

East Area Planning Committee

9th September 2013

Application Number: 13/01119/FUL

Decision Due by: 3rd September 2013

Proposal: Erection of 3 units providing 3509sqm of accommodation for Class B1 (Business), Class B2 (General Industrial) or Class B8 (Storage or Distribution) use. Provision of 31 car parking spaces and 15 cycle parking spaces

Site Address: Former DHL Site Sandy Lane West Oxford (site plan at **Appendix 1**)

Ward: Littlemore

Agent: Mr Philip Brown

Applicant: Rego(Oxford) Ltd

Recommendation: Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion. Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts.

Reasons for Approval

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials as specified
- 4 Drainage details
- 5 No soakaway in contaminated ground
- 6 Soakaway depth
- 7 Landscaping/Biodiversity
- 8 Public Art
- 9 fixed plant and machinery noise
- 10 No external operations
- 11 Doors and windows closed at night
- 12 Night time internal noise
- 13 Noise barrier

Legal Agreement:

Financial contributions are sought for the following:

Affordable Housing: £54,472.

Highways: £9,975.

Principal Planning Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP14** - Public Art
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR14** - Servicing Arrangements
- NE23** - Habitat Creation in New Developments

Core Strategy

- CS2_** - Previously developed and greenfield land

CS9_ - Energy and natural resources
CS10_ - Waste and recycling
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS24_ - Affordable housing
CS28_ - Employment sites

Other Planning Documents

Supplementary Planning Document: Affordable Housing Nov 2006
Supplementary Planning Document: Parking Standards, Transport Assessments and Travel Plans Feb 2007
Supplementary Planning Document: natural Resources Impact Analysis Nov 2006

Public Consultation

Statutory Consultee

Thames Water: no objections

Oxfordshire County Council

Drainage: no objection subject to SUDs methods inc. porous surfaces for parking areas

Transport Development Control: no objection subject to conditions, legal agreement and informatives

Economy, Skills & Training: since the development is relatively minor and will either retain existing jobs, or create new ones, the proposal is supported.

Minerals & Waste Policy: no comment

Third Parties

Littlemore Parish Council: raise objections due to noise issues, impact on neighbouring properties, loss of visual amenity, operation outside normal working hours, flooding, contaminated land,

Individual Comments:

Comments were received from the following:

39 Spring Lane, 27 Spring Lane, 34 Spring Lane, 11 Spring Lane, 23 Spring Lane, 29 Spring Lane, 36 Spring Lane, 13 Spring Lane, 19 Spring Lane, 7 Spring Lane,

The main points raised were:

- Height exceeds previously approved scheme, much larger development than previously accepted
- Loss of light due to height
- Spring Lane suffers from blocked drains
- Parking issues along Sandy Lane West which impact on Spring Lane
- No EIA has been submitted
- Noise from night deliveries/forklift trucks
- Acoustic fence will not protect first floor windows
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on pollution
- Effect on privacy
- Flooding risk
- Information missing from plans
- Not enough info given on application
- Open space provision
- Fire break for building not large enough/fire risk
- Planting needs to be maintained along the boundary

Relevant Site History:

07/02809/FUL - Redevelopment of the existing employment site to provide 18 x B1(c), B2, B8 industrial units and warehouse units (8 with ancillary trade sales) and one builders merchant (Sui Generis), and a parking area for Stagecoach vehicles. Floodlighting. PER 18th June 2008.

11/01550/FUL - Change of use from class B8 (storage and distribution) to a builders merchant (sui generis) for the display, sale and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage and associated external alterations, together with the demolition of adjacent redundant buildings (Amended Plans). PER 21st September 2011.

11/02492/VAR - Variation of condition 10 (Hours of deliveries and fork lift truck activity) of planning permission 11/01550/FUL to enable activity from 07:30hrs to 17:00hrs Monday-Friday and 08:00hrs to 12:00hrs on Saturdays. PER 20th December 2011.

12/01981/VAR - Variation of condition 4 of planning permission 07/02809/FUL to allow limited trade counter for unit 2 for the hire of construction tools and equipment. PER 26th October 2012.

Officers Assessment:

Site Description

1. The application site lies south of the eastern bypass and is accessed from Sandy Lane West via Ledgers Close. Spring Lane, bounds the site to the east. To the south and southeast are the playing fields of Peers School, to

the north is Sandy Lane West and to the west is Ledgers Close. On the northern side of Sandy Lane and to the east of Spring Lane the area is residential in use and character. Further to the east along Sandy Lane West is a primary school. The buildings on the adjoining commercial estate include a Royal Mail sorting office and a number of industrial units.

