

Case Officer: Sarah Greenall

Recommendation: Approve

Applicant: Lysander

Proposal: Use of the site for the storage of operational vehicles, together with elevational and site alterations, associated parking, welfare facilities, vehicle barrier and associated infrastructure

Expiry Date: 15 March 2022

Extension of Time: 1 April 2022

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/north-east.
- 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. Planning permission is sought to change the use of the site to allow for the storage of operational vehicles, together with elevational and site alterations, associated parking, welfare facilities, vehicle barrier and associated infrastructure.
- 2.2. The application follows a recent approval (ref: 21/00503/F) which allowed for a van storage park that would provide 450 parking spaces as well as cycle and motorcycle parking. The proposals also included alterations to the elevations of the building and the installation of vehicle barriers and a guard hut.
- 2.3. The main change to this application includes the extension to the approved van storage by incorporating the site to the west. The proposals include:
 - Elevational amendments to the existing unit, including 9 no. louvres and 2 no. new fire exit doors.
 - Automated vehicle barriers and a manual access gate;
 - Security gates and a guard shelter;
 - 450 no. van storage spaces;

- 1 no. car parking space;
- 5 no. motorcycle parking spaces;
- 8 no. active electric vehicle charging bays and 444 no. passive electric vehicle charging bays;
- Lighting columns;
- Transformer and substation;
- Water sprinkler tank and pumphouse; and
- A soft landscaping scheme..

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 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.
- 3.3. 21/00503/F – Use of the site for the storage of operational vehicles, elevational alterations, associated parking, vehicle barriers, guard hut and associated infrastructure. Approved – August 2021.

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, expiring **2 March 2022**, by advertisement in the local newspaper expiring **27 January 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **29 March 2022**.
- 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; however, concerns about highways raised.

OTHER CONSULTEES

- 6.3. 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.

- 6.4. OCC HIGHWAYS – no objections following additional information with regards to EV charging.
- 6.5. CDC ENVIRONMENTAL HEALTH – no objection, conditions recommended.
- 6.6. CDC ARBORICULTURE – no objections, conditions recommended.
- 6.7. CDC ECOLOGY – no comments received at the time of writing this report.

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- 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
- Drainage

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. The principle of development was considered

acceptable in the previous approval (ref: 21/00503/F) and it is not considered the proposed changes would materially alter the principle of the development.

- 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 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. On that basis policy SLE1 would apply.
- 8.6. Policy SLE 1 of the CLP 2015 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 CLP 2015.
- 8.9. A condition linking the operation of the site to the existing distribution warehouse would need to be imposed (otherwise the proposal would conflict with Policy SLE1).

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. The changes previously approved include 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. This proposal also introduces a new entrance and new exit door on the east elevation, and a new entrance door on the west elevation for vehicles. The proposed changes to the previously approved are not considered to result in a material change to the character of the building and the elevational alterations are proposed to be finished in colours and materials to match the existing building thus minimising the visual impact.

- 8.11. The proposed area to the west of the site to be used as additional parking is already utilised as a car park for the employment site and as a result it is not considered the proposed use would result in harm to the visual amenities 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 would 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 still taken from Southam Road, the existing access provides for two-way access and also serves the service vehicles accessing the adjacent Waitrose site. The existing exit to the north of the site would be utilised for emergency vehicles only. There would be no alterations to the existing access as part of the proposals.
- 8.15. The principle of the Electric Van storage at the site was established with the approval of the previous 2021 application. The previous approval allowed for the redevelopment of the site to store 448 vans, with the latest application looking to extend that by 156 spaces; however, minor alterations to the layout also result in the loss of 16 spaces. Therefore, the new proposed total is 558 spaces, which the Local Highway Authority has highlighted as an increase of 31%. They noted, however, that the submitted information satisfactorily demonstrates that the increase in storage on the site will not lead to a higher volume of traffic as trips already on the network would be redistributed.
- 8.16. The LHA also notes that the workers would not be driving their own vans to the distribution centre, rather use different modes of transports to pick up a van from the site. The site is accessible by a number of sustainable and active modes of transport, and further to this any private cars used would be left in the spaces that were vacated by the vans in use. There is therefore no requirement for additional parking at the site.
- 8.17. 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, seen in the increase of cycle spaces proposed, 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.

- 8.18. 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 CLP 2015.
- 8.19. The Oxfordshire Electric Vehicle Infrastructure Strategy was adopted in 2021. The strategy promotes the use of electric vehicles, which would be in line with the proposed switch to an electric fleet of vans that this application is looking to accomplish. The Local Highways Authority queried whether the van charging points could be utilised for private vehicles that would be parked there in the daytime rather than just the vans, and the applicant confirmed that the equipment to be installed could be utilised for both. Given the infrastructure would be suitable for private cars, it would therefore include a minimum of 25% of spaces for vehicle charging points which would be in line with Policy EVI 8 of the Oxfordshire Electric Vehicle Infrastructure Strategy.

