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| **West Area Planning Committee** | 10th November 2020 |

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| **Application number:** | 20/01314/FUL |
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| **Decision due by** | 8th September 2020 |
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| **Extension of time** | 17th November 2020 |
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| **Proposal** | External and internal alterations to provide single Class A1 retail use (amalgamation of Units 1 and 2), new shop front, insertion of mezzanine floor, erection of sprinkler tanks and pump house, siting of chiller and cold storage units, limited variation in permitted range of goods to enable sale of food and drink from up to 250 sq.m. net for consumption off the premises, provision of ancillary garden centre and cafe. |
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| **Site address** | Unit 1 And Unit 2, Botley Road, Oxford, Oxfordshire – see **Appendix 1** for site plan |
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| **Ward** | Jericho And Osney Ward |
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| **Case officer** | James Paterson |

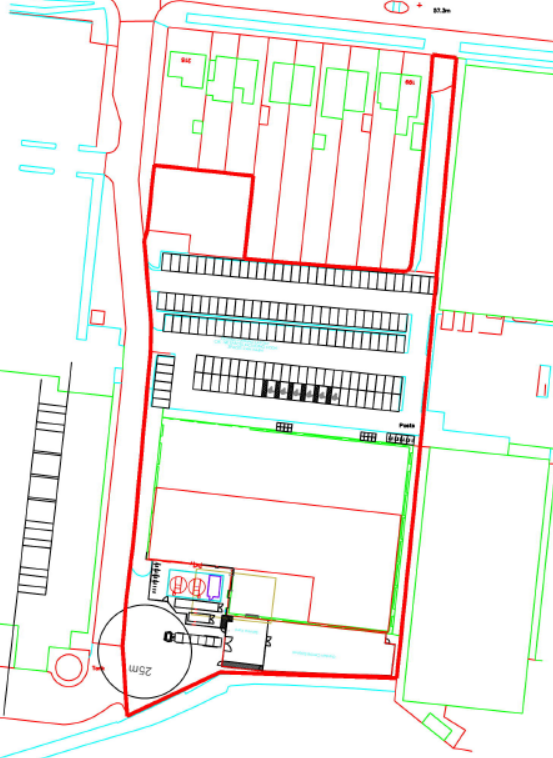
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| **Agent:** | Mr Mark Wood | **Applicant:** | Mr Adam Dunn |

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| **Reason at Committee** | This is a major application. |

1. RECOMMENDATION
   1. West Area Planning Committee is recommended to:
      1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.
      2. **agree to delegate authority** to the Head of Planning Services to:

* finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.
* Finalise the recommended legal agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
* complete the section 106 legal agreement referred to above and issue the planning permission

1. EXECUTIVE SUMMARY
   1. This report considers an application for the alterations to two existing commercial units to create a single retail unit (Use Class A1, now Class E). The proposal also includes a new shop front, cycle parking to the front and rear of the unit, the erection of new sprinkler tanks and chiller units. The application also includes additions and alterations internally; a mezzanine floor would be erected and a garden centre added to the rear yard to create additional floorspace. This application would also seek to change the existing arrangement to allow 250m2 of the unit to be devoted to pre-packaged food for preparation and consumption off the premises in addition to a café area.
   2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.
   3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.
2. LEGAL AGREEMENT
   1. This application is subject to a unilateral undertaking to cover the fee of monitoring the travel plan required by condition 8. This would be the sum of £ 1,426.00.
3. COMMUNITY INFRASTRUCTURE LEVY (CIL)
   1. The proposal is liable for CIL. The amount due would be £127,830.40.
4. SITE AND SURROUNDINGS
   1. The site is located within the Botley Road retail parks area on the western city approach, to the south of Botley Road, near to the junction with Seacourt Park and Ride.
   2. The application site consists of two large vacant A1 retail units, formerly used by Oak Furniture Land and Argos. The former unit is currently 1,334m2 while the other unit is 2,306m2. The lawful use of the site, in terms of this application by virtue of it being submitted prior to September 2020, is in an A1 retail capacity; this would now be considered Class E.
   3. The site is exclusively served by approximately 140 car parking spaces, including 6 disabled spaces; this would not be altered as part of this application. 9 customer cycle parking spaces would be provided to the front of the shop while 12 staff cycle parking spaces would be provided to the rear of the unit.
   4. The site is located within a retail park and is therefore surrounded by commercial premises while there are some residential dwellings along Botley Road to the north, set 86m from the application site. To the south of the site lies undeveloped land which forms part of Oxford’s green belt and is an area of public amenity.
   5. See block plan below:



