

<b>Application number:</b>	24/00732/FUL		
<b>Decision due by</b>	3rd July 2024		
<b>Extension of time</b>	26 <sup>th</sup> July 2024		
<b>Proposal</b>	Development of up to 22,375sqm open storage (Use Class B8) together with associated highways works, site-wide hard and soft landscaping works, and boundary treatment.		
<b>Site address</b>	U Y S Ltd , Garsington Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Blackbird Leys Ward		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Miss Nour Sinno	<b>Applicant:</b>	Mr Tom Hesp
<b>Reason at Committee</b>	The proposals are major development		

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## 1. RECOMMENDATION

1.1. The Oxford 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.

1.1.2. **Agree to delegate authority** to the Head of Planning and Regulatory 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 a planning application for the change of use of the existing UYS site located at Unipart on the edge of Oxford for an open-air storage use covering up to 22,375sqm alongside ancillary works including the addition of boundary fencing and hard and soft landscaping.

2.2. The application site lies within the wider Unipart site, which is classed as a Category 1 employment site in the Oxford Local Plan under Policy E1 of the Oxford Local Plan and is also a specific site allocation under Policy SP7 of the

Oxford Local Plan. Policy E1 of the Oxford Local Plan permits new, or expanded Class B8 uses only where it can be shown that a Class B8 use is essential to support the operational requirements of a Category 1 employment site but not otherwise and on this basis the proposals must be considered as an in-principle departure from Policy E1. This is despite the use complying with site Policy SP7 for Unipart, which states that Class B8 uses are permissible without any specific requirement that Class B8 uses are in connection with existing uses on the wider Unipart site. In this instance, where accounting for the site allocation policy, the temporary nature of the proposals, site-specific contextual factors, including prior approval in place for the removal of the existing building and the benefits of temporarily making use of what would otherwise be a vacant site the in-principle conflict with Policy E1 is outweighed and departure from the development plan is justified in planning terms.

- 2.3. A temporary use of 10 years was initially sought by the applicants; however, a temporary timescale of 7 years has been agreed with officers. A 7-year permission would be appropriate to allow an intervening use for a viable period whilst ensuring that finding a more permanent use continues to be a priority and the proposed use is not in place for an extended period of time given the sites status as an allocated employment site.
- 2.4. The proposed storage could result in an adverse visual impact were materials or containers to be stacked at a high level. A height restriction of 5.5 metres is therefore required as a planning condition to limit storage to a relatively low height, considerably below that of the existing building. In visual amenity terms the proposals are considered beneficial compared with retention of the UYS building, albeit that the existing building is not particularly prominent in views beyond the site. Associated development such as fencing would not be seen beyond the confines of the application site and adjoining Unipart site. Subject to a planning condition restricting the height of the storage, the proposed use would comply with policies DH1 and DH2 of the Oxford Local Plan.
- 2.5. The proposed use would not impact negatively on the nearest residential properties which are, in any event, located a significant distance from the application site. The impact is likely to be reduced compared with the existing Class B2 industrial use, where assessed against policies RE7 and RE8 of the Oxford Local Plan.
- 2.6. The proposals would result in a substantial reduction in parking and associated vehicle movements, whilst access arrangements to the site would be unchanged. The development is considered to be acceptable in highway safety and amenity terms with appropriate provision made for car and cycle parking consistent with Policies M1, M2, M3 and M5 of the Oxford Local Plan.
- 2.7. The proposals would have no negative ecological implications and provisions are set out to secure 10% biodiversity net gain in accordance with Policy G2 of the Oxford Local Plan.

### **3. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

3.1. The proposal would not be liable for CIL as the proposals do not include the addition of any new buildings.

#### **4. SITE AND SURROUNDINGS**

4.1. The application site is located in the north east corner of the Unipart site on the far eastern periphery of Oxford. A large industrial building and associated annex building, totalling 12,173 sqm Gross Internal Area of employment floor space was formerly located on the site. The building was constructed in 1997 for use by UYS Limited, a car parts manufacturing company. UYS vacated the site in 2021, as the company was associated with the Honda UK plant based in Swindon which ceased operations in 2021. The building's last use would primarily be classed as a Class B2 industrial use, although the operation of the building and nature of the uses included elements of office and storage/distribution uses (Class B8). Planning permission (22/01712/FUL) was granted in November 2022 for a temporary change of use of the building to a use falling within Class B8 of the Use Classes Order for a period of five years, although this permission was never implemented and the building continued to remain vacant. Planning permission was granted in 2023 for refurbishment works to the building (23/00388/FUL). Parking for 135 cars is provided to the north west of the main building.

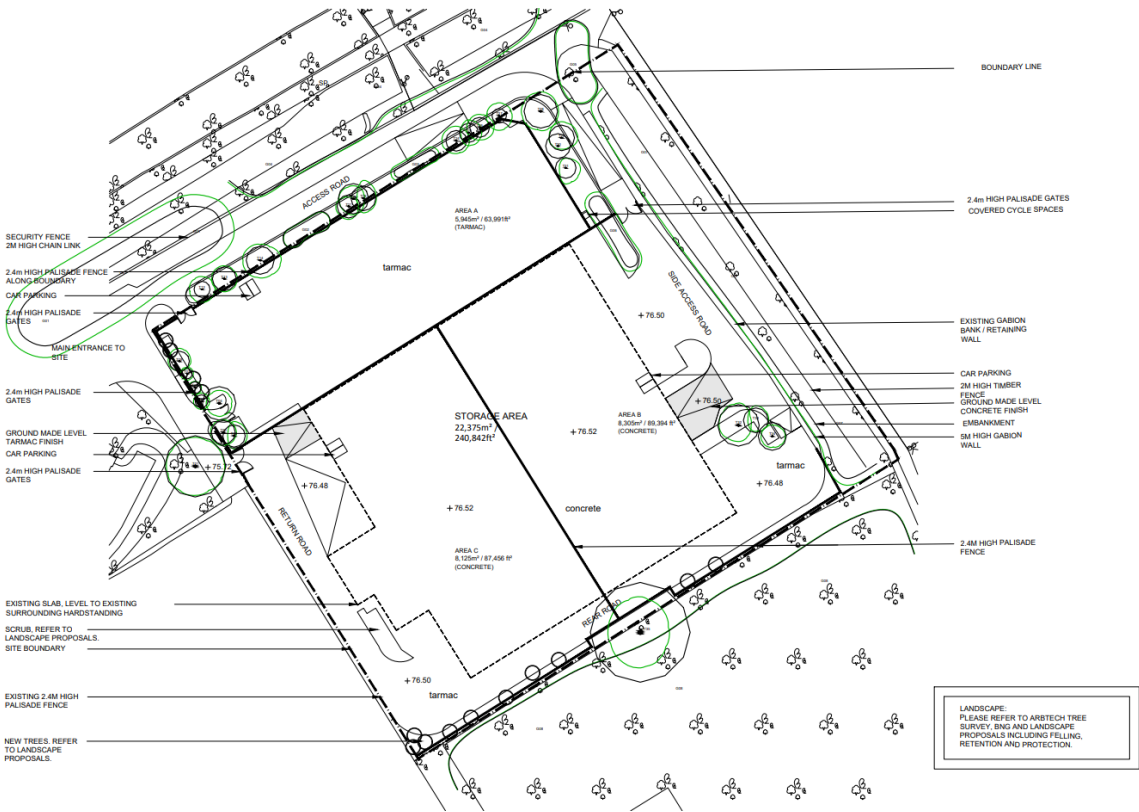
4.2. An application was submitted in March 2024 to determine whether prior approval was required for the demolition of the warehouse building (24/00367/DEM). The prior approval process for the demolition of buildings as outline under Part 11, Class B of the Town and County Planning (General Permitted Development (England) Order 2015 (GPDO) sets out a narrow objective criteria, applicable to buildings whereby demolition would not be considered permitted development. The building did not fall within any of the categories where demolition would be prohibited under the GPDO. The Council decided that demolition of the building required prior approval for the method of demolition and restoration of the site. Prior approval was granted but has not been implemented at the current time.

4.3. The site lies to the north east of a large warehouse building currently occupied by Unipart. The only means of access to the site is through the adjoining Unipart site, via a security controlled access point and there is no existing public access into the site. Access beyond the Unipart site is provided via Transport Way and Garsington Road.

4.4. A section of former railway embankment lies to the north and north east of the site. Beyond the embankment is an area of wooded land separating the site from Oxford Road, which leads from Horspath village. Horspath lies to the north east of the site, the nearest dwelling to the site is located approximately 247 metres from the site boundary. Oxford Sports Park and the Oxford United training ground is located to the north west of the site on the opposite side of the embankment. The land to the east of the site currently comprises open agricultural fields, however this lies within South Oxfordshire District and is allocated within the South Oxfordshire Local Plan for residential development (Northfield, South Oxfordshire Local Plan Policy STRAT12) for provision of 1800 new homes.

4.5. The surrounding land to the north and east of the site falls within the Oxford green belt, including the railway embankment, although the application site and land associated with the Unipart site falls outside of the boundaries of the green belt.

4.6. The proposed site plan is shown below:



**5. PROPOSAL**

5.1. A temporary change of use to use the site for open air storage is sought. The planning application does not include the demolition of the former UYS building as prior approval has already been granted for the demolition of the building and the applicants intend to implement demolition in accordance with the details approved under the recent prior approval application.

5.2. The applicant has outlined that there are long term aspirations for the redevelopment of the site, which falls within the Unipart allocation (Policy SP7 of the Oxford Local Plan), however there are complexities in relation to redeveloping the site, particularly in terms of access and overcoming the access issues requires involvement of multiple landowners. The proposed open air storage use would be a temporary, meanwhile use prior to establishing a more permanent use through redevelopment of the site. The applicant’s Planning Statement indicates that permission is sought for a 10-year use, however officers have requested that the temporary use be limited to a maximum of 7 years.

- 5.3. Permission is sought for storage to be provided across an area of the site covering 22,375sqm. It is proposed that the site would be divided into three areas (A, B and C) which would each be separated by 2.4-metre-high palisade fencing. The storage located within Areas B and C would be sited on the existing concrete slab located below the UYS building which was proposed to be retained under the prior approval application for the demolition of the UYS building. The storage on Area A would be located on the existing tarmac car parking for the factory building. Soft landscaping is proposed in the form scrub planting and additional small trees to be planted at the south-eastern and northwestern boundaries of the Site. It is proposed that nine category C trees would be removed.
- 5.4. The present access into the site via Unipart and Transport Way would be unchanged. A total of six parking spaces are proposed for employees.

## 6. RELEVANT PLANNING HISTORY

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

01/01018/NR - Erection of extension to existing building for general industrial use (Class B2) (details of siting, design and external appearance reserved under outline application permission 95/1752/NOY).. Permitted 10th September 2001.

80/00572/SON - Use of land for storage of motor vehicles (Site of Unipart Yutaka).. Permitted 17th November 1980.

82/00613/SON - British Leyland Motor Corporation Limited Watlington Road - Use of land for storage of motor vehicles. Permitted 19th January 1983.

86/00823/PN - Use of land for storage of motor vehicles (Site of Yutaka, Oxford Road).. Permitted 26th January 1987.

95/01752/NOY - Outline application for the erection of building for general industrial (Class B2), with access, parking and landscaping.. Permitted 29th October 1996.

96/01703/NR - Erection of building for industrial purposes, parking for 197 cars & 60 bicycles with access from Oxford Rd, Garsington (details of siting, design, external appearance, access & landscaping reserved under 95/1752/NOY) (Amended plans). Permitted 17th February 1997.

96/01704/VF - Variation of condition 12 of outline approval 95/1752/NOY. (To remove mounds to create a car park). Permitted 25th February 1997.

97/00393/NF - Revisions to approved design to incorporate 2 storey office element (plus ancillary facilities) as part of factory building (864sq m. additional office floor space over & above approved scheme). (Variation to permission 96/1703/NR). Permitted 25th April 1997.

10/03317/FUL - Erection of single storey loading bay at existing loading bay..

Permitted 17th February 2011.

90/00741/SON - Erection of a 2.5 metres high galvanised steel 'D' section palisade fence around the perimeter of the site.. Permitted 12th December 1990.

15/02262/FUL - Erection of warehouse building on existing car parking area.. Permitted 27th October 2015.

18/03060/FUL - Erection of aluminium framed loading bay building on rear section of car park.. Permitted 14th February 2019.

22/01712/FUL - Temporary change of use of the existing UYS Building from general industrial (Use Class B2) to storage and distribution (Use Class B8) for a period of 5 years.. Permitted 1st November 2022.

23/00388/FUL - Demolition of 2no. canopies to north elevation and formation of 1no. canopy to main entrance. Replacement cladding to all elevations. Replacement cladding and rooflights to all roofs. Replacement window and fire exit doors.. Permitted 27th April 2023.

24/00367/DEM - Application to determine whether prior approval is required for the method of demolition.. Prior Approval Granted 14th March 2024.

## 7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	131-141	DH1 - High quality design and placemaking DH2 - Views and building heights
Conservation/Heritage	195-214	DH4 - Archaeological remains
Commercial	85-89	E1 - Employment sites - intensify of uses SP7 - Unipart
Natural environment	180-194	G2 - Protection of biodiversity geo-diversity G3 - Green Belt G7 - Protection of existing Green Infrastructure
Transport	108-117	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points

<b>Environmental</b>	123-130; 142-175;	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality
<b>Miscellaneous</b>	7-12	S1 - Sustainable development

## 8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 11<sup>th</sup> April 2024 and an advertisement was published in The Oxford Times newspaper on 11<sup>th</sup> April 2024.
- 8.2. The application was readvertised as a departure from the development plan with revised site notices displayed around the application site on 15<sup>th</sup> May 2024 and an advertisement was published in The Oxford Times newspaper on 16<sup>th</sup> May 2024.

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

#### Oxfordshire County Council

#### Highways

- 8.3. Initial objection was raised in the consultation response dated 7<sup>th</sup> May 2024. A further response was issued on 6<sup>th</sup> June 2024 following the receipt of an amended Transport Statement (TS) raising no objection to the development.
- 8.4. The previous highways response requested that the applicant provides further information demonstrating how the site can be accessed by non-car modes, in line with the requirements of NPPF.
- 8.5. The updated TS includes further information on the pedestrian and cycle routes and facilities along Watlington Road and Transport Way and within the Unipart site. The Watlington Road Transport Way junction is signal controlled incorporating a staggered pedestrian crossing. Transport Way includes footways on both sides of the road. Cyclists will have to cycle on the road. Beyond the main gates within the Unipart site, the walking and cycling facilities are shared off road facilities via painted existing walking/cycleways lanes and zebra crossing points. The TS also includes walking and cycling catchment plans demonstrating that the bus stop is within 25 minutes walking distance and a large section of southeast Oxford is accessible by bike. The amended TS explains that two covered Sheffield stands will be provided which is considered acceptable.
- 8.6. The first Transport Statement, dated March 2024, based the existing trip generation for the B2 use on GFA but the future trip generation for the proposed B8 storage use on number of employees. This was not considered to be an

accepted method of calculation, especially as the applicant has not evidenced the assumption that the proposed development will employ 6 employees only.

