the access road into the site.
- 8.6 There is a public footpath within the cemetery to the south of the site adjacent to the shared boundary and the bund would be partially visible from here. However, it is considered that the bund would not result in any significant detriment to the visual amenities or character of the area.

Residential amenity

- 8.7. The bund is located approximately 35m from the nearest dwelling in Garden Close to the south and given the height of the bund and the distances involved it is considered that it would not have any detrimental impact on the living amenities of the dwellings in Garden Close.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. It is considered that the development would not result in any significant detriment to the character or visual amenities of the area nor on the living amenities of the neighbouring properties.
- 9.2. As such the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 14 of the NPPF, permission should therefore be granted

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of the original permission, that is

20th December 2018.

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.

- 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: Design and Access Statement, Flood Risk Assessment prepared by T R Collier and Associates Ltd, Air Quality Assessment dated June 2018 prepared by Vanguardia Ltd, Transport Assessment dated 11 April 2018 prepared by David Tucker Associates and the following Drawing Nos:

16038 P001 Rev B, P002 Rev A, P003 Rev W, P004 Rev B, P006 Rev L, P008 Rev F, P009 Rev D, P0010 Rev J, P011 Rev A, P012 Rev A, P013 Rev A, P014 Rev A, P015 Rev A, P016 Rev A, P017 Rev A, P018 Rev A, P020 Rev A, P022A, B3231/E/3231, 2819_T, SK007 Rev B and 19519 - 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.

- 3 The boundary fence shown green on drawing No. 16083 P010 Rev J along the southern and western boundaries of the site shall be erected prior to the commencement of the change of use hereby approved and shall be retained as approved thereafter.

Reason - To safeguard the privacy of the occupants of the existing dwellings adjacent to the site and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 4 Car parking and cycle parking shall be constructed in accordance with drawing Nos. 16083 P0002 A, 16083 P020 A, 16083 P006 O and 3852-60 A prior to the first occupation of the building and shall be retained for the parking of vehicles and bicycles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework

- 5 The pedestrian walkway serving the cycle parking within the site shall be completed in accordance with drawing Nos. 16083_P0002 A and 3852-60 A prior to the first occupation of the development and shall be retained as such thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 The change of use hereby approved shall not commence unless and until a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local

Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 7 The surface water drainage scheme shall be carried out in accordance with drawing No 3852-50 F and 3852 Drainage calculations (T.R.Collier & Associates Limited, date 18.02.2019) prior to the commencement of any of the car park extension works on the site. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 8 The electrical vehicle charging infrastructure shall be implemented in accordance with drawing Nos. 16083_P021 and Basic Charge EV FTU Data Sheet – 02 prior to the first occupation of the building and shall be retained as such thereafter.

Reason - To maximise opportunities for sustainable transport in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Shona King

DATE: 07.08.2019

Checked By: Nathanael Stock

DATE: 13.08.2019