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Ordnance Survey 100019348

1. PROPOSAL
   1. The application proposes to amalgamate two shop units, for which the lawful use is as retail (Use Class A1). The shop units were formerly in use by Oak Furniture Land and Argos. Associated external alterations are also proposed; these amount to the relocation of fire exits and minor changes to the shop front, including the replacement of the front door to Unit 1 with a glazed panel and the replacement of a shutter with glazed doors to the rear to provide access into the proposed garden centre. Other minor changes are included largely amounting to the insertion of new roller shutters and minor alterations to existing glazing units.
   2. In the rear service yard, two steel chiller units would be installed. These would both be 2.5m high and 2.4m wide while one would have a length of 12.5m and the other a length of 5.5m. Furthermore, two circular metal water tanks would be erected to serve the sprinkler system, these would be 4.6m high and would have a diameter of 4.6m. The rear service yard would then be enclosed by a 3m anti-climb metal mesh fence.
   3. Internally, the mezzanine floor would be extended across both units to a total size of 1,307m2. While the existing A1 retail use would remain the dominant use, with the majority of floorspace devoted to the sale of non-food items, a café would be installed which would occupy 168m2 of the mezzanine floor. This would be for customers to buy hot food and drink for consumption off the site. Furthermore, 250m2 would be allocated to the sale of pre-packaged food for preparation and consumption away from the site. 452m2 of the former service yard would be given to the new proposed garden centre to the rear of the unit. The total floor space for retail use would be 4,141m2. The Range would be the operators of the site; Iceland would act as suppliers for the pre-packaged food items for sale.
2. RELEVANT PLANNING HISTORY
   1. The table below sets out the relevant planning history for the application site:

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| 87/00762/NOY - Demolition of garage & showroom. 124,728 sq. ft of non-food retail, including garden centre of 4,200 sq. ft, with 550 car spaces & access to Botley Rd. Extension of light industrial premises by 800 sq. ft (duplicate application, revised). PER 5th June 1989.  92/01183/NOY - Outline application (seeking approval for siting, means of access and external appearance) for one 30,000 square feet non-food retail unit plans plus car parking (186 spaces) and service area accessed from Botley Road. PER 22nd July 1993.  93/01209/NFY - Erection of building to provide non-food retail floor space (35,500 sq. ft./3,298sq.m.) divided into 2 units, 142 parking spaces for customers, 9 staff parking spaces and service yard (scheme B)(amended plans). PER 26th January 1994.  94/00911/A - Individual illuminated letters and internally illuminated box sign at high level above entrance on front (north) elevation.. PER 1st September 1994.  97/00437/A - Internally illuminated signs (letters only) above front entrance (Amended Plans). PER 20th August 1997.  98/01455/NO - Rear extension to retail warehouse (Comet) for 464 sq. m non-food retail floor-space (including details of siting & use of existing means of access). Use of car park & service yard. Relocation of fire exit from side to rear of Argos (Unit 1, Botley Road). PER 1st April 2000.  07/01846/CPU - Certificate of lawfulness in respect of completion of installation of mezzanine floors.. PER 25th September 2007.  08/00768/ADV - Display of 2 x internally illuminated fascia signs. 1 x non illuminated box sign and 1 x non illuminated projecting sign (retrospective).. PER 18th June 2008.  20/01327/ADV - Display of 3 no. Internally illuminated fascia signs, 15 no. non-illuminated fascia sign. 5 no non-illuminated post signs.. PER 28th August 2020. |

1. RELEVANT PLANNING POLICY
   1. The following policies are relevant to the application:

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| **Topic** | **National Planning Policy Framework** | **Local Plan** | **Other planning documents** | **Neighbourhood Plans:** |
| **Design** | 117-123, 124-132 | DH1, DH6, DH7 |  |  |
| **Commercial** | 170-183 | V1 |  |  |
| **Transport** | 117-123 | M2, M3, M5 |  |  |
| **Environmental** | 117-121, 148-165, 170-183 | RE3, RE4, RE6, RE7, RE8 |  |  |
| **Miscellaneous** | 7-12 | S1 |  |  |

1. CONSULTATION RESPONSES
   1. Site notices were displayed around the application site on 8th July 2020 and an advertisement was published in The Oxford Times newspaper on 9th July 2020.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

* 1. No objection; conditions relating to a transport plan, construction traffic management plan and delivery and servicing plan required. A S106 agreement required was also requested to secure a contribution of £1,426.00 to the County Council to cover the cost of monitoring the travel plan.