8.7. The revised TS explains that TRICS does not include a trip rate for open storage, the most compatible land use is warehousing. However, the proposed open storage use is different as it will not have a building on-site and will require space around the storage areas for vehicle manoeuvring. The TS states that the trip rate for open storage therefore is different to a typical B8 use and should only be applied to the likely amount of physical storage space on site. The TS has reviewed other similar sites and found that approximately 40% is likely to be physical storage space. Calculations for the future trips have therefore been based on 8,950 sqm of open storage area.

8.8. These assumptions are considered acceptable. The proposed change of use of the site would result in a daily reduction in trips to and from the site as well as in the peak periods. It is therefore considered that the proposed change of use would not have a material impact on the local road network.

#### Drainage

8.9. No objection

##### Thames Water Utilities

8.10. No comments received.

##### Natural England

8.11. No objection.

##### Historic England

8.12. Do not wish to comment.

##### Active Travel England

8.13. No specific comments on planning application, refer to standing advice.

##### Thames Valley Police

8.14. Do not object. Recommend that the boundary treatments to the site are specified in accordance with the minimum requirements of Secured by Design, Commercial 2023.

8.15. Whilst not relevant to the approval of this application it is recommended that once tenants for the site are identified, dependent on the holdings contained on site, additional security measures such as CCTV may be required. A Security Needs Assessment should be completed by the tenants of the site to inform appropriate security measures required.

#### **Public representations**



8.16. No public comments have been received in relation to the planning application.

## **9. PLANNING MATERIAL CONSIDERATIONS**

9.1. Officers consider the determining issues to be:

- Principle of development
- Design and visual impact
- Neighbouring amenity
- Transport
- Drainage
- Trees
- Ecology
- Drainage/Flood Risk
- Air Quality
- Land Quality

### **Principle of development**

9.2. The application site lies within the wider Unipart site, which is classed as a Category 1 employment site in the Oxford Local Plan under Policy E1. The Unipart site also forms a specific allocation under Policy SP7 of the Oxford Local Plan. Site Policy SP7 states that planning permission will be granted for B1, B2 and B8 employment uses at Unipart.

9.3. Policy E1 of the Oxford Local Plan 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 makes the best and most efficient use of land and does not cause unacceptable environmental impacts and effects. For category 1 sites planning permission will not be granted where development results in the loss of any employment floor space.

9.4. Policy E1 permits new, or expanded Class B8 uses, where it can be shown that a Class B8 use is essential to support the operational requirements of a Category 1 employment site but not otherwise. This wording is not directly replicated under Policy SP7 for the Unipart Site Allocation, which states that Class B8 uses are permissible on the Unipart site without any specific requirement that Class B8 uses are in connection with existing uses on the wider Unipart site.

9.5. Policy E1 of the emerging Oxford Local Plan, which is afforded limited weight states that planning permission will only be granted for new employment generating uses within Category 1 and 2 employment sites or within the city and district centres. The policy states that planning permission will be granted for the

intensification and modernisation of any Category 1 or 2 employment site. The policy is therefore broadly consistent with Policy E1 of the adopted Local Plan.

- 9.6. Unipart remains an allocated Category 1 employment site in the emerging local plan. The site policy (SPS7) states that planning permission will be granted for new development, modernisation and intensification of office (Class E), warehousing (Class B8) and general industrial (Class B2) employment uses. New development needs to make the most efficient and effective use of the land in accordance with Policy E1 (employment sites) and in recognition of its importance as a Category 1 employment site. Other complementary uses will be considered on their merits. The site policy is consistent with Policy SP7 of the Oxford Local Plan in terms of permitted uses, including Class B8, although there is a greater focus on intensification of uses and making best use of the site.
- 9.7. Planning permission was granted in 2022 (22/01712/FUL) for a temporary period of five years to use the former factory building for a Class B8 storage use. The temporary planning permission was sought with the intention that a temporary occupier could be found for the factory building to avoid the building continuing to remain vacant, whilst the applicant considered further proposals to redevelop the northern section of the Unipart site, including the site of the former UYS building.
- 9.8. A marketing summary was provided alongside planning application 22/01712/FUL showing marketing carried out between September 2020 and July 2022, which indicated limited interest from prospective Class B2 occupiers, but firmer interest from prospective Class B8 tenants. Planning permission (23/00388/FUL) was also granted in 2023 to renovate the building to address issues with the cladding and replace existing windows and improve its suitability for prospective occupants. The applicants have indicated that despite permission being obtained for more flexible uses, including a Class B8 use, no prospective tenants could be found and interest in use of the site for Class B8 purposes is primarily limited to occupiers using the site for open air storage.
- 9.9. As noted in the above sections of the report, prior approval was sought and granted for the demolition of the former UYS building. Following demolition and site clearance, the site would no longer have a viable use in effect, as its existing use under Class B2 and temporary use granted for Class B8 purposes are associated with the former UYS building. The in-principle presumption against the development of Class B8 uses outline in Policy E1 is intended to prevent the loss of important employment sites to generally low employment generating storage and distribution uses where such sites might otherwise be used for higher employment generating Class E, such as office, light industrial, R&D and B2 industrial uses.
- 9.10. As a permanent use, open air storage on the site would not be appropriate as the use is not directly in connection with other employment operations on the site, generates little direct employment and would potentially inhibit more comprehensive redevelopment of the site in the future. The temporary open air storage use proposed would however allow the site to be used during the intervening period between the removal of the former building until such time that a more permanent use of the site is established.

