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<b>APPLICATION NO.</b>	<a href="#">P22/S3194/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	7.9.2022
<b>PARISH</b>	THAME
<b>WARD MEMBERS</b>	Pieter-Paul Barker Kate Gregory David Bretherton
<b>APPLICANT</b>	Mr Christopher Kendall
<b>SITE</b>	Whiteleaf Furniture Ltd Lupton Road Thame, OX9 3SE
<b>PROPOSAL</b>	Alterations to an existing building and use as altered as a builders merchant (storage, distribution, trade counter, offices, tool hire and ancillary retail) with associated external storage, resurfacing of yard, erection of 2.4m high fence and gates. (Amended plans received 22 November 2022 showing some changes to the layout, parking, vehicle tracking and the removal of the new access on Lupton Road and the description has been amended to reflect the removal of the new access on the application. As amended by information received 09 January 2023).
<b>OFFICER</b>	Davina Sarac

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**1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out to the officer's recommendation that planning permission should be granted having regard to the material planning considerations relevant to the development and development plan policies.
- 1.2 The application is referred to planning committee as the recommendation to grant planning permission conflicts with the views of Thame Town Council who object to the proposal.
- 1.3 The application site forms part of an employment site that is located on the south-eastern edge of Thame. An existing commercial building sits on the site with existing car parking spaces in front of it. The building was occupied by Whiteleaf Furniture Ltd under a Class B2 (general industrial) use. The building is currently unoccupied. A plan showing the location of the site is attached at **Appendix 1**.
- 1.4 The application seeks full planning permission for alterations to the existing building and the change of use to a builder's merchant (storage, distribution, trade counter, offices, tool hire and ancillary retail) with associated external storage, resurfacing of the yard, and the erection of 2.4m high fencing and gates. Part of the existing building is to be demolished.

- 1.5 The application has been amended as a result of the Local Highway Authority's initial comments regarding the proposal. Consequently, the application has removed the proposed third access onto Lupton Road with the two existing two accesses being retained. Other changes include the addition of more car parking spaces and cycle spaces on the site.
- 1.6 Reduced copies of the plans accompanying the application are attached at **Appendix 2** to this report. All the plans and representations can be viewed on the council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

**2.1 Thame Town Council – Object to the development.**

Comments in relation to the plans as originally submitted –

- The proposed use is not an employment use under Thame Neighbourhood Plan Policy WS12. The applicant has failed to provide evidence that the site has been marketed at a reasonable price for either the existing or another suitable employment use for a period of at least one year.
- Impact on highways, particularly in terms of access and increased traffic
- Impact on residential amenity

Comments on the amended plans –

- Maintains original objection.

**Highways Liaison Officer (Oxfordshire County Council) -**

Comments in relation to the plans as originally submitted –

- limited information provided and the proposal likely to increase the risk to Highway Safety.
- Lack of parking spaces provided, and not meeting current dimensional standards, will likely cause indiscriminate and or obstructive parking occurring.
- No tracking diagrams provided therefore unclear whether an HGV can access/egress the site given the new boundary treatment.
- Cycle parking is impractical given the location

Comments on the amended plans –

- The additional information and site plans have addressed the previous issues. No objections to the amended plans.

**Third party representations** – 2 x letters of support were received;

- Thame has for a long time been short of the services of a builder's merchant, especially as one in Wheatley has recently closed.

1 x letter of objection covering the following issues was received;

- Concern over scale and size of the proposed development.
- Concern over the lack of parking.

- Creating the installation of the Bell Mouth entrance adjusting the existing kerbs and footpath will remove vital car parking for the pre-existing business.
- Concerns over business operating 7 days a week on residents in Wenman Road.
- Extra volume of HGV's, Trade vans and vehicles all trying to get in and out of a narrow Road, and how this could increase year by year.

No third party letters were received on the amended plans.

**3.0 RELEVANT PLANNING HISTORY**

3.1 [P17/S4041/FUL](#) - Approved (26/01/2018)

Proposed rear extension for additional production area.

[P08/E0006](#) - Approved (14/03/2008)

Proposed factory portal frame extension. (As amended by agent's letter and drawings received 13 March 2008).

[P04/E0640](#) - Approved (15/07/2004)

Erection of factory portal frame extension. (As amplified by agent's letter dated 1 July 2004).

**4.0 ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 An Environmental Statement is not required.

**5.0 POLICY & GUIDANCE**

**5.1 Development Plan Policies**

**South Oxfordshire Local Plan 2035 (SOLP) Policies:**

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

DES9 - Renewable Energy

DES10 - Carbon Reduction

EMP2 - Range, Size and Mix of Employment premises

EMP3 - Retention of employment land

ENV12 - Pollution – impact of development on human health, the non-strategic natural environment and/or local amenity (potential sources of pollution)

TH1 - The strategy for Thame

EP3 - Waste collection and Recycling

TRANS2 - Promoting Sustainable Transport and Accessibility

TRANS4 - Transport Assessments, Transport Statements and Travel Plans

TRANS5 - Consideration of development proposals

**5.2 Thame Neighbourhood Plan 2013**

WS12 - Retain existing employment land in employment use

WS13 - Support improvements to existing employment areas

GA6 - New development to provide parking on site for occupants and visitors

ESDQ11 - Incorporate Sustainable Urban Drainage into new development  
ESDQ12 - Applications for new development to provide a drainage strategy  
ESDQ16 - Development must relate well to its site and its surroundings  
ESDQ19 - The Design and Access Statement and accompanying drawings must provide sufficient detail for proposals to be properly understood

**5.3 Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022 (JSVDG)

**5.4 National Planning Policy Framework and Planning Practice Guidance**

**5.5 Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

**6.0 PLANNING CONