

# Agenda Item 6

East Area Planning Committee

8<sup>th</sup> February 2017

**Application Number:** 16/02586/FUL

**Decision Due by:** 24th November 2016

**Proposal:** Erection of a single storey coffee shop unit (Sui Generis) with associated drive-thru facility, car parking, landscaping and associated works.(Additional Transport Assessment information, Flood Risk Assessment and Archaeology Assessment).

**Site Address:** Land Adjacent To Homebase Horspath Driftway Site plan, Appendix 1

**Ward:** Lye Valley Ward

**Agent:** Mr Leigh Thomas

**Applicant:** S.I Pension Trustees Ltd

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### **Recommendation:**

The East Area Planning Committee is recommended to GRANT planning permission for the reasons set out below and subject to and including conditions listed.

### **Reasons:**

- 1 It is considered that proposed development would be acceptable in principle in this existing out of centre location. The proposals would not have a detrimental impact on the existing retail centres, highway network or car parking, archaeology or other environmental impacts such as noise. There would be no harm to adjoining residential amenities. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
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. Time begun within time limit
2. Develop in accordance with approved plans
3. Materials – in accordance with plans
4. Restricted use
5. Landscape Plan: further details
6. Landscape management Plan

7. Flood Risk Assessment – in accordance
8. Drainage infrastructure – in accordance
9. SUDS - further details
10. Damage to the culvert or pit structures
11. Construction Traffic Management Plan
12. Delivery and Service Management Plan
13. Opening hours -0700hrs – 2200hrs daily
14. Noise –mechanical plant – nearest sensitive receptor
15. Energy & efficiency – further details
16. Bin storage – as approved
17. Cycle parking – further details
18. Car parking/ turning/ barrier/ layout - as approved

**CIL:**

The site is liable for CIL: £19,429.20

**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
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TR5** - Pedestrian & Cycle Routes
- NE11** - Land Drainage & River Engineering Works
- NE12** - Groundwater Flow
- NE13** - Water Quality
- NE14** - Water and Sewerage Infrastructure
- NE15** - Loss of Trees and Hedgerows
- NE23** - Habitat Creation in New Developments
- HE2** - Archaeology

**Core Strategy (CS)**

- CS2** - Previously developed and greenfield land
- CS9** - Energy and natural resources
- CS10** -Waste and Recycling
- CS11** - Flooding
- CS12** - Biodiversity

**CS13** - Supporting access to new development

**CS18** - Urban design, town character, historic environment

**CS19** - Community safety

**CS31** - Retail

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance

### **Relevant Site History:**

90/985/NFY Sainsbury Homebase – 2 non food retail units, service area, parking for 1096 cars and vehicular access. Approved January 1991.

92/00652/NFY - Currys - Single storey non food retail store (10,000 square foot) with 48 car parking spaces and access from Horspath Driftway (Amended Plans). Approved December 1992.

15/03709/FUL – Currys - Erection of two storey side extension and first floor front extension. Installation of new shop front and plant enclosure. Provision of glazed canopy to south west elevation. Re-configuration of car park and associated landscaping.(amended plans). Approved February 2016.

### **Representations Received:**

Representations from 1 Fletcher Road, 12 Wetland Road, 32 Dene Road, 17 Meyseys Close, 12 Kenedy Close, 29 Gleblands, 88 Normandy Cres and Bullingdon Res Assoc can be summarised as follows:

- At present there is separate pedestrian and cycle access to the retail park direct from the Eastern Bypass - next to the pedestrian continuation of Brasenose Driftway. There is no specific mention of this access on the plans - and given that this access means pedestrians and cyclists can avoid the busy road junction on Horspath Driftway then a condition of giving planning consent should be that this access continues to be maintained at all times
- Not convinced that there would be "no effect on the highway network".
- Aldi store is currently being built and the trip figures for this are not included or considered in the transport statement. The new store could potentially double the number of vehicles entering and exiting onto Horspath Driftway, both towards Headington and the Eastern Bypass. Additionally, the changes proposed within the Access to Headington for the junction onto the bypass need to be considered.
- Unacceptable impact on congestion of Horspath Driftway
- Pedestrian safety when crossing at the junction of the access road with Horspath Driftway is already a hazard. The footpath stops, and visibility is restricted by a dense hedge. It is not possible to see traffic coming along Horspath Driftway from the ring road, and then turning speedily into the retail

park. A pedestrian crossing should be installed at the junction of the access road and Horspath Driftway.

- The site would generate noise and pollution.
- The removal of three large trees would take away some of the screening effect in place at the moment.

#### **Statutory and Internal Consultees:**

Natural England Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, would not damage or destroy the interest features for which Brasenose Wood & Shotover Hill SSSI and Lye Valley SSSI have been notified.

Highways Authority: No objection subject to a condition requiring a Construction Traffic Management Plan.

#### **Officers Assessment:**

##### **Site Description and Proposal:**

1. The site lies within an existing retail park on the edge of the ring road accessed off Horspath Driftway. Currently there is a Homebase and Carpet Right and vacant stores including former Currys that is being re-developed for the Aldi supermarket store.
2. The site lies beside Homebase in the far southern corner of the retail park. It is surrounded on the boundary by thick vegetation and trees. The other side of the south – south eastern boundary is a public footpath access from the ring road to Brasenose Driftway. There is also a small informal access for pedestrian and cyclists to the retail park from the ring road at the eastern end of the site. To the west is the residential properties on Fletcher Road and to the south a bungalow the other side of the footpath.
3. It is proposed to erect a Costa Coffee café with ancillary drive through facility. It would measure approximately 11m wide by 17m long and 4.8m to 5.7m high with a mono pitched roof. Three trees and a number of existing car parking spaces would be lost within the existing car park. Additional cycle parking and four replacement car parking spaces are proposed, including two disabled, together with outdoor seating, bin storage and additional planting.

#### **Issues:**

4. Officers consider the main determining issues to be:
  - Principle of development

- Design
- Highways and Parking
- Flooding and Drainage
- Contamination
- Archaeology
- Landscaping and trees
- Residential Amenities
- Energy Efficiency
- Refuse
- Noise and Pollution
- Biodiversity

**Principle of Development:**

5. The site is within an existing out of town retail park. The proposed development operated by Costa is their 'driv-thru' format and is considered sui generis use as it combines a mixed use A1 (shop)/ A3 (café) with a drive-thru facility and as such does not fall completely within one use class. The retail park is an unallocated site in the Development Plan and is located on the by-pass outside the Cowley Primary District Centre and Headington Secondary District Shopping Centre. It is accessible by vehicle, walking and cycling.
6. Firstly in relation to this proposal national planning guidance (NPPF) seeks to 'positively drive and support sustainable economic development' and 'encourage the effective use of land by re-using land that has been previously developed' and 'promote mixed-use developments'. Paragraph 20 goes on to emphasise the importance of helping 'to achieve economic growth' and the need for local planning authorities 'to meet the development needs of business and support an economy fit for the 21st Century.'
7. In assessing main town centre uses that are not within an existing centre, there are two key tests that need to be applied. This includes the 'sequential test' and 'impact assessment test' as set out in the NPPF. However since this proposal falls under 2,500sqm threshold the 'impact assessment test' does not need to be applied. The Core Strategy 2026 together with the 'saved policies' includes Policy CS31(retail hierarchy), which is similar to the NPPF in seeking to direct main town centre uses to existing centres and seeking to ensure no adverse impact on existing centres. An additional policy, RC13 of the OLP, also refers to the environmental impact of food and drink uses on the immediate area. As such it makes reference amongst other things to the sequential test and impact assessment. CP6 seeks to ensure the efficient and effective use of previously developed land.
8. In relation to the 'sequential test' Planning Practice Guidance provides some useful supporting advice on how to apply this test. It states that Local Planning Authorities should consider the relative priorities and needs for main

town centre uses, particularly recognising ‘their different operational and market requirements’. For example a hotel which is likely to cater for a different market at a motorway service station than within a town centre. Furthermore recent legal cases are also important in providing guidance on how the sequential test should be applied in practise which includes a recognition of the applicants’ specific ‘business model,’ which would ultimately impact on the size of the site being searched for ‘viability’ / deliverability of the development. It is considered that whilst a sequential test should be carried out for this mixed retail use, in practise given the operational requirements of the applicant and their ‘business model’ for this particular type of use i.e. mixed use ‘drive-thru’ format, Officers consider that such an assessment is unlikely to be able to identify a site within an existing centre that would be able to meet the specific needs of this type of use. Indeed the Applicant has made such a sequential assessment and is unable to identify any other available sites that could accommodate their driv-thru format within a sequentially preferable location. Cowley shopping centre whilst closest (1.5km away) does not offer a suitable site, and furthermore Costa already operate a site there which they do not want to change format on (John Allen centre). Officers concur with this assessment.

9. It is also considered that the proposed Costa unit would provide an additional service to the local community as there is limited amenity locally, particularly in the form of cafes. The only other local shops nearby are in Hollow Way, Horspath Rd, the neighbourhood centres at The Slade and Wood Farm Way, the burger van on Pony Road in the Industrial Estate on the other side of the By-Pass, and Shotover View residential care home (Craufurd Road) which has a “community café”. Residents would be able to walk to the facility from the surrounding area, as would those persons working in the Industrial Estate opposite. This use is considered likely to serve existing users of the highway network by reason of the drive through facility. The majority of customers would therefore be already on the highway network either as pass-by trips or visiting Horspath Driftway (see below in the report on this aspect). The proposed use would create new jobs, promote economic growth and provide a sustainable form of development, given its urban context and the local market, which would be served by this proposal. Issues relating to adverse environmental impact are dealt with further below, however Officers consider there would be no adverse impact contrary to policy.
10. In conclusion therefore Officers consider on balance that given the nature of the proposal it would provide sustainable economic development in a way that makes effective use of previously developed land and would not be harmful to exiting retail centres and is therefore acceptable in principle in this location, in accordance with the NPPF and Development Plan Policies.

#### **Design:**

11. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design that

respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area.

12. The proposed design of the unit is a standard Costa Coffee design and materials used. The building is single storey in height with a mono pitched roof. Materials proposed are blue brick plinth with white render walls and horizontally timber clad elements, anthracite grey aluminium glazing. A large indoor seating and serving area is provided together with the drive through element to the rear. External seating area is also provided.
13. It is considered that the design of the building, whilst standard, is functional and would acceptably relate to other existing buildings adjacent within the retail park. It is heavily screened from residential properties and only visible to the ring road. The materials are also acceptable for the area within which it sits and appropriate to the retail park itself. It is therefore considered that it would not be harmful to the character and appearance of the area in which it sits, and is therefore in accordance with CP1, CP8, CP9 and CP10 of the OLP. A condition would secure the materials as proposed.

#### **Highways and parking:**

14. The site plan shows that there are a total of 245 car parking spaces available on the retail park (including the 55 car parking spaces associated with the Currys / Aldi unit). The proposal would result in the net loss of 40 car parking spaces leaving 205 spaces left for all units. 2 disabled & 2 limited waiting car parking spaces(for the drive-thru part) and 10 cycle parking spaces would be provided close to the café. The conversion of the former Currys to an Aldi is currently under construction.

#### *Car Parking and Highway Impact*

15. A Transport Assessment was submitted and further additional information was submitted including car park surveys, traffic movements and accumulation surveys generated by the Aldi supermarket at the request of the County HA. The County and residents were re-consulted. The comments of residents regarding parking and impact on the roads have been taken into account. Further comments as a result of the neighbour re-consultation on additional information will be verbally updated at Committee.
16. The HA has commented that in the first instance the submitted TA did not make reference to the Aldi store that has planning permission or it's associated parking demand, and therefore the TA assumed the parking demand at the retail park to be at its current level i.e. with the Curry's store empty. They also queried the accuracy of the trip generation estimates in the TA since they were splitting the results from 'Drive -Thru' surveys with those from 'Road Side Services' (in this case Little Chefs) and queried why the estimates should be split with road side services. Using just 'Drive-Thru'

surveys a higher number of trips would be expected. The TA also assumed that shared trips (i.e. trips that are already being made to the site and are not new trips) would account for 50% of the trips to the development. The HA have always accepted that a number of trips would likely be shared but queried on what basis it is assumed that these would account for 50%.

