

## West Area Planning Committee

9th May 2017

**Application Number:** 17/00476/FUL

**Decision Due by:** 16th May 2017

**Proposal:** Demolition of existing building. Erection of two storey building to provide 4no. retail units (Use Class A1). Provision of car parking and bin and cycle stores.(Amended plans).

**Site Address:** 278-280 Banbury Road Oxford Oxfordshire OX2 7ED

**Ward:** Summertown Ward

**Agent:** Mr Matthew Rhodes

**Applicant:** GHSR LLP

The application is before the committee because of the size of the development proposed.

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### Recommendation

West Area Planning Committee is recommended to grant planning permission for the following reasons:

1. This proposal represents a sustainable re-use of a previously developed site. The development would help to maintain and strengthen the local economy. It conforms to the NPPF and the relevant policies of the adopted Core Strategy 2026 and Oxford Local Plan 2001-2016.
2. 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.

### Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Car Park Layout Plan
- 5 Contamination Risk Assessment
- 6 Remediation
- 7 Drainage Scheme
- 8 Drainage Infrastructure

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals  
**CP6** - Efficient Use of Land & Density  
**CP8** - Design Development to Relate to its Context  
**CP22** - Contaminated Land  
**TR1** - Transport Assessment  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**RC4** - District Shopping Frontage

### **Core Strategy**

**CS1** - Hierarchy of centres  
**CS11** - Flooding  
**CS18** - Urban design, town character, historic environment  
**CS31** - Retail

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

### **Relevant Site History:**

07/02270/FUL - Change of use of front portion of building from car showroom to a Class A1 retail shop (Unit 1) and either Class A1 retail shop or Class A2 financial and professional services (Unit 2). Continued use of the rear of the building as motorist centre including sale and fitting of tyres, exhausts, brakes, MOT testing with associated external alterations. (280 Banbury Road). PER 30th November 2007.

07/02321/ADV - Display of adverts: 1x non-illuminated totem sign (4m high); 3x internally illuminated fascia signs; 1x internally illuminated projecting sign; 4x non-illuminated advert panels (Unit 1, 280 Banbury Road).. PER 24th December 2007.

08/01617/FUL - Installation of new shop front (Unit 2, 280 Banbury Road). PER 15th September 2008.

09/00120/FUL - Change of use of Unit 3 from ancillary car repair unit in connection with car sales showroom (Sui Generis) to B1(C) and B8 use. (Amended description). PER 5th March 2009.

### **Representations Received:**

None

### **Statutory and Internal Consultees**

Oxfordshire County Council Highways – No objections subject to conditions.

### Site Description

1. The application site is located on the eastern side of Banbury Road (A4165), Summertown to the north of Oxford City Centre. The application site forms part of a larger site, generally square in shape, which is bounded by Banbury Road to the east, Mayfield Road to the south, Number 294 Banbury Road to the north and Kirkley House to the east. The wider site is occupied by a variety of uses. The main buildings on the site are set back from Banbury Road and there is on-site forecourt parking. The closest Heritage Asset is the Church of St Michael and All Angels, which is located approximately 100 metres to the north of the site.
2. Historically, the majority of the site operated as a car garage/workshop. The front part of the former car garage is now occupied by Majestic Wine Warehouse and Knight Frank, commercial and residential agents, with a single residential flat and office space set above.
3. The application site falls within a defined district shopping centre and the surrounding context is predominantly retail use.

### Proposed Development

4. The application proposes the demolition of the existing building and the erection of a two storey building to provide 4no. retail units (Use Class A1) including the provision of car parking and bin and cycle stores.
5. The proposed development contains four retail units set over two storeys with a GIA of 835sq.m. and a net sales area of 695sq.m. The table below shows the breakdown of floor area proposed:

	Gross Internal Area			Net Sales Area		
	Ground	First Floor	Total	Ground	First Floor	Total
Unit 1	113	94	207	86	86	172
Unit 2	126	96	222	99	89	188
Unit 3	116	93	209	91	85	176
Unit 4	110	87	197	85	74	159
Total	465	370	835	361	334	695

6. Amenity, storage and circulation space is proposed on the ground floor with the majority of the first floor devoted to retail sales. The 6 existing car parking spaces abutting Banbury Road are proposed to be retained as part of the proposal. The 4 existing car parking spaces to the northern part of the site are proposed to be relocated into a liner formation along the northern boundary of the site with an additional four spaces provided here to create 8 spaces in total within this portion of the site. A bin store and cycle store is proposed within the north east corner of the site.

7. The proposed materials comprise a red brick to mirror the adjacent buildings and wider area and a darker contrasting brick which is proposed to be used to highlight the reliefs within the building elevations and create a textured built form. Vertical metal louvres and aluminium framed windows are also proposed galvanised steel doors. The proposed bin and cycle store is proposed to be constructed from timber.
8. Officers consider that the principal determining issues in this case are:
  - Principle of development;
  - Impact on character of surrounding area/ Design;
  - Highway safety;
  - Impact on residential occupiers;
  - Flooding impacts;
  - Land contamination.