Proposal

2. The application is seeking permission for the erection of 3 units providing 3509sqm of accommodation for Class B1 (Business), Class B2 (General Industrial) or Class B8 (Storage or Distribution) use. Provision of 31 car parking spaces and 15 cycle parking spaces

Background

3. Planning permission was granted in June 2008 for the redevelopment of the whole site to provide 18 x B1(c), B2, B8 industrial units and warehouse units (8 with ancillary trade sales) and one builders merchant (Sui Generis), and a parking area for Stagecoach vehicles.
4. The development was taken under a phased approach with phase 1 consisting of 2 units and the parking area for Stagecoach vehicles, and phase 2 being the remaining 16 units to be constructed once phase 1 was completed. Phase 1 was completed with unit 1 now being occupied
5. As part of the 2008 permission it was proposed to demolish the existing buildings on the site. However the existing large warehouse building was not removed and an application was submitted for a change of use of the building to a builders merchant in 2011. This was granted permission and fitted out and is now occupied by Travis Perkins. As a result of this permission it was not possible to complete phase 2 of the 2008 permission.
6. This current application therefore seeks to complete the development of the site by replacing units 3-14 of the permitted applications (07/02809/FUL and 11/01550/FUL) with 3 units.

Officers consider the principal determining issues to be:

- Employment Use
- Highway Issues
- Design
- Residential Amenity
- Sustainability
- Flooding/Drainage
- Public Art
- Other

Employment Use

7. The site was originally occupied by B1(c)/B2/B8 employment units and the principle of modernising the site was granted under the 2008 permission (07/02809/FUL). At the time policy EC3 of the Oxford Local Plan applied. This has now been superseded by policy CS28 of the Core Strategy. However the overriding principles still remain the same where policy CS28 allows for the modernisation of existing employment sites (land and premises in Class B or closely related Sui Generis uses, such as builders yards; transport operators; local depots; and retail warehouse clubs) subject to the proposal securing or creating employment, allows for higher-density development that seeks to make the best and most efficient use of the land and does not cause unacceptable environmental intrusion or nuisance
8. Whilst smaller units would be preferable, taking into account the surrounding sites which have smaller units, the current market requirements for medium sized units and the proposal will still be provide a range of units with the B1(c), B2, and B8 use class thus creating employment opportunities within Oxford. The modernisation and redevelopment of this site is therefore still considered acceptable. It will help secure and create employment uses important to Oxford's economy and will regenerate and complete the redevelopment of the site that was run down and under used site.

Highway Issues

9. A transport statement has been submitted including a trip generation assessment. This has been reviewed by the Highway Authority. The Highway Authority are of the opinion that as the overall gross floor area of the completed development as a whole will be less than the total permitted under previous applications and the applicant has demonstrated that there will be no increase in the number of associated traffic movements the proposal is acceptable. Also they acceptable are the proposed access, layout, manoeuvring and parking arrangements.
10. The number of car parking spaces proposed is based on appendix 3 of the OLP for B2/B8 uses and are considered acceptable and they also include 1 disabled space per unit.
11. Cycle parking needs to be provided at 1 space per 90 m² or 1 space per 5 staff (or other people) up to 235 m²; 1 space per 500 m² thereafter; or 1 space per 5 staff (or other people). This is based on appendix 4 of the OLP. The level of cycle parking proposed meets the OLP requirements. The cycle parking is within each unit therefore it is secure and sheltered which is in accordance with the Parking Standards Supplementary Planning Document.

Design/Residential Amenity

12. The external appearance of the three units will adhere to the palette of materials used on the two built units (units 1 and 2) as approved which

consist of mainly horizontal profiled steel panels, silver in colour with feature blue bands and the roofs are profiled steel cladding in goose wing grey.

13. Unit A is to be located behind the Travis Perkins building as a standalone unit with its side elevation facing Spring Lane. Units B and C are to be located in the south east corner of the site and are combined as one overall unit divided into two with its rear elevation facing Spring Lane.
14. Unit A will have a maximum height of 10.679m to the top of the roof and unit B/C a maximum height of 9.261m. Both units have shallow sloping hipped roofs in order to keep the mass and bulk to a minimum.
15. The height of the eaves of unit B/C is at 7.8m which is higher than those previously approved by 1-2m. However the building is shorter and angled away from the common boundary with No. 34 Spring Lane, the minimum distance from the boundary is 5.8m, thus the overall impact is considered to be less than the approved scheme. The side elevation of No. 34 is gabled with non-habitable room windows in it. Notwithstanding this applying the 45 degree uplift to ground floor windows in the side elevation reveals that unit B/C only just clips the 45 degree uplift and applying it to first floor windows it is not breached at all. The garden of No.34 is west facing garden therefore receiving maximum sunlight/daylight.
16. Having regard to the other properties along Spring Lane who face the site overall mass and bulk of the scheme is similar to that of the approved scheme. The residential properties are set back on the opposite of the highway. The site before any of the current development started had three large buildings on it with one running along the boundary with Spring Lane. Whilst this current scheme has two building along the Spring Lane Boundary they are separated by some 30m thus breaking up the mass and bulk
17. The units are therefore considered acceptable in terms of policy CS18 of the Core Strategy 2026 and CP1, CP6 and CP10 of the Oxford Local Plan 2001-2016 in that they respect the character and appearance of the area, use materials of a quality appropriate to the nature of the development and the site and will not have a significant detrimental impact on the neighbouring properties.