- 9.11. A temporary use of 10 years was initially sought by the applicants; however, a temporary timescale of 7 years has since been agreed with officers. It is considered that a 7-year permission would be appropriate in allowing an intervening use for a viable time period whilst still ensuring that finding a more permanent use for this site continues to be a priority and ensuring that the use is not in place for an extended period of time given the sites status as an allocated employment site. There are complex matters which would need to be resolved to enable more comprehensive redevelopment of the site, particularly ensuring and appropriate safe means of access for all road users and ensuring integration with the adjoining uses on the Unipart site. This is alongside the time required to develop plans for the site and fully engage within the planning process. In economic terms and in terms of making best use of the site on a short-term basis is in accordance with Policy RE2 of the Local Plan, the proposed use is preferable to the site remaining vacant for potentially an extended period.
- 9.12. No buildings nor any other substantial structures (other than fencing) are proposed which would otherwise require removal and therefore the site could be repurposed easily to allow for redevelopment or to establish an alternative permanent use and do not compromise comprehensive redevelopment of the site in the future.
- 9.13. In summary, as noted above Policy E1 of the Oxford Local Plan permits new, or expanded Class B8 uses only where it can be shown that a Class B8 use is essential to support the operational requirements of a Category 1 employment site, but not otherwise and on this basis the proposals must be considered as an in-principle departure from Policy E1. This is despite the use complying with site Policy SP7 for Unipart, which states that Class B8 uses are permissible. In this instance, accounting for the site allocation policy, the temporary nature of the proposals, site-specific contextual factors, including prior approval in place for the removal of the existing building and the benefits of temporarily making use of what would otherwise be a vacant site, the in-principle conflict with Policy E1 and departure from the development plan is considered to be justified in planning terms.

## **Design and Visual Impact**

- 9.14. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness.
- 9.15. The application site lies outside of the Oxford greenbelt, the boundaries of which wrap around the northern and eastern edges of the application site. Whilst outside of the greenbelt, it is appropriate to consider the impact of the development on the openness of the greenbelt and its spatial characteristics in accordance with Paragraphs 142 and 143 of the NPPF and Policy G2 of the Oxford Local Plan.
- 9.16. The application site is surrounded by dense boundary screening to the north, east and west. Views of the site to the north and north west are obstructed by the former railway embankment. 8.4 metre high bunding was created to the east to limit the visual impact of the former UYS building on top of the bunding is

substantial, dense tree planting. The site cannot be seen widely from the south west given the presence of intervening large buildings on the Unipart site. The UYS building occupies a sizeable footprint and measures between 10 and 16 metres in height to the roof ridge.

- 9.17. The only built structures proposed within this application are fences which would enclose the three areas of the site (A, B and C) which would be used for storage. The fencing is proposed at a maximum height of 2.4 metres and is unlikely to be visible beyond the parameters of the application site.
- 9.18. A specific end user(s) for the site has not been identified therefore the type of storage use has not been specified in the planning application. As the proposed use could result in storage of stacked materials, or bulky containers such as shipping containers it is appropriate that a condition is attached to any planning permission limiting the height of storage. Immediate views into the site are limited, however given the footprint of the site that would be used for storage were a height restriction not applied then the development could potentially have a greater visual impact than the existing building. This would be the case were the storage to consist of bulky stacked containers which could be stored to an extensive height similar or exceeding that of the existing building across a greater footprint.
- 9.19. The Planning Statement does not propose a specific height limit, however following discussions with the applicant's planning consultants a height limit of 5.5 metres was suggested, as this would allow for most regular storage uses including double stacking of shipping containers. A maximum height limit of would be 4.5 metres below the lowest section of the existing building and 10.5 metres below the highest part of the building.
- 9.20. To assess the visibility of storage beyond the site at this height, the applicant was requested to prepare a Landscape and Visual Impact Assessment (LVIA) to assess the impact of storage at a height of 5.5 metres from a limited scope of public views where the site is visible. The submitted LVIA includes an appropriate assessment of mid to longer range views. This includes views from the north west and north of the site taken from near Horspath village listed as views 4 and 5 taken from footpaths 256/12/10 and 256/12/10 respectively. Footpath 256/12/10 (view 4) is elevated in relation to the site and is on a route between Horspath and Shotover Country Park, whilst 256/12/10 leads from Horspath village to the Horspath Road Industrial Estate close to the Oxford Sports Ground. Views are also provided from two public rights of way between Horspath and Garsington (223/16/10 and 223/17/10) which are listed as Views 1, 2 and 3.
- 9.21. Within each of the submitted views, the application site is read alongside large-scale industrial buildings at the Unipart site. The boundary screening surrounding the site is dense and together with the bunding to the east and railway embankment to the north views of the existing building on the site are limited, with only the upper 16-metre-high part of the building appearing visible in the assessed views. The lower section of the building can be seen in Views 3, 4 and 5 to a small extent but is not prominent. Whilst the storage could occupy a greater footprint than the existing building, were storage to be permitted up to a

