

## East Area Planning Committee

1<sup>st</sup> July 2020

<b>Application number:</b>	20/00897/FUL		
<b>Decision due by</b>	9th July 2020		
<b>Extension of time</b>	N/A		
<b>Proposal</b>	Roofing alterations to assembly hall to include replacing metal cladding and glazing, and installing 10 air handling units, access walkways and staircases.		
<b>Site address</b>	Assembly And Service Division, BMW UK, Garsington Road, Oxford, OX4 6NL, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Blackbird Leys Ward		
<b>Case officer</b>	Tim Hunter		
<b>Agent:</b>	Mr Joseph Holdsworth BMW	<b>Applicant:</b>	David Lock Associates
<b>Reason at Committee</b>	Site measures over 0.25ha		

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **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; and

1.1.2. **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.

## 2. EXECUTIVE SUMMARY

2.1. This report considers the development proposal, having regard to its scale, massing, form, siting and layout and the impact of the proposal on the context of the site in its surroundings, as well as other development management policies.

2.2. The report concludes that in light of the above issues and when considered against the NPPF and current Development Plan policies the proposal accords with the Development Plan and NPPF and is recommended for approval.

**3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

**4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

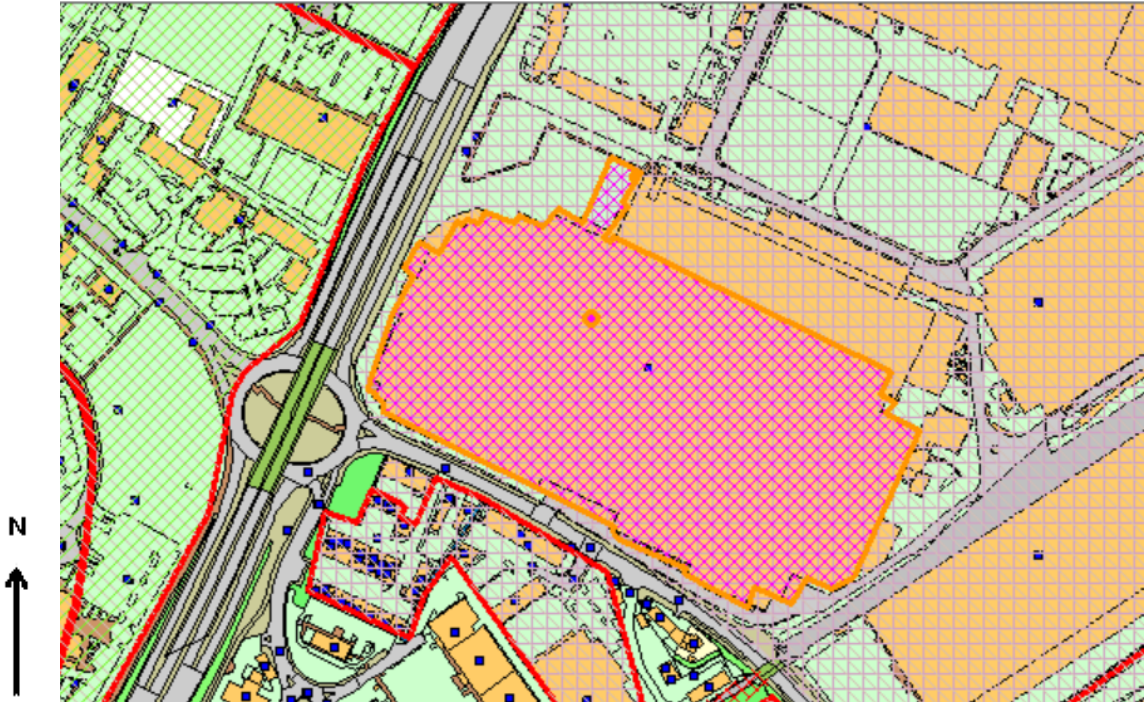
4.1. The proposal is not liable for CIL.

**5. SITE AND SURROUNDINGS**

5.1. The site relates to an extensive and substantial plot of land that is located on the eastern side of the eastern ring road, currently in use by BMW UK (MINI).