Residential Amenity

- 8.20. The proposed development relates to an existing B8 warehouse building. The main change to the previously approved 2021 application is the increase in parking spaces to be utilised for van storage. The area to the west of the site is however already used as a car park, and it is not considered the proposed use would differ drastically to the existing arrangement in terms of its impact on residential amenity.
- 8.12 The Council's Environmental Protection Team has been consulted on the application, and while they noted that they were happy with the findings of the noise assessment, concern was raised about human actions that could result in additional noise not being taken into account and it was suggested that a noise and anti-social behaviour management plan should be submitted to and approved by the Council.
- 8.13 The applicant has since provided additional information stating that security would be present on the site at all times to monitor the vehicles that would be stored, who would also monitor any potential anti-social behaviour that could arise from vehicle idling, radios or revving. Further to this, it is considered that there is similar risk from the existing situation given that the site is currently utilised as a car park. It is therefore considered that a condition ensuring that the noise rating level from plant and site operations, including any activity within the car park area, must not exceed the limits set out in the approved Noise Impact Assessment would suffice.

Drainage

- 8.21. Policy ESD 6 of the CLP 2015 states that site specific flood risk assessments will be required to accompany development proposals in the following situations:
- All development proposals located in flood zones 2 or 3
 - Development proposals of 1 hectare or more located in flood zone 1
 - Development sites located in an area known to have experienced flooding problems
 - Development sites located within 9m of any watercourses.
- 8.22. The Policy goes on to state that *development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.*

8.14 The Lead Local Flood Authority (LLFA) initially objected to the proposals indicating that there was a lack of information submitted to allow the flood risk to be properly assessed, and highlighted a number of areas that needed further details to be submitted. Additional information including a technical note, a drainage strategy and SuDS management plans have since been submitted.

8.15 The LLFA have now assessed the additional information and confirmed that the proposed drainage strategy would be acceptable providing it was carried out in complete accordance with the submitted plans and information. Conditions have therefore been attached and the drainage and flood risk at the site can now be considered acceptable.

9. PLANNING BALANCE AND CONCLUSION

9.1. For the reasons set out in this report, and subject to conditions, 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 form and the following plans and documents:

6507Ssa 00 DR A000 P03

6507Ssa 00 DR A003 P14

6507Ssa 00 DR A101 P02

6507Ssa 00 DR A201 P02

6507Ssa 00 DR A018 P02

6507Ssa 00 DR A027 P02

6507Ssa 00 DR A021 P04

6507Ssa 00 DR A007 P05

6507Ssa 00 DR A006 P03

6507Ssa 00 DR A023 P02

6507Ssa 00 DR A300 P02

6507Ssa 00 DR A301 P02

388 Uw T 001 C

212088 C 002 PL9

212088 C 003 PL9

212088 C 004 PL9

10336 PI 400 Rev D

Air Quality Assessment October 2021

Preliminary Ecological Appraisal October 2021

NPPF: Flood Risk Assessment October 2021

Preliminary Geo-Environmental Risk Assessment October 2021

5 Year Landscape and Maintenance & Management November 2021

Noise Impact Assessment October 2021
Arboricultural Impact Assessment November 2021
Tree Survey October 2021
AMS for enabling construction phases of work November 2021
Transport Statement November 2021
Drainage Strategy February 2022
SuDS Management & Maintenance Plan February 2022
Technical Note 23rd February 2022
File 212008 Banbury P1.SRCX 18 March 2022

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 Electric Vehicle Charging points and Electric Vehicle Charging Infrastructure shall be provided on site in accordance with plan nos. 6507Ssa 00 DR A007 P05 and 6507 Ssa 00 Dr A006 P03 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.

4. The lighting shall be installed in accordance with the approved plan 10336 PI400 D prior to the first use of the development hereby approved and shall be retained as such thereafter. No additional external lights shall be erected without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. During the construction phase all tree works shall be carried out in accordance with the approved plans and particulars and no retained trees shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the 1st April 2022

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local

Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and the Tree Protection Plan prepared by Deltasimons November 2021.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. The noise rating level from site operations and plant must not exceed the limits set in the approved Noise Impact Assessment (October 2021 ref 21-1553.05), when assessed by a suitably qualified acoustician and in accordance with BS4142:2014+A1:2019.

Reason: In order to safeguard the amenities of nearby residential occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. 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 for no other use whatsoever including 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.

9. The approved drainage system shall be completed in accordance with the approved Detailed Design prior to the first use of the development hereby approved and shall be retained as such thereafter. The approved Detailed Design is as follows:

Drainage strategy

Ref: 212088, Banbury 200, Southam Road Banbury, Drainage Strategy

Issue: 23/02/2022

Proposed Drainage Layout

Drawing No: 212088, C002, Rev PL9

Exceedance Pathways Layout

Drawing No: 212088, C006, Rev PL2

All relevant Hydraulic calculations produced via Microdrainage

Date 15/02/2022

Technical Note File: 212088 Banbury 200

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to accord with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part and Government guidance within the National Planning Policy

Framework.

10. Prior to the first use of the development hereby approved a record of the installed SuDS and site wide drainage scheme shall be submitted to the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to accord with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part and Government guidance within the National Planning Policy Framework.

Case Officer: Sarah Greenall

DATE: 31.03.2022

Checked By: Nathanael Stock

DATE: 01.04.2022