17. The HA were therefore concerned that, should the number of shared trips be a lower proportion than stated and when looking at the number of trips expected based purely on 'Drive Through' surveys and taking into account the parking demand from the Aldi store, the parking demand for the retail park at peak times (on a Saturday afternoon) could exceed capacity which could lead to blocking of the Horspath Driftway.
18. Further to the request by County for the submission of more evidence and justification to address their above concerns, the applicant submitted a parking accumulation exercise which took into account the parking demand expected from the Aldi development, and information which based the trips generated from the proposed development purely on drive through trip rates (not road side services) and which assumed all new trips generated i.e. no shared trips. This evidence demonstrated that even if no trips were shared the parking demand for the retail park would not be expected to exceed capacity. This was considered robust by the HA and they have therefore removed their initial objection.
19. In response also to concerns raised by residents, the HA comments that in terms of the impact on the junction at peak network times (not peak time for the proposed development which is expected to be a Saturday afternoon) the development would be expected to generate 28 two-way trips in the AM peak and 40 in the PM. Even if these were all new trips, this number is within the daily fluctuation of traffic flow at that junction and so the impact would not be considered severe. Furthermore, not all of these trips would pass through this junction (some would come from Headington / Hollow Way).
20. The 28 AM and 40 PM trips does include shared trips so the number of 'new trips' is likely to be less than 28 and 40. Whilst the proportion of shared trips may not be 50%, the HA consider that even if none were shared trips (which in reality they accept some would) the impact of the proposed development on the road network (including Horspath Driftway and the Slade) would not be considered severe.
21. In conclusion therefore, further to the information submitted and the advice of the HA in respect of impact on the highway/ road network and car park capacity, it is considered that there would be no significant adverse impact on either as a result of the proposal and it accords with Policies TR1 and TR3 of the OLP.

#### *Cycle parking*

22. The 10 cycle spaces exceeds the minimum policy requirement and it is therefore considered that adequate cycle parking would be provided in

accordance with TR4 of the OLP, further details of which can be secured by condition.

### **Flooding and Drainage:**

23. From review of the Environment Agency's Flood Mapping the proposal is located within Flood Zone 1 and according to the SFRA level 2 the proposal would not be located within a critical drainage area. The proposed structure would be within 8m of the culverted watercourse.
24. A Flood Risk Assessment has been submitted. The proposed surface water drainage utilises permeable paving with granular sub-base for water quality and quantity management. The discharge would be restricted to the practicable 5l/s during all events up to and including the 100-year plus 40% climate change storm event. The proposed system would discharge by gravity to the existing drainage system serving the car park and associated shops adjacent to the development. The proposed surface water drainage system would reduce the runoff rates and volumes when compared against the existing scenario and decrease the flood risk in the wider catchment. The finished floor levels of the proposed building should be set at least 150mm above the surrounding ground levels to prevent runoff entering through doorways. The site levels should be designed to facilitate safe Overland exceedance flow routes directing the flow away from the building and towards less vulnerable areas (e.g. road and landscape areas). The proposed foul drainage would be gravity based and connect to the existing foul drain at the southwest corner of Carpet Right.
25. Officers agree with the FRA conclusions and with regards to the Sustainable Drainage Strategy proposed and a condition requiring further details of the SUDS can be secured via condition.
26. The County as Lead Local Flood Authority has given the direction that the proposal should follow the guidelines of the Environment Agency with regards to the distance of interest to an adjacent watercourse. As the plans show that the proposed structure would be within 8m of the watercourse, details should be submitted which ensure that during construction and on completion the proposal would not affect the culvert. This can be secured by condition.
27. The proposal therefore accords with Policy CS12 of the CS.

### **Contamination:**

28. The phase 1 environmental assessment and the geotechnical investigation did not identify any significant contamination on this site for a proposed commercial end use. Officers agree with the findings in this report and recommend an informative is placed any planning permission relating to topsoil and if unexpected contamination is found. The proposal therefore accords with Policy CS22 of the OLP.

### **Archaeology:**

29. This site is of interest because it is located directly to the north of the site of a 2003 archaeological excavation at Eastfield House which produced evidence for Bronze Age, Iron Age and Roman activity. The Eastfield House site produced a small assemblage of pottery dating to the 2nd-1st century BC and at least one pit of this date. The evidence would suggest that cereal crops were processed on site. Subsequent early Roman ditches and gullies forming a paddock or field system and enclosure were found. The plan of the ditches suggests that a sizable enclosure may project into the proposed Costa Coffee site. These ditches contained residual Iron Age pottery and it is possible that they represent Roman re-use and re-cutting of Late Iron Age boundaries (Challis 2005: 99). The remains of two perinatal infants and part of an adult skeleton were also found in a gully terminus. Several sherds from a Bronze Age vessel were also recovered.
30. The full extent of the Iron Age and Roman settlement and related field systems in this area is not known, although the evidence from Eastfield House suggests that activity extended well beyond the investigated area and the Eastfield House site may form part of a more extensive settlement landscape associated with a possible nearby roadside settlement orientated on the nearby Dorchester-Alchester Roman Road .
31. The application site is also located within an extensive dispersed landscape of Roman pottery manufacturing compounds orientated on the Dorchester-Alchester Road. These compounds formed part of a regional pottery industry that is of national significance in the field of Roman studies.
32. A Written Scheme of Investigation has been submitted and approved and field evaluation in the form of trial trenching would be done. At the time of writing the report the trenching has not begun and therefore the findings/ results are not known. However it will be done prior to Committee and therefore Committee will be verbally updated.
33. Officers are recommending approval on the basis that successful field evaluation is done and in the event of any archaeology being found it could be satisfactorily secured or mitigated against in the form of suitable conditions in accordance with Policy HE2 of the OLP and the NPPF. However, in the event of something being revealed that cannot be dealt with by condition it may be that Officers change their recommendation.