5.2. The particular area of the site that the proposed development relates to is on the south east corner of the site, in a highly prominent position next to the intersection of the eastern bypass and the Garsington Road, next to a roundabout that services the above roads, plus a retail park based around a Tesco superstore, Boots, Next, Sports Direct and Marks and Spencer.

5.3. See block plan below:



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Ordnance Survey 100019348

**6. PROPOSAL**

6.1 The application seeks permission for works to the roof of Building 50 at the above address and in the location described including new external access walkways, and air handling units with associated ducting, along with replacement of cladding and fenestration to the roof.

6.2 All parts of the roof are proposed for attention, with the main parts being re-clad with replacement profiled metal sheets and replacement translucent glass plastic panels to reflect the existing materials. One small area of flat roof to the north of the building is proposed for minor patch repairs to the existing membrane.

6.3 Building 50 incorporates two main parts – the northern and southern parts. Above the southern part, 10 air handling units are proposed 300mm above the roof, with associated access walkways. The air handling units would have a footprint of 3.5m x 8.2m with a height of 4.5m. These are set in from the end of the buildings and from the southern edge of the building in an effort to limit their visibility.

6.4 The air handling units are set in two separate banks, each of which, together with the associated access walkways and ducting covers an area of around 45m x 62.5m. The handrail to the walkways would be 2m above the adjacent ridges. Officers also note that there is a central ridge between the southern and northern parts of the building that rises to the same height as the highest point of the proposed development.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

18/01982/FUL - Extend the existing HGV delivery area to include drainage and road markings. Erection of retaining walls. Approved
19/01777/FUL - Formation of canopy to existing B50 entrance to south west side of the BMW plant. Approved

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2036
Design	12	DH1, DH2, DH7
Conservation/Heritage	16	DH3, DH4
Commercial	6	S1, E1

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 17<sup>th</sup> May 2020 and an advertisement was published in The Oxford Times newspaper on 14<sup>th</sup> May 2019.

### **Statutory and non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. No objection.

Heritage Officer

9.3. No comments.

Natural England

9.4. No comments

Environment Agency

9.5. No comments.

Trees

9.6. No objection

Historic England

9.7. No comments

Archaeology

9.8. Unlikely to have significant archaeological implications.

Land Quality

9.9. No comments.

### **Public representations**

9.10. No representations have been received from the public.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Impact on the character and appearance of the site and surrounding area

**a. Principle of development**

- 10.2. The site is occupied by BMW MINI, an established and commercially successful manufacturing site, in Use Class B2 (industrial) use.
- 10.3. The BMW site is identified in the Oxford Local Plan 2036 as a Category 1 employment site that is a significant employer. It is also considered to be nationally and regionally important to the knowledge economy.
- 10.4. Policy E1 of the Oxford Local Plan 2036 states that planning permission will be granted for the intensification, modernisation and regeneration for employment purposes of any employment site if it can be demonstrated that the development allows for higher-density development that seeks to make the best and most efficient use of land and does not cause unacceptable environmental impacts and effects.
- 10.5. The supporting statement submitted with the application makes it clear that “the plant’s assembly hall roof is now up to 90 years’ old, in a poor condition, and requires urgent work. Further, the hall’s [steam] heating system is inefficient and at the end of its working life. Therefore, there is a need to repair and invest in the building to increase its lifespan.” The statement sets out the options that have been considered and why the preferred options have been proposed. Officers note that for the northern section of the building, gas-radiant black-tube heaters have been proposed, but these are not suitable for the southern section, where an indirect gas-fired air-circulation heater system, using air-handling units to heat the air and ductwork to distribute it, has been proposed.
- 10.6. The current proposals are intended to modernise the building to support the current use of the site and no unacceptable environmental impact has been identified. The proposal is therefore acceptable in principle, and the proposals comply with Policy E1 and the NPPF in this regard.