maximum height of 5.5 metres this would represent a significant height reduction compared with the existing building.

9.22. The LVIA concludes that storage at a height parameter of 5.5 metres would have a minor beneficial impact in 4 of the 5 views, compared with an existing baseline situation where the UYS building is retained on the site. Within view 4 where the upper sections of the UYS building are most prominent, the effect would be moderately beneficial. Officers concur with the assessment that the storage use, providing that this is restricted to 5.5 metres in height would have a reduced visual impact in surrounding views compared with the baseline situation. The site is viewed within the context of surrounding large scale industrial buildings and open-air storage use would not appear out of context against this backdrop. Furthermore, it is noted that there is existing open air storage and trailers stored on the immediately adjoining section of the Unipart site. Subject to limiting the height of the proposed storage, the development would comply with Policies DH1 and DH2 of the Oxford Local Plan. Officers are satisfied that the development would not impact negatively on the openness of the greenbelt as experienced in surrounding views and there would be no conflict with the relevant provisions of the NPPF and Policy G3 of the Oxford Local Plan.

### **Impact on neighbouring amenity**

9.23. Policy RE7 of the Oxford Local Plan requires that applications for development protect the amenity of neighbouring uses, this is applicable to non-residential as well as residential uses. Policy RE8 of the Oxford Local Plan requires that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life and planning permission will not be granted for development that will generate unacceptable noise and vibration impacts.

9.24. The nearest dwelling to the site is located approximately 247 metres from the site boundary to the north east in Horspath Village (19 Oxford Road). Residential site allocation STRAT12 (Northfield Brook, South Oxfordshire District Local Plan) is located more than 200 metres from the site boundary. It is appropriate to also consider the impact of the proposed use on potential future occupiers of this development.

9.25. The application site falls under a Class B2 (industrial use) and noise generation associated with the previous use included the use of various machinery involved in the manufacturing of parts and noise associated with vehicle movements including HGV's. The previous manufacturing at UYS was operational 24 hours a day.

9.26. Class B8 storage and distribution would typically generate a lower level of noise compared with a Class B2 general industrial use. Class B2 encompasses a wide range of uses which have the potential to generate considerable noise, as such uses typically involve extensive use of machinery in the process of manufacturing products. In comparison noise generation associated with Class B8 uses are typically associated with vehicle movements, particularly deliveries. Accounting for the reduced potential for noise generation, the impact of the proposed use in terms of the residential amenity of existing and potential future

residential occupiers is anticipated to be reduced compared with the existing use. The proposals are therefore acceptable, where assessed against policies RE7 and RE8 of the Oxford Local Plan.

## **Transport**

- 9.27. The applicant's Transport Statement outlines that the sites existing use could generate up to 1673 two-way vehicle movements per day, of which an estimated 69 vehicles would be HGV's. The proposed use is estimated to generate approximately 270 two-way trips per day, of which 10 would be HGV's. This would equate to an 84% reduction in overall vehicle movements and 86% reduction in HGV movements. The proposed trip generation assumes that the development would be operational for 12 hours, however as there are proposals for the use to be potentially operational for 24 hours, traffic flows between 7pm and 7am have also been calculated and would be relatively low in any event with 41 two-way movements over a night/early morning 12-hour period.
- 9.28. It can be strongly assumed that the forecast number of vehicle movements would be reduced compared with the existing use and therefore the proposals would not result in a severe impact on highway safety. In highway amenity terms the development would be beneficial given the substantial reduction in daily vehicle movements, including HGV movements. Swept path analysis have been provided demonstrating that access into each of the fenced storage areas on site is achievable. The proposals are considered to comply with Policies M1 and M2 of the Oxford Local Plan.
- 9.29. Policy M3 of the Oxford Local Plan, which outlines parking standards for non-residential uses states that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities. There are 135 parking spaces provided on the site to serve the building during its use by UYS for Class B2 industrial use. A total of 6 parking spaces are proposed on the site to serve the storage use this is based on there being a maximum of 6 staff being present on site at a given time. This would represent a substantial reduction in parking in line with Policy M3 of the Oxford Local Plan.
- 9.30. In accordance with Policy M4 of the Oxford Local Plan, at least 25% of all parking spaces must be fitted with electric charging infrastructure. Details showing the location and specification of electric charging infrastructure will be required by planning condition.
- 9.31. Policy M5 of the Oxford Local Plan and related Appendix 7 requires one cycle parking space to be provided per 5 members of staff for new Class B8 developments. Based on there being 6 staff present on site, a total of 2 cycle parking spaces would be required. Details of cycle parking are required by planning condition.

## **Ecology**

- 9.32. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted, for all major developments proposed on greenfield sites or brownfield sites that have become vegetated, the policy requires the applicant to demonstrate a 5% net gain in biodiversity. There is now however a requirement to deliver 10% biodiversity net gain (BNG) following the amendments to the Town and Country Planning Act made earlier this year.
- 9.33. An Ecological Impact Assessment has been submitted in support of the planning application. The ECIA covers the demolition of the existing building which was also assessed under prior approval application 24/00367/DEM for the demolition of the building, although demolition of the building is not proposed under this application given that prior approval is in place already for removal of the building. In any event officers are satisfied that protected species are unlikely to be impacted by the proposed works. It is important that the woodland area adjoining the site is not impacted during construction and a Construction Environmental Management Plan (CEMP) would therefore be required and shall be secured by planning condition.
- 9.34. A biodiversity net gain assessment has been submitted in support of the planning application. The baseline habitat value of the site is 4.41 habitat units, comprising 0.21 units of other neutral grassland, 0.26 units of introduced shrubs, 1.84 units of lowland mixed deciduous woodland and 2.10 units of rural trees. The post development habitat value of the site is forecast to be 5.11 units, comprising 2.14 units of enhanced woodland, 0.36 units of enhanced grassland, 0.81 units of planted mixed scrub, 1.61 units of retained trees and 0.19 units of planted trees. This would equate to a 15.93% net gain in biodiversity comfortably exceeding the 10% minimum requirement.
- 9.35. A Biodiversity Gain Plan (BGP) and a Habitat Management and Monitoring Plan (HMMP) is required. The habitats would need to be managed and monitored for a minimum of 30 years. This is secured under the Schedule 7A of the Town and Country Planning Act 1990 rather than through a specific planning condition. Subject to compliance with the relevant conditions the proposals are considered to be compliant with Policy G2 of the Oxford Local Plan.

## **Trees**

- 9.36. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.
- 9.37. The application is accompanied by an Arboricultural Impact Assessment (AIA). It is proposed that a total of 9 category C trees would be removed. The trees proposed for removal are relatively small trees that sit within the existing car park and would be removed as this area is proposed to be used for storage. It is proposed that all other trees on the site would be retained and protected during the construction phase of the development.

- 9.38. Minor amendments have been made to the position of the proposed fencing in the southern part of the site to avoid the foundations of the fencing impacting on a proto-veteran oak tree (T35). Some minor access pruning is required on a 9 other trees, limited to crown lifting to provide road access clearance or to facilitate the proposed boundary palisade fencing. New tree and shrub planting is proposed along the southern boundary of the site, although details have not been provided regarding species type, therefore a landscaping plan is required and is proposed to be secured by planning condition.
- 9.39. Subject to appropriate conditions requiring details of the protection of existing trees during the construction phase of development and the submission of an acceptable landscaping plan, the proposals would comply with Policy G7 of the Oxford Local Plan.

### **Drainage**

- 9.40. The application site lies within Flood Zone 1 and is identified as being at a low risk of flooding. As the application site is more than 1 hectare in area a Flood Risk Assessment has been submitted in support of the planning application. A less vulnerable use is proposed, whilst the FRA identifies adequate mitigation measures. Officers are satisfied that the development would not increase the risk of flooding elsewhere and the proposals are considered to comply with Policy RE3 of the Oxford Local Plan.
- 9.41. A drainage strategy and drainage technical note has been submitted in support of the planning application. The existing surface water system drains towards the south-east corner of the site before discharging towards the Hollow Brook via a 300mm diameter pipe as well as a large petrol interceptor. As the hardstanding would be retained on the site, it is proposed that the majority of the existing drainage system would be retained and would continue to discharge into the Hollow Brook. A buried attenuation system is also proposed. The proposed drainage system is forecast to achieve betterment in terms of reducing brownfield flow rate and the overall drainage strategy is considered to comply with Policy RE4 of the Oxford Local Plan.

### **Air Quality**

- 9.42. The application site is located within the Oxford citywide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO<sub>2</sub> air quality objective (AQO). Analysis of the surrounding area of the application site, show current air pollutant concentrations to be below their relevant air quality objectives. The impacts of existing pollution sources on the future residents at the proposed development are therefore considered to be not significant and air quality at the application site will be acceptable.
- 9.43. There are currently 135 parking spaces that serve the existing operation of the site. An 84% reduction in vehicle movements based on Annual Average Daily Traffic levels is expected which will have the effect of improving air quality levels in the surrounding area. The development would not therefore have a negative



impact on air quality compared to the existing baseline condition and the development accords with Policy RE6 of the Oxford Local Plan.