#### **Landscape and Trees:**

34. The proposed development would require the removal/loss of 2 mature Italian Alders within the existing car park area. These are important in the context of the landscape mitigation of the car park itself, but being internal to the site their loss would not have a significant adverse impact to public visual amenity locally and could be adequately mitigated through replacement planting proposals secured under conditions of any granted planning consent. The existing mature trees and vegetation on the boundary of the retail park adjoining the footpath to Brasenose Driftway and Fletcher Road is not

removed but supplemented by additional planting, the details of which can be secured by condition, together with a landscape management plan. The proposal therefore accords with Policies CP1, CP11 and NE15 of the OLP.

#### **Residential Amenities:**

35. The development is well screened around the south/ south-eastern to western perimeter by existing trees and vegetation. Residential properties are further separated by existing roads (e.g. Fletcher Road) and the footpath between the Bypass and Brasenose Driftway. The proposed building would still be well screened and separated by a distance in excess of 30m. It is therefore considered that there would be no harm to residential amenities as a result of overlooking, loss of privacy, visual intrusion or sunlight or overshadowing. The proposal accords with Policy CP1 and CP8 of the OLP.

#### **Energy efficiency:**

36. An Energy Analysis statement has been submitted which indicates that through the use of a heat pump for heating or hot water would provide in excess of 20% renewable energy. It is considered that adequate energy efficiency measures are shown as being provided in accordance with CS9, CP14 and the SPD and further details of the heat pumps and their implementation in accordance with the statement can be secured by condition.

#### **Refuse:**

37. Refuse would be collected between the hours of 07.00hrs and 22.00hrs by a private contractor that takes the wet refuse (coffee grounds) to be turned in Biomass and mixed papers, plastic etc. to a general recycling plant. Bins are provided behind a screen, adjacent to the building. Adequate bins and refuse collection would be provided in accordance with Policy CS10 of the CS.

#### **Noise & Pollution:**

38. Concern has been raised by residents regarding noise and pollution as a result of the proposal. The site is an existing retail park which already generates a level of vehicular movements etc. and it is also located beside the Eastern By-Pass. Following the above advice of the HA in respect of trips and shared trips to/ from the site from the proposal and its location within a retail park on the By-Pass, it is considered that the proposal is unlikely to generate significant additional noise or pollution such that would cause unacceptable nuisance (e.g. noise, dust, fumes) that would adversely affect neighbouring properties. It therefore would accord with Policy CP19 and 21 of the OLP.

39. A Plant Noise Assessment has been submitted, which states that the projected value would be 10dB below the measured background level, 1m from the nearest sensitive receptor (i.e. residential property). This is considerate acceptable in accordance with Policy CP19 of the OLP. A condition could be imposed that ensures this level is maintained at all times.

40. In respect of odour extraction equipment based on the proposed use i.e. heating of food such as sandwiches/ soup/ panini as opposed to cooking of food for consumption, then there would be no requirement for odour extraction equipment in this case.

**Biodiversity:**

41. The proposal would not damage or destroy the interest features for which Brasenose Wood & Shotover Hill SSSI and Lye Valley SSSI in accordance with CS12 of the CS.

**Conclusion:**

42. It is considered that the proposed development would be acceptable in principle in this existing out of centre location. The proposals would not have a detrimental impact on existing retail centres, highway network or car parking, archaeology or other environmental impacts such as noise. There would be no harm to adjoining residential amenities. The proposal accords with the Policies contained within the Local Development Framework and NPPF. East Area Planning Committee is recommended to grant planning permission, subject to and including 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 would not undermine crime prevention or the promotion of community safety.

**Background Papers:** 16/02586/FUL

**Contact Officer:** Felicity Byrne

**Date:** 23rd January 2017

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