**b. Impact on the character and appearance of the site and surrounding area**

- 10.7. The NPPF emphasises that good design creates better places in which to work and helps make development acceptable to communities (para 124). However, permission should be refused for development of poor design that fails to take into account any local design standards or style guides in plans or supplementary planning documents. The National Design Guide 2019 was adopted and forms part of the Development Plan.
- 10.8. Policy DH1 of the Oxford Local Plan seeks high quality design that creates or enhances local distinctiveness. Policy DH7 requires that external servicing features have been designed as an integrated part of the overall design, or are positioned to minimise their impact.

- 10.9. The established character of the building clearly reflects its industrial use and heritage and is set on the south west corner of a larger industrial site with a large number of buildings in a variety of sizes and styles. To the west of the site is the Eastern Bypass and to the south is the Garsington Road with a mix of mainly commercial uses along it, with a large retail park further to the south. The BMW site as a whole forms part of a distinct cluster of business, industrial and retail areas which lie either side of the bypass.
- 10.10. Building 50 is not a designated heritage asset and the site is not within a view cone that relates to views of the historic core of the historic city centre. However, building 50 is a very highly visible and traditionally styled industrial building that gives clues to the history of the former Morris Motors site.
- 10.11. As the Design and Access statement makes clear, the building now urgently need to be updated or replaced. “[the roof] is in a poor state of repair and requires urgent work to prolong the building’s lifespan. (...) Furthermore, the existing steam-heating system has almost reached the end of its life and needs to be replaced with an up-to-date heating system”.
- 10.12. Officers consider that, if acceptable in all other regards, updating the existing building 50 would be an appropriate way to modernise the existing building at the present time. The proposed changes to the roof itself (materials / fenestration) are modest and, subject to a condition to control these materials, may even represent an improvement on the current situation.
- 10.13. The main consideration therefore is the visual impact of the air handling units and the associated ducting and walkways. Officers note that the units are proposed in a colourway (grey) to match the existing roofing materials.
- 10.14. When viewed from points from the north to the east, the proposed air handling units and the associated ducting and walkways would be positioned in such a way as to be concealed behind the other buildings of the BMW site.
- 10.15. The development (other than the replacement roof materials) would not be visible from the Garsington Road to the south, because of its proximity to the side wall and views from the slip road to the west are limited, again because of its proximity to the development. The roof materials should be controlled by a condition of any permission.
- 10.16. When viewed from the eastern bypass, the external additions would be visible, but would appear in front of, and in the context of, the existing industrial building and the wider BMW site. As such their visual impact would be limited.
- 10.17. On the above basis, the proposed development would reflect the prevailing pattern and nature of development in the area and the existing building and would be positioned to minimise its impact. As such, the

proposed development would comply with Policies DH1 and DH7 of the Oxford Local Plan 2036.

10.18. In conclusion it is therefore considered that the proposed development would appropriately respond to the character and appearance of the building itself, the BMW site and its wider context, whilst updating and preserving a building that is important to the understanding of this aspect (automotive manufacturing) of Oxford's history and heritage. The proposals are therefore in accordance with the Oxford Local Plan 2036 and are acceptable in design terms.

10.19. There would be no other impacts arising from the proposals for example in terms of noise given the siting of the proposed works upon the roof, against the backdrop of an existing industrial use and with limited nearby residential properties.

## **11. CONCLUSION**

11.1. 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.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes 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, having been adopted after the publication of the framework.

11.3. Therefore in conclusion 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 is inconsistent with the result of the application of the development plan as a whole.

11.4. In summary it is considered that the impact on visual amenity is modest and acceptable in its context and the proposal is acceptable in all other respects.

11.5. Officers would advise members that having considered the application carefully that the proposal is considered to be acceptable in terms of the aims and objectives of the Oxford Local Plan 2036 and that when considered as a whole, there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend

that the East Area Planning Committee grant planning permission for the proposed development subject to the conditions in section 12 below.

## **12. 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 3, 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 CP1 of the Oxford Local Plan 2001-2016.

- 3 Except where indicated otherwise on the drawings and supporting documents hereby approved, all new external works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance.

Reason: To ensure a satisfactory appearance and in the interests of the special character of the area and/or building in accordance with Policy DH1 of the Oxford Local Plan 2036.

## **13. HUMAN RIGHTS ACT 1998**

- 13.1. 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.

## **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 14.1. 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 approve planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.