Oxfordshire County Council (Lead Flood Authority)

* 1. Objection. The proposal fails to meet the County’s standards for drainage and surface water run off.

Thames Water Utilities Limited

* 1. No objection in terms of foul water, surface water or water network and water treatment infrastructure capacity. Additional information has been requested in relation to drainage strategy details on the connection points and the proposed pump rate for foul water.

Environment Agency

* 1. Objected due to the lack of a flood risk assessment. A flood risk assessment has since been submitted by the applicant. No further comment from the Environment Agency was received by the Council

Public representations

* 1. No local people commented on this application.

Officer response

* 1. Officers have considered carefully the objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer’s report, that the reasons for 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.

1. PLANNING MATERIAL CONSIDERATIONS
   1. Officers consider the determining issues to be:
2. Principle of Development
3. Design
4. Noise
5. Drainage/ Flooding
6. Transport
7. Air Quality
8. Land Quality
9. Principle of development
   1. Policy V1 of the Oxford Local Plan 2036 states that proposals for development of town centres uses outside a centre must demonstrate compliance with the ‘sequential test’. Furthermore, planning applications for retail and leisure development outside centres which are 350m2 (gross) or more, must be accompanied by an ‘impact assessment’ and as part of such an assessment, demonstrate with evidence that there will be no adverse impact on the vitality and viability of the existing centres, and that good accessibility is available for walking, cycling and public transport.
   2. This application relates to an existing large retail use outside of any defined city or district centre and would entail the net addition of 860m2 of floor space therefore must demonstrate via a retail assessment that the proposed use would not have an adverse impact on the vitality or viability of existing centres. Furthermore, it must be demonstrated that the site is readily accessible via sustainable modes of transport.
   3. Planning officers note that the introduction of the proposed café and a small offering of pre-packaged food for consumption off the site represents a change from the existing arrangement. Indeed these uses were limited in the existing planning permission under which the units operated which prohibited these uses; condition 13 of permission 93/01209/NFY. Therefore, officers have required a robust assessment to ensure that the proposed use would not harm the vitality of established centres.
   4. Planning officers consider that the submitted retail impact assessment is proportionate to this proposal, but still provides a thorough consideration of the potential impacts of both the comparison and convenience goods expenditure on the city centre and nearby Botley centre. The submitted retail assessment adequately demonstrates that overall there would be a ‘net deduction’ from this development proposal as compared to former occupants of these units. It also demonstrates that in 2022 the majority of impacts will fall on the large food stores and retail warehouses currently in out-of-centre locations, which would therefore not adversely impact the vitality of established centres which do not contain as many large supermarkets or warehouses. Furthermore, given the nature of the goods that the proposed unit would sell, it is expected that the impact of the unit would be more widespread as the shop would draw its customer base from a wider area that the city centre and district areas do. While there would be some impact on the city centre in particular, this has been projected as being quite minor.
   5. However, planning officers note that the proposal includes a complimentary set of uses meaning that there are concerns that customers can satisfy all of their daily needs in the shop while also being able to enjoy a hot drink and food. This would negate the need for them to travel to established commercial centres. The applicant has satisfactorily demonstrated through the submitted retail assessment which described the proposed uses that the unit would not satisfy all of customer’s daily needs. This is because the sale of pre-packaged food would be limited to largely frozen food and the limited floor space would also mean that there would not be a sufficient range of food that would satisfy all of customers’ needs. The food items for sale would be limited which would mean that customers would be limited to purchasing convenience items; it would not negate the need for them to visit bespoke food retailers; although it is noted these largely amount to out of centre supermarkets in any case. Furthermore, the café would be of a size to serve existing customers as they shop. It would not be of sufficient scale to prevent potential customers from journeying to the city and district centres for hot food and drink; the draw this café would create would not lead to the unit being a destination in itself. However, to ensure the café and food retail uses do not expand to the point where they would impact the vitality of commercial centres, condition 12 has been included. This limits the amount of floor space which may be dedicated to either of these uses.
   6. Considering the above, and subject to condition 12, this proposal is acceptable in principle and complies with Policy V1 and shows that the nearby city centre and Botley centre commercial areas would not be adversely affected by the proposal.
10. Design
    1. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