### **Principle of Development**

9. The application site is located within the Summertown District Centre and fronts onto Banbury Road which forms part of a designated District Shopping Frontage.
10. Core Strategy Policy CS1 details Oxford's hierarchy of centres and states that the application site is suitable for retail, leisure, employment and other uses serving district level needs. The site also falls within the defined district centre boundary, as set out in the Local Plan, with the site frontage forming part of the defined shopping frontage. Policy RC4 of the Local Plan requires that Class A1 uses (retail) are provided at ground floor level. The application proposes 4 new Class A1 retail units and as such is found to comply with Core Strategy Policy CS1 and Local Plan Policy RC4.
11. The site is considered to be located within a sustainable location on Banbury Road and in close proximity to a number of bus stops. The proposed development would be expected to provide 30 FTE job opportunities which represents around 15 more than the current job opportunities generated by the site's current use.
12. As such the principle of development is found to be acceptable and compliant with the relevant national and local plan policies.

### **Impact on Character of Area and Design**

13. Banbury Road is a key route fronted on both sides by a range of retail and shopping units of varying styles with those buildings in the immediate vicinity demonstrating both pitched and flat roofs. The proposed retail units would be sited on the same footprint as the existing building and would demonstrate a similar scale (2 storeys), albeit slightly smaller than the existing building due to the removal of the existing pitched roof. The proposed flat roof is also found to be in keeping with the design of the surrounding buildings. As such the proposal is considered to be appropriate in terms of its size and scale. The proposal would not appear incongruous within the surrounding area. The

eastern (rear) elevation is more functional in appearance but is not considered to be harmful to the character of the surrounding area.

14. The proposed materials are considered to be contextually appropriate and the mix of lighter and darker brickwork would successfully articulate the first floor of the building to reduce any perceived bulk. The proposed brick to glazing ratio at ground floor fronting Banbury Road is found to be successful and would contribute to an active frontage along this important shopping area. The proposed plant would be screened by metal louvres which would improve the aesthetics of the building. To ensure that the finishes are of a high standard a condition securing material samples has been included.
15. The floor to ceiling heights and unit layouts for the proposed retail units are found to be acceptable in order to accommodate the proposed use.
16. As such the proposal is considered to accord with Policy CS18 of the Core Strategy.

### **Access and Parking**

17. It is proposed that 6 off-street parking spaces (2 disabled) will remain to the front of the proposed two storey building. Within the northern part of the site there are currently 4 off-street car parking spaces. It is proposed there will be an additional 4 spaces, and that these 8 spaces will be of a linear, parallel layout resulting in a total of 14 off-street car parking spaces. The proposals are compliant with the number of off-street car parking spaces (1 space per 50m<sup>2</sup>) set out in the County Councils Adopted Parking Standards document.
18. Officers note that the 8 off-street car parking spaces in the northern part of the site have insufficient dimensions for parallel parking spaces which require a greater length for manoeuvring into and out of the spaces. Car parking spaces with a parallel layout are required to demonstrate a minimum size of 6 metres by 2.5 metres. The Local Highways Authority have advised that in order to provide the required dimensions, a lower number of parking spaces may be necessary, and that this would be acceptable under Local Plan Policy TR12 which outlines that private non-residential parking should be limited within the district centre. It is also noted that the site is easily accessible by sustainable transport modes.
19. The application proposes that there will be 7 cycle parking spaces which will be contained within a cycle store. This complies with the recommended number of cycle parking spaces for A1 use (1 space per 113m<sup>2</sup>).
20. It is noted that all units will have a rear access. The plans indicate the access would not be wide enough for vehicles, however it is assumed that vehicles would park in the off-street car parking area and deliveries would then be taken by hand along the rear access. As such Officers consider the proposals to be acceptable in terms of their impact on the public highway subject to a condition requiring the submission of a Car Park

Layout Plan.

### **Impact on Neighbours**

21. The application site is within a district centre. The proposal will not significantly differ from the existing building in terms of size, scale or location. The proposed fenestration is not considered to result in additional harmful overlooking impacts. Therefore the proposal is not considered to significantly harm residential amenity.

### **Flooding and Surface Water Drainage**

22. The proposed development is located within Flood Zone 1 according to the Environment Agency's Flood Maps. The Environment Agency's Surface Flood Mapping does not indicate the development as being in an area subject to surface water flooding. The proposal does not provide details showing the proposed site drainage nor is there any consideration to Sustainable Drainage (SuDs). Considering the development is a redevelopment of any area used as 100% hard area, the surface water flood risk category is low it is recommended that conditions requiring the provision of further Sustainable Drainage system design/plans be provided prior to commencement of work.

### **Land Quality and Contamination**

23. The application site was previously used as a garage, including petrol station and vehicle servicing and repair from the 1940's. Records show that the site also housed petrol storage tanks in association with the former petrol station. There are no records of any petrol station decommissioning works nor any site investigations having been undertaken at the site. Due to the former use of the site, it is essential that the developer undertakes a site investigation to determine whether the site is suitable for the proposed use as required by the NPPF, Oxford City Council Local Plan Policy CP22 and Oxford City Council's Land Quality Strategy. As such, conditions have been included to secure these details.

### **Conclusion**

24. The proposal represents a sustainable re-use of a previously developed site. The development would help to maintain and strengthen the local economy. The proposal would not result in harm to: the character of the surrounding area, neighbouring residential occupiers or the highway. It conforms to the NPPF and the relevant policies of the adopted Core Strategy 2026 and Oxford Local Plan 2001-2016.
25. Therefore, the West Area Planning Committee is recommended to grant planning permission for the proposed development subject to the stated conditions.

### **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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 17/00476/FUL

**Contact Officer:** Natalie Dobraszczyk

**Extension:** 2614

**Date:** 25th April 2017

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