## **Land Quality**

9.44. The site has had a former potentially contaminative industrial use and therefore there are likely to be potential contamination risks present at the site. A ground investigation was completed in 2021 which identified moderate soil contamination in one location at the site which requires further assessment and possible remediation.

9.45. There are locations of the site that were not fully investigated in 2021 for contamination risks due to access restrictions and the site investigation data set is considered incomplete for the characterisation of contamination risks across the whole site. It is therefore necessary to undertake an element of further site investigation in those areas of the site that were inaccessible. The submitted conceptual site model will then need to be updated once the new site investigation data has been obtained to confirm contamination risks across the site and whether any remedial treatment works are required.

9.46. A further risk assessment is required and is proposed to be secured by planning condition to ensure compliance with Policy RE9 of the Oxford Local Plan.

## **10. CONCLUSION**

10.1. 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.

10.2. 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.

10.3. 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 are inconsistent with the result of the application of the development plan as a whole.

10.4. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the NPPF, and relevant policies of the Oxford Local Plan 2016- 2036, when

considered as a whole, and that there are no material considerations that would outweigh these policies.

- 10.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning and Regulatory Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **11. CONDITIONS**

### Time Limit – Implementation

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.

### Approved Plans

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan.

### Site Use – Time Limit

3. The use of the site for the purposes of open-air storage is hereby permitted for a maximum period not exceeding 7 years from the issue date of this temporary planning permission. Following the expiry period of 7 years from the issue date of this temporary planning permission the permitted use shall permanently cease.

Reason: The proposed use is sought on a temporary basis and permanent use of the site for the proposed purposes would fail to represent and effective use of an allocated employment site and cessation of the use beyond the temporary time period is necessary to comply with Policies E1, RE2 and SP7 of the Oxford Local Plan 2016-2036.

### Height Limit – Storage

4. Storage on the site shall be limited to a maximum height not exceeding 5.5 metres measured from ground level.

Reason: In the interests of protecting the visual amenity of the surrounding area in accordance with Policies DH1 and DH2 of the Oxford Local Plan 2016-2036.

## Boundary Fencing

5. A plan showing the location and design of the means of enclosure within the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any fencing or other means of enclosure associated with the development. The development shall be carried out in accordance with approved details.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with Policy DH1 of the Oxford Local Plan

## EV Charging

6. Prior to the commencement of above ground works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
  - Location of detailed specification of EV charging points.
  - Appropriate cable provision to prepare for increased demand in future years.The electric vehicle infrastructure shall be formed and laid out in accordance with these details before the development is first in operation and shall remain in place thereafter.

The approved charging infrastructure shall be installed prior to first use of the development.

Reason: To contribute to improving local air quality in accordance with policy M4 of the Oxford Local Plan 2016-2036 and enable the provision of low emission vehicle infrastructure.

## Cycle Parking

7. Prior to the first use of the site details of covered cycle parking facilities shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework and in accordance with Policy M5 of the Oxford Local Plan.

## Biodiversity Method Statement Compliance

8. The development hereby approved shall be implemented strictly in accordance with the measures stated in the report 'Ecological Impact Assessment' produced by Arbtech and dated March 2024, or as modified by a relevant European Protected Species Licence. The proposed bat roosting

devices shall be installed by the completion of the development and retained as such thereafter.

Reason: To comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended) and enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework.

#### Construction Environmental Management Plan (CEMP) Biodiversity

9. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones" in respect of protected and notable species and habitats;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
  - h) Use of protective fences, exclusion barriers and warning signs;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent harm to species and habitats within and outside the site during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

#### *Lighting Design*

10. Prior to the first use of the development, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances shall any other external lighting be installed without prior written consent from the local planning authority.

Reason: To prevent harm to species and habitats within and outside the site during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

### *Landscaping Plan*

11. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

### *Landscape – Implement*

12. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

### *Landscape Management Plan*

13. Prior to the first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan shall be carried out as approved by the Local Planning Authority.

Reason: In the interests of amenity and the appearance of the area in accordance with policies G7 and DH1 of the Oxford Local Plan 2016-2036.

#### *Replacement Planting*

14. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7 and DH1 of the Oxford Local Plan 2016-2036

#### *Tree Protection Measures*

15. The development shall be carried out in strict accordance with the tree protection measures contained within the approved planning application details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

#### *Arboricultural Monitoring Programme*

16. Development shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

#### *Land Contamination Risk Assessment*

17. Prior to the commencement of below ground works a further risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved by the local planning authority.

- A Phase 1 desk study has been submitted and approved.
- Phase 2 shall include a further element of intrusive investigation to confirm the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals in those areas of the site that have not yet been investigated.
- Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any ground 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 2016 - 2036.

### *Remediation – Validation Report*

18. The development shall not be used until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason- To ensure that any ground 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 2016 - 2036.

## **12. APPENDICES**

- **Appendix 1 – Proposed Site Plan**

## **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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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