

Case Officer: Shona King

Recommendation: Approve

Applicant: Jacobs Douwe Egberts

Proposal: Demolition of existing office block and erection of surface level car park providing 215 replacement car parking spaces, including landscaping and other associated works; new main entrance and reception of the Computer Suite, with external re-cladding

Expiry Date: 15 February 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is within the Jacobs Douwe Egberts factory site located adjacent to the main site entrance accessed from Ruscote Avenue. Along the Ruscote Avenue boundary there is a chain-link fence with a hedgerow and trees.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is sought for the demolition of an existing 5 storey office building and the creation of 215 car parking spaces. A new main entrance would be created in an existing single storey building and the single storey building would be clad with profiled metal sheeting. The creation of the car parking spaces would result in the loss of an area of landscaping but additional planting would be carried out to the Ruscote Avenue frontage.

3. RELEVANT PLANNING HISTORY

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

21/04171/F - Re-development of part of existing car park to provide a drive-thru cafe within Use Class E; together with associated car parking, servicing and access; landscaping and all associated works – Pending Consideration

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 **1 February 2022**, by advertisement in the local newspaper and by letters sent to properties adjoining the application site that the Council has been able to identify from its records.

- 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

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAY AUTHORITY: No objections subject to conditions set out below
- 6.4. OCC LEAD LOCAL FLOOD AUTHORITY: Sustainable drainage required
- 6.5. OCC ARCHAEOLOGIST: No objections

NON-STATUTORY CONSULTEES

- 6.6. CDC ARBORICULTURALIST: No objections. Although 13 trees and 2 groups of trees are going to be removed they are internal to the site. The outer most trees are going to be retained and protected in accordance with BS 5837:2012. As long as the trees to be retained are protected as set out in the Tree Retention and Protection plan then the trees should suffer no ill effects of the proposed development. In terms of the trees to be planted, I am happy with the species choice. We would need to see the tree pit design
- 6.7. CDC BUILDING CONTROL: No objections
- 6.8. CDC ENVIRONMENTAL PROTECTION:

Noise: No comments

Contaminated Land: No comments

Air Quality: Prior to the occupation of the development there should be measures in place to encourage the uptake of low emission transport including the provision of Electric Vehicle (EV) charging infrastructure. We require EV charge points to 25% of the proposed parking and ducting to the rest of the parking spots to allow for the easy expansion of the EV charging system to allow for the future uptake of EV's by staff and visitors to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

Odour: No comments Light: No comments

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)

- 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

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
- Visual amenity
- Highway safety

Principle of Development

8.2. The site lies to the western side of the existing wider factory site and the proposal is to demolish an existing vacant 5 storey office building, retaining a single storey building which would be refurbished and would become the new building frontage, and the creation of a new carparking area for 215 parking spaces.

8.3. The Planning Statement accompanying the application advises that the businesses operating from the JDE site have undergone a rationalisation of operating systems and manufacturing requirements over the last 9 years. It states that areas of the site have been found to be under-utilised and in order to facilitate the redevelopment of the under-utilised car park area to the south of the buildings (part of which includes the development the subject of application 21/04171/F which is still to be determined) a new car park is required to re-provide spaces that it is proposed to lose. The underused car park is sited some distance from the buildings on the site and it is considered that, in principle, notwithstanding the desire of the applicant to redevelop the car park for other uses, the rationalisation of the existing business on the site is acceptable.

8.4. The new car park, the subject of this application, would be used by existing JDE employees and, as such, it is not proposed that the overall employment function of the site would change. Whilst there would be a loss in Use Class E (office) floor space, officers acknowledge that this building has been vacant for a number of years and is no longer required for the running of JDE's business on the site. It is considered that there would be a significant area of land around the existing buildings remaining to provide employment uses to replace the vacant office building, subject to the impact on the nearby residential properties to the south, such that the demolition of the office building would not have the effect of limiting the amount of land available for employment in accordance with Policy SLE 1.

Visual amenity

8.5. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2015, which looks to promote and support development of a high standard, deliver

buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions.

- 8.6. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.7. The agent has described the office building as dated and unattractive, detracting from the appearance of the wider employment area. Officers consider that, while the building is prominent in public views into the site and given the context of the remainder of the site it is not considered to be an unattractive building, its demolition would not result in any demonstrable harm to the visual amenities of the area.
- 8.8. The refurbishment and cladding of the retained single storey building would give a more modern appearance to this part of the site and would not adversely affect the visual amenities of the area.
- 8.9. Whilst an area of open grass and landscaping would be lost in the creation of the car parking spaces it is proposed to retain the outer most trees and supplement these with new planting and landscaping to soften the appearance of the proposed car park in views from Ruscote Avenue.