    2. Policy DH6 states that planning permission will only be granted for new or changed shopfronts and advertisement consent will only be granted for signage and other forms of advertisement where the design, positioning, materials, colour, proportion and illumination are not detrimental to assets with heritage significance or visual or residential amenity, as demonstrated through the criteria set out in the policy, all of which should be met.
    3. Policy DH7 of the Oxford Local Plan 2036 states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council’s Technical Advice Note on bin storage.
    4. The alterations to the external facades of the unit, namely altering the doorways and glazing would not result in the unit looking noticeably different to the existing arrangement; the character of the unit would not change. The additions to the rear of the site would be large and not particularly sympathetic in appearance. That being said, these changes would take place to the rear and would not be readily visible from the public realm; furthermore these additions would be functional additions to the site necessary for its operation and would be read as such.
    5. The addition of the trolley park and cycle parking to the front of the unit would be very minor and would not be particularly visually obtrusive or noticeable.
    6. Officers are also satisfied that the rear service yard would provide sufficient space to accommodate any commercial waste bins which may be associated with the proposed use.
    7. Considering the above, the proposal is of acceptable design quality and thereby accords with Policies DH1, DH6 and DH7.
11. Noise
    1. Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.
    2. A suitable noise assessment has been submitted by the applicant. This demonstrates that the proposed use and alterations would not give rise to an unacceptable amount of noise. It is further noted that the nearest dwellings are 80m from the application site and the retail park in which the site is situated does not contain any sensitive uses.
    3. Having considered the above, the proposal would be acceptable in terms of noise and Policy RE8.
12. Drainage/ Flooding
    1. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case by case basis, taking into account the effect on flood risk on and off site. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.
    2. The original submission did not include a flood risk assessment. Given that the site is located within a Flood Zone 3 area, this is a technical requirement; on this basis the Environment Agency has objected to the application. A flood risk assessment was subsequently submitted and, council officers consider, sufficiently demonstrates that the flood risk associated with the site and its use would not give rise to an increase in flood risk. While the objection of the Environment Agency has been afforded great weight, given their position as a statutory consultee, officers consider that the reason given for their objection has been overcome by the submitted flood risk assessment. Therefore planning officers consider that this would not substantiate grounds for refusing the application. Planning officers also consider that the submitted flood risk assessment sufficiently demonstrates that the flood risk on the site would not be worsened by the proposed change of use of the site. However, further details are required to assess the impact of the proposed pump rooms and sprinkler tanks. The risk to these, and the risk from these must be assessed and mitigated. Therefore a revised flood risk assessment addressing these issues has been requested by condition 13.
    3. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.
    4. Planning officers note that Thames Water have not objected to the scheme on any grounds.
    5. Given that this application is for a major development, the County Council’s view has been afforded great weight, given their status as statutory consultees. They consider that the application is unacceptable as the drainage arrangements fail to meet their requirements. Given that this site is previously developed, they expect the peak runoff rate from the development to any drain, sewer or surface water body must be as close as reasonably practicable to the greenfield runoff rate but should never exceed the rate of discharge from the development prior to redevelopment for that event. They also expect 40% reduction as a minimum applied to the existing brownfield rates.
    6. Planning officers note that the application relates mostly to the expansion of the mezzanine floor, minor alterations to door openings on the external elevation and a change to the range of goods being sold from the site. While there are minor additions to the site, these largely amount to cycle parking, which is of little consequence on terms of how the site is drained, and the addition of sprinkler tanks and chillers within the existing service yard to the rear. Planning officers have carefully considered the drainage requirements of the County Council. However, having considered the above, it is considered in this instance that these requirements would necessitate unnecessarily disproportionate measures to be put in place having had regard to the scale of development proposed. Planning officers therefore consider the proposal to be acceptable subject to conditions 10 and 11 which requires details of how the site is to be drained via SuDS and how these are to be maintained for the lifetime of the development. This will allow the applicant to prepare a drainage strategy which is more feasible and proportionate to the scale of the development
    7. The proposal is acceptable in terms of drainage and flood risk, subject to conditions and therefore accords with the requirements of Policies RE3 and RE4.
13. Transport

Sustainability

* 1. Policy M2 of the Oxford Local Plan 2036 states that a Transport Assessment must be submitted for development that is likely to generate significant amounts of movement, in accordance with the requirements as defined in Appendix 7.1. In addition, development which meets the relevant criteria must include a travel plan. Where a Travel Plan is required under this policy and a substantial amount of the movement is likely to be in the form of delivery, service and dispatch vehicles, a Delivery and Service Management Plan will be required.
  2. The applicant has submitted a transport statement to address some of the concerns the County Council had raised in their consultation response. While the contents of the transport statement demonstrate that the principle of the proposal would be acceptable in terms of transport, further detail is still required to ensure compliance with Policy M2. A construction traffic management plan, delivery and service plan, and travel plan are required by condition because of this. Officers consider that while some additional journeys may be generated as a result of the additional floor space being proposed, this would likely be acceptable due to the good sustainable transport links the site currently enjoys.
  3. It is noted that a S106 agreement or unilateral undertaking has been requested by the County Council to secure funds for the monitoring of the submitted travel plan. Planning officers note that the monitoring of the travel plan is extremely important to its success and a requirement of Policy M2. Therefore planning officers recommend approval of this application subject to a S106 agreement/unilateral undertaking to secure the payment of a monitoring fee in respect of the travel plan to ensure that the County Council can undertake this monitoring.

Car Parking

* 1. Policy M3 of the Oxford Local Plan 2036 states that the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non- residential development on new sites, will be determined in the light of a submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development.
  2. In this case, no comprehensive travel plan is available to inform the number of car parking spaces which may be appropriate for this site. However, this application proposes additional floorspace to existing retail units but does not propose any additional parking. This is considered acceptable as this would not lead to a worsening of the existing situation.
  3. The application does not propose any additional parking. This is considered acceptable as this would not lead to a worsening of the existing situation.

Cycle Parking

* 1. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electric charging infrastructure.
  2. 12 cycle parking spaces are proposed for sole use by members of staff. These would be located in the rear service yard and would be readily accessible and well-located to serve members of staff. Twelve spaces are also considered sufficient for a single commercial unit of this size. This element of the proposed cycle parking is considered acceptable.
  3. Only nine customer cycle parking spaces would be provided as part of this development. The spaces would also not be covered, although officers note that the parking would be well-located, convenient and secure, given the natural surveillance that would be afforded of it. Planning officers consider that the number of spaces and their lack of cover would not accord with the requirements of M5. The requirements of M5 mean that 36 covered cycle parking spaces would be needed. Officers note that there would be sufficient space to the front and side of the building for this to be accommodated and this requirement to be satisfied. Officers have therefore included condition 5, which requires these details.
  4. Subject to the proposed conditions, the proposal would be acceptable in terms of transport, specifically in terms of sustainability, car parking and cycle parking. The proposal would therefore accord with Policies M2, M3 and M5.

1. **Air Quality**
   1. Policy RE6 of the Oxford Local Plan 2036 states that planning applications for major proposals (10 or more dwellings or 1000 square metres) which would carry a risk of exposing individuals to unacceptable levels of air pollution must be accompanied by an Air Quality Assessment (AQA). Where the Air Quality Assessment indicates that a development would cause harm to air quality, planning permission will not be granted unless specific measures are proposed and secured to mitigate those impacts.
   2. Given that this development proposal constitutes a major planning application which may give rise to unacceptable levels of air pollution, an air quality assessment has been required. This was subsequently provided by the applicant.
   3. Having had regard to the submitted air quality assessment, officers have concluded that there would likely not be negative air quality impacts on current and future receptors as a result of the proposed development. However, having considered the potential emission from dust during the construction phase of the development, officers consider that it is extremely important to guarantee that the site specific mitigation measures that were identified on the dust assessment would be put in place. Planning officers therefore recommend that condition 9 is included to secure necessary site specific mitigation of dust from construction.
   4. Subject to condition 9, planning offices consider that the proposal would have an acceptable impact in terms of air quality and Policy RE6.
2. **Land Quality**
   1. Policy RE9 of the Oxford Local Plan 2036 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.
   2. Officers have reviewed the application documents and the Council’s historical records relating to land quality. The site and surrounding area has had a varied commercial and industrial use and historical site investigations have previously identified significant ground contamination risks in the area which have been largely addressed during previous development work. However, whilst it is unlikely that significant contamination risks are present, there remains a small risk that unexpected contamination may be encountered during any groundworks that may occur at the site. Officers therefore recommend that a condition is placed on any planning permission in case any unexpected contamination is encountered during development. This is included as condition 4.
   3. Subject to condition 4, the proposal is acceptable in terms of land contamination and Policy RE9.
3. CONCLUSION
   1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject the completion of a legal agreement or unilateral undertaking made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers and to the conditions set out in section 12 of the report.
   2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
   3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
   4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
   5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
   6. Therefore officers consider that the development accords with the development plan as a whole.

