

**Case Officer:** Bernadette Owens

**Recommendation:** Approve

**Applicant:** Lysander

**Proposal:** Use of the site for the storage of operational vehicles, elevational alterations, associated parking, vehicle barriers, guard hut and associated infrastructure

**Expiry Date:** 17 May 2021

**Extension of Time:** 20 August 2021

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is an existing vacant B8 storage and distribution warehouse situated on Southam Road in Banbury. The site extends to 3.78ha and has historically formed part of the wider Jacobs Douwe Egberts site to the north/northeast.
- 1.2. The building itself has been recently refurbished and is clad in a grey profile steel, typical of units in the area. The site includes existing car/van parking to the front with lorry parking and loading docks to the southern side of the building.
- 1.3. The site incorporates established landscaping and trees to the boundaries and is bound by a palisade security fence.
- 1.4. To the north of the site are operational units within the Douwe Egberts site. To the east of the site is the Waitrose food store with car showrooms beyond on the opposite side of Southam Road. To the south and southwest of the site are residential properties and the Southam Road cemetery and further surface level car parking is located directly to the west of the site.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks planning permission for the change of use of the site for the storage of operational delivery vehicles to respond to the increased demand for vehicle storage that has resulted from the ongoing Covid-19 pandemic.
- 2.2. The proposed van storage scheme is associated with a nearby Amazon distribution centre approximately 1.5km north of the site, located to the east of Southam Road. The existing (Amazon) distribution warehouse operates a parcel delivery and distribution service for customers in the local area using delivery vans which it is proposed, would be parked overnight at the application site.
- 2.3. The proposed van storage park would provide 450 parking spaces as well as cycle and motorcycle parking. Vehicles would be parked both internally and externally to the building and the proposals include the provision of electric vehicle charging infrastructure to all of the proposed parking bays to allow for future installation of electric charging points.
- 2.4. The application includes alterations to the elevations of the building and the installation of vehicle barriers and a guard hut.

### **3. RELEVANT PLANNING HISTORY**

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

18/01246/F – Change of use of premises from Class B8 to B1c/B2/B8, including internal and external alterations, demolition of ancillary structures and new access to Southam Road. Approved – December 2018.

### **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, 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 **23<sup>rd</sup> March 2021**. Comments received after these dates and before finalising this report have also been taken into account. Re-consultation has been undertaken with the County Council on Highway and Drainage matters.

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.

#### **CONSULTEES**

6.2. OCC DRAINAGE – an objection was initially raised on the basis of inadequate information. Further information was provided by the applicant to clarify the scope of the proposed development and the objection has subsequently been removed.

6.3. OCC HIGHWAYS – an objection was initially raised on the basis of lack of information and the impact the local highway network. Further information was provided by the applicant to address the highway officer comments and the objection has since been removed and conditions recommended.

6.4. CDC ENVIRONMENTAL HEALTH – no objection.

6.5. CDC LANDSCAPE SERVICES – no comments received.

6.6. CDC BUILDING CONTROL – no adverse comments or observations.

6.7. THAMES VALLEY POLICE – no comments received.

### **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)

- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- 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
- 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
- Access and highway impact
- Residential amenity
- Planning obligations

#### Principle of development

- 8.2. The proposed development would provide for dedicated vehicle storage to support the operation of the existing (Amazon) distribution centre on Southam Road to the north of the application site, which continues to experience increased demand as a result of the Covid-19 pandemic.
- 8.3. The application sets out that dedicated vehicle storage/parking is required to facilitate the operations of the distribution centre through the collection and delivery of packages and/or goods originating from or returning to the distribution centre utilising its own fleet of delivery vans. Without the delivery vans to enable these movements, the existing distribution centre cannot operate effectively.
- 8.4. The current distribution centre site to the north is currently operating with limited opportunities to adapt to meet the operational business requirement. Dedicated off-site vehicle parking is therefore sought to support the function of the distribution centre.
- 8.5. The application site forms part of an existing employment site and is currently vacant. Whilst the application proposal itself would not be considered to be an employment generating use, its link to the existing distribution centre would support the employment function of the existing distribution centre and would constitute an

ancillary use to the primary B8 distribution warehouse. As such policy SLE1 would apply.

8.6. Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1 states that employment proposals at Banbury will be supported if they meet the following criteria:

- *Are within the built up limits of the settlement unless on an allocated site*
- *They will be outside of the Green Belt, unless very special circumstances can be demonstrated*
- *Make efficient use of previously-developed land wherever possible*
- *Make efficient use of existing and underused sites and premises increasing the intensity of use on sites*
- *Have good access, or can be made to have good access, by public transport and other sustainable modes*
- *Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings*
- *Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.*

8.7. The proposal is within the built up limits of Banbury; is outside of the Green Belt; makes efficient use of the site; has good access and can be easily accessed by public transport; does not affect the design or character of the area; and does not have an adverse effect on surrounding uses.

8.8. The proposal constitutes the efficient use of an existing vacant commercial building to support the expanding operations of an existing large scale distribution warehouse which provides for and supports the requirements and aspirations for employment development within the local plan, whilst also increasing opportunities for more sustainable travel and transport. The proposals are therefore considered to be in accordance with Policy SLE 1 and SLE 4 of the Cherwell Local Plan 2011 - 2031 Part 1.

8.9. A condition linking the operation of the site to the existing distribution warehouse will be imposed.

#### Design and impact on the character of the area

8.10. The proposals retain the existing building and minor changes are proposed to the elevations to facilitate the proposed use, this includes additional fire escape doors on the east and west elevations and relocation of an existing door on the south elevation and the installation of louvres to the south, east and west elevations for ventilation. The elevational alterations are proposed to be finished in colours and materials to match the existing building thus minimising the visual impact.