Highway safety

- 8.10. The Local Highway Authority has raised no objections to the proposed development. The LHA acknowledges that the new car park would significantly increase the number of cars using the access, but that in turn they would be taken away from the using the current, inferior access for the existing car park 110m further down Ruscote Avenue.
- 8.11. The agent has advised that the car park to the front of the building has poor pedestrian access and poor circulation, requiring vehicles to access the car park via the existing gatehouse, as well as servicing and delivery vehicles. This existing arrangement blocks the gatehouse and leads to congestion on Ruscote Avenue during peak times. The demolition of the office building would allow for the reorganisation of the vehicular circulation within the site. It is considered that improving the circulation around the site will help to ease any congestion associated with the increased number of vehicles using the access and the demolition of the building and creation of the car park will not result in any detriment to the visual amenities of the area.
- 8.12. However, the LHA has raised concerns that the parking spaces are undersized, and originally recommended a revised parking layout be required by condition. Following comments from the agent regarding the size of the car parking spaces and the requirement only for residential spaces to measure 2.5m x 5m the LHA has recommended that the condition to increase the size of the spaces is not required but a condition is necessary to ensure that the car park is drained within the site curtilage and the area is retained for parking at all times. Also, the car park plan needs to illustrate EV charging infrastructure which may affect the layout.
- 8.13. It is considered that the proposed development would not result in any significant detriment to highway safety subject to conditions set out below.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposals assessed within this application are considered to be an acceptable form of development which looks to provide a new, rationalised parking arrangement

for an existing use on the site. The proposals would appear appropriate within the context, not appearing out-of-place or detrimentally impacting on highway safety. The proposals are considered to be broadly consistent with the provisions and aims of the development plan policies identified above and are therefore recommended for approval as set out below. The granting of this consent does not have any bearing on the consideration or determination of the application for the drive-thru currently under consideration.

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 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 Design and Access Statement and the following documents and plans:

- Transport Statement David Tucker Associates
- Travel Plan David Tucker Associates
- Arboricultural Impact Assessment and Pre-Development Tree Survey BB Trees Ltd
- Landscape Earthworks Specification Barry Chinn Associates
- Soft Landscape Works Maintenance and Management Proposals Barry Chinn Associates
- Ecological Assessment
- Existing Site Location Plan (Ref: (01)S-000 PL1)
- Existing Block Plan (Ref: (01)S-001 PL1)
- Existing Ground Floor MOB&CS (Ref: (01) MOB-P-0G0 PL1)
- Existing CS West Elevation (Ref: (01) CS-E-001 PL2)
- Demolition Plan Ground Floor MOB&CS (Ref: (02) MOB-P-0G0 PL2)
- Demolition Works to CS West Elevation (Ref: (02) CS-E-001 PL1)
- Proposed Block Plan of Site (Ref: (03) S-001 PL1)
- Proposed Ground Floor Plan CS (Ref: (03) CS-P-0G0 PL1)
- Proposed CS West Elevations (Ref: (03) CS-E-001 PL1)
- Proposed CS North and South Elevations (Ref: (03) CS-E-002 PL1)
- Tree Constraints Plan (Ref: 01 C)
- Tree Retention, Protection and Removal Plan (Ref: 03 D)
- Landscape Concept Plan (Ref: 05 H)
- Landscape Concept Sections (Ref: 06 E)
- Proposed External Lighting Layout (Ref: B3361 E 101)

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 construction of the car park hereby approved, and notwithstanding the details submitted, a plan showing a car parking provision for 215 spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance

with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and satisfactory drainage of the car park and to comply with Policies ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework

4. Prior to the first occupation of the development hereby approved, the Travel Plan ref SJT/NS 20297-03c_ Site 2 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 Government guidance contained within the National Planning Policy Framework.

5. Prior to the occupation of the development there should be measures in place to encourage the uptake of low emission transport including the provision of Electric Vehicle (EV) charging infrastructure. We require EV charge points to 25% of the proposed parking and ducting to the rest of the parking spots to allow for the easy expansion of the EV charging system to allow for the future uptake of EV's by staff and visitors to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

6. Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and undertaken in strict accordance with the approved details.

Reason: In the interests of highway safety and congestion in accordance with the National Planning Policy Framework

7. a) No retained tree 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.
- b) 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 consent.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development 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.

8. Prior to the commencement of the development hereby approved, a finalised Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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 built environment 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.

9. 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/or the Tree Protection Plan prepared by BB Trees Ltd in July 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 built environment 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.

10. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems, tree protection (if appropriate) and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development 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.

Case Officer: Shona King

DATE: 09 March 2022

Checked By: Nathanael Stock

DATE: 15.03.2022