Sustainability

18. A Natural Resource Impact Analysis (NRIA) has been submitted in response to the Natural Resource Impact Analysis SPD and Policy CP18, which requires developments of 10 or more dwellings or non-residential developments of 2,000m² or more to submit an NRIA. Policy CP18 goes on to say that planning permission will only be granted for developments, if through the NRIA, the proposal demonstrates careful attention to, and exploitation of opportunities for the reduction in energy use; efficiency in the use of energy; the generation of energy from renewable energy sources; the use of

renewable resources in general; and the use of recycled or reclaimed materials in their construction.

19. A NRIA was completed and submitted as part of the planning application with an overall score of 8 out of 11. The buildings are proposed to be energy efficient including enhanced fabric thermal performance and energy efficient building engineering systems where provided. The proposals include the provision of photovoltaic panels on the roof of the buildings off setting 20% of the developments predicated annual energy use.

Flooding/Drainage

20. The site lies within Flood Zone 1, which for planning purposes is a low risk zone i.e. the land has a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%).
21. The Drainage Team at Oxfordshire County council have assessed the application and the conditions previously imposed in relation to drainage and sustainable urban drainage systems shall be carried forward as information for the drainage of the site needs to be seen and any increase in impermeable area will need to be drained via sustainable methods

Public Art

22. New development offers the opportunity for introducing art into the environment and Policy CP14 of the OLP will seek the provision of public art in association with major developments (20 or more dwellings or for more than 2,000m² floorspace). Public art must be incorporated within the development site, or be provided near to the development. Proposed public art should be accessible for the public enjoyment, enhance and enliven the environment and contribute to the cultural identity of its location. Public art can be designed as part of the proposed development, or a planning condition can seek further details of its location and design in relation to the development.
23. Previously the applicant had proposed to provide public art in the form of 'arts and craft' fencing along the Sandy Lane West and Ledgers Close site boundary. As the redevelopment of the northern end of the site was not proposed until phase 2 it was intended that the new fencing will be provided in conjunction with phase 2. As this phase did not happen a condition can be added to ensure some form of public art is provided as part of the scheme.

Other

24. EIA
Although the development exceeds the minimum size threshold indicated at 10(a) of Schedule 2 of the 2011 Regulations is it not considered to be of a sensitive nature and it is judged that no Environment Statement is

required in this case.

25. Biodiversity/Landscaping

In regard to policy NE23 of the OLP this seeks biodiversity enhancement in new developments. The suggested planting is totally non-native plants. A condition will be added to ask for at least 50% of the planting to be native species of local provenance. This would be more consistent with the existing hedges that are to be retained. Colour, fruit and flower will be possible from 50% native species planting.

Existing well established landscaping along the northern, eastern and southern boundaries currently screens the site. This consists mainly of coniferous hedges and trees adjacent to the playing fields and Sandy Lane with deciduous climbers to Spring Lane. Whilst this landscaping does not completely screen the site it does add to the visual amenity of the area especially along Spring Lane. This landscaping will be retained, reinforced and enhanced in particular along Spring Lane.

26. Noise

A noise assessment has been submitted and identifies the main difference with this current scheme compared to the approved 2008 scheme is the type of vehicles coming to the three new units. Previously with the smaller units it was anticipated large vans would service the units whilst with this proposal it is anticipated more HGV's will access the site thus creating more noise. However the noise is for a relatively short duration and the majority of the time from deliveries of loading and unloading. The three units all have level access loading for HGV's which will result in much of the noise associated with deliveries being contained within the units.

Within the landscape strip two sections of acoustic fencing are proposed. One section is to be incorporated in to the eastern boundary to screen the service yard to unit A from Spring Lane and the second is to be incorporated into the eastern and southern boundaries to screen the service yard of unit C from the playing field and neighbouring residential properties. The acoustic fence is to be a 3m Fencetel acoustic reflective barrier fence with no gaps in it.

The noise restriction placed on the 2008 permission will be carried forward onto this application. These include restrictions on fixed plant and machinery and internal activity with 40dB_{LAeq}15 mins between 0700 hours and 2300 hours and 35dB_{LAeq}15 mins at any other time, no external operations to take place within the service yards between 2300 hours and 0700 hours and all windows and doors shall remain closed, except for emergencies and whilst loading and unloading between the hours of 23:00 and 07:00. During nighttime deliveries/collections no industrial processes or works other than the loading or unloading of goods shall take place whilst loading bay doors are open.

These measures along with the noise barrier, the improved landscaping/screening and orientation of the units should minimise any

adverse impact as a result of noise and its transmission and prevent the problems experienced in the past.

27. Contaminated Land

The development involves the creation of new commercial buildings on land with a former industrial use. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use.

If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation.

Conclusion:

28. It is Officers opinion that the proposal accords with the policies within the Oxford Local Plan 2001-2016 and will not cause any demonstrable harm and therefore approval is recommended.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 23rd July 2013