8.11. As well as the utilisation of the building for car parking internally, external car parking outside the building will also be increased to include additional hardstanding to the south of the building. Given the location of the building and the commercial/industrial context of the surrounding area, the increased hardstanding and subsequent reduction of green space within the site would not significantly impact on the visual amenity of the area.

8.12. The installation of an additional guard hut and automated entrance barriers are proposed as well as a number of transformer houses for the provision of the EV charging across the site. These ancillary structures will be viewed in the context of the larger building and the surrounding commercial area and would not have any adverse impact on the character of the area or visual amenity of the site.

8.13. The proposed alterations to the elevations of the building would be in keeping with the existing building and the external ancillary structures proposed would reflect the commercial use of the site and the immediate surrounding area which is commercial in character. The proposals are considered to be acceptable in this regard in accordance with adopted local plan policy and relevant guidance within the NPPF.

#### Access and highway impact

8.14. Access to the site is taken from Southam Road, the existing access provides for two-way access and also serves the service vehicles accessing the adjacent Waitrose site. An emergency only access is proposed to the northeast of the site through an existing left turn only junction on to the A422. There would be no alterations to the existing access as part of the proposals.

8.15. The local highway authority initially raised objections to the proposals. The applicant has submitted a technical note to address the comments and objections raised which included clarification of operational trips; trip generation and parking demand; access design and network capacity impacts and mitigation and walking/cycling and public transport infrastructure improvements. The local highway authority is now satisfied that the submitted information overcomes their concerns and their objection has been removed. Standard conditions are recommended.

8.16. The application and supporting Transport Assessment set out a business objective to achieve a more sustainable operation through the introduction of electric delivery vans serving the existing distribution centre with an aim of powering 100% of its operations with renewable energy by 2030. The proposed vehicle storage facility at the application site offers the opportunity to assist in achieving this objective which would be in accordance with policy SLE 4 of the Cherwell Local Plan 2011 - 2031 Part 1.

8.17. The proposals include electric vehicle charging infrastructure to the entire site to enable to the later installation of charging columns to facilitate electric delivery vehicles which would be parked and charged overnight. In addition, 8no. active charging points are proposed to be installed to promote electric vehicle use upon first occupation/use of the site.

8.18. The proposed dedicated delivery vehicle parking provision also has the potential to remove the need for delivery drivers to park delivery vehicles overnight thus easing parking demand for parking in residential areas. The proposals would also facilitate modal shift allowing delivery drivers to travel to the site by more sustainable modes and collect their delivery vehicle from the site and travel to short distance to the distribution centre to the north to commence their local deliveries.

8.19. A contribution has been made, as requested by OCC Highways, to secure public transport infrastructure and provide a pair of Premium Route bus stop pole information cases and two shelters at this location to enhance bus services to the site and encourage travel to the site by bus.

#### Residential Amenity

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

8.12 The Council's Environmental Protection Team has been consulted on the application and has raised no objections to the change of use.

## Planning Obligations

- 8.13 New development often creates a need for additional infrastructure or improved community services and facilities without which there could be a detrimental effect on local amenity, service provision, and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for or contribute towards the cost of all or part of the additional infrastructure/services necessary to make the development acceptable. Obligations are the mechanism to secure these measures.
- 8.17 In respect of planning obligations the NPPF advises at paragraph 56 that these should only be sought where they meet all the following tests:
- Necessary to make development acceptable in planning terms
  - Directly related to the development, and
  - Fairly and reasonably related in kind and scale to the development.
- 8.18 Having regard to the above, the development would generate a need for infrastructure to mitigate the impact of the development. A £16,000 contribution towards public transport infrastructure is sought to provide a pair of Premium Route bus stop pole /flag /information cases and two shelters. A Unilateral Undertaking has been agreed and the payment for this infrastructure has already been made by the applicant.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The principle of the change of use is considered to be acceptable in accordance with Policies SLE1 and Government guidance contained within the NPPF. Furthermore, there would not be a detrimental impact on visual amenity, or residential amenity.

### **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 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.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: P01A, P03D, P05, P07C, P08, P09A, P10E, P13A, P14A, 388-UW-P001A, 10336-PL-100A  
5yr Maintenance and Management Plan dated January 2021  
Foul and Surface Water Drainage and Flood Risk Planning Report  
Transport Statement dated January 2021

Highway Technical Note 194663-95/N02  
Air Quality Assessment dated January 2021 Project No. 20-1787.04  
Arboricultural Survey dated January 2021 Project No. 20-1787.01  
Preliminary Geo-Environmental Risk Assessment dated January 2021 Project  
No. 20-1787.02  
Noise Impact Assessment dated January 2021 Project No. 20-1787.03

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. Prior to the first occupation of the development hereby approved, 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, shall be 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.

4. The Electric Vehicle Charging points and Electric Vehicle Charging Infrastructure shall be provided on site in accordance with plan no. P10E prior to the first use of the building hereby permitted and shall be retained thereafter.

Reason – To ensure energy and resource efficiency practices are incorporated into the development and sustainable modes of transport encouraged in accordance with Policies SLE4 and ESD 1 – 5 of the Cherwell Local Plan 2011-2031 Part 1 and paragraph 112 (e) of the National Planning Policy Framework.

5. The development hereby permitted shall be utilised solely for the parking of vehicles ancillary to Unit 3, Southam Road, Banbury, OX16 2DJ to the north of the site (as described in the submitted planning statement) and no other use whatsoever or as an independent vehicle parking facility.

Reason – To safeguard the use of the site for employment development, in recognition of the particular logistics needs of the present occupier of Unit 3, Southam Road and to comply with Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1.

Case Officer: Bernadette Owens

DATE: 20.08.21

Checked By: Andy Bateson

DATE: 20<sup>th</sup> August 2021

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