*Material consideration*

* 1. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
  2. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
  3. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
  4. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
  5. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.

1. CONDITIONS

1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2 Subject to condition 5, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan 2036.

3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

4 A watching brief shall be undertaken throughout the course of the development to identify any unexpected contamination. Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036

5 Notwithstanding the approved plans, prior to the occupation of the site final details of customer cycle parking, including dimensions and means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy M5 of the Oxford Local Plan 2036.

6 A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The CTMP shall follow Oxfordshire County Council's template. This shall identify;

o The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,

o Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),

o Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,

o Contact details for the Site Supervisor responsible for on-site works,

o Travel initiatives for site related worker vehicles,

o Parking provision for site related worker vehicles,

o Details of times for construction traffic and delivery vehicles, which must be outside network peak hours,

o Engagement with local residents

The construction of the development shall then take place in accordance with the approved details

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with Policy M2 of the Oxford Local Plan 2036.

7 A plan showing the location vehicles will use for deliveries shall be submitted and approved in writing by the Local Planning Authority prior to commencement of the development. This should include full tracking drawings for vehicles entering the site, turning and exiting in a forward gear. The submitted document shall also set out the management of deliveries and state that deliveries must not take place between the peak hours of 07:30-09:30 or 16:30-18:30.

The proposed development shall then only be operated in accordance with the approved plans and delivery hours

Reason: To mitigate the impact of delivery vehicles on the highway network at peak times, in accordance with Policy M2 of the Oxford Local Plan 2036.

8 Prior to first occupation a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan should then be updated within 3 months of occupation and submitted in writing to the Local Planning Authority. The approved details shall be implemented on the occupation of the unit.

Reason: To promote sustainable modes of transport, in accordance with Policy M2.

9 No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found on Tables 6.1 and 6.2 (pages 20-22) of the Air Quality Assessment that was submitted with the application. Development shall then only take place in accordance with the approved details

Reason: to ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with Policy RE6 of the Oxford Local Plan 2036.

10 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The development shall then be carried out in accordance with the approved details.

The plans, calculations and drainage details submitted shall demonstrate that;

I. The drainage system is designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, discharge rates should be at greenfield rates.

Any proposal which relies on Infiltration shall be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved in writing by the LPA. Consultation and agreement shall also be sought with the sewerage undertaker where required.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 - 2036

11 A SuDS maintenance plan shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDs maintenance plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The sustainable drainage system shall be maintained in accordance with the approved SuDS maintenance plan in perpetuity.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 - 2036

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) this permission limits the floor space which may dedicated to the sale of pre-packaged food for consumption off the site to 250sqm and the floor space dedicated to facilitating the sale of hot food and beverage for consumption on the site to 200sqm. No other sale of food shall take place on the site.

Reason: To ensure the hierarchy of centres is adhered to and the proposal would not harm the vitality of defined city centre and district centres, in accordance with Policy V1 of the Oxford Local Plan 2036.

13 Prior to the commencement of works, a revised flood risk assessment shall be submitted to and approved in writing by the local planning authority. This shall assess the flood risk to, and resulting from, the proposed pump rooms and sprinkler tanks and mitigated. Development then shall only take place in accordance with the approved details.

To ensure the development would not give rise to unacceptable flood risk in accordance with Policy RE3.

1. APPENDICES

* **Appendix 1 –** Site location plan

1. HUMAN RIGHTS ACT 1998
   1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.
2. SECTION 17 OF THE CRIME AND DISORDER ACT 1998
   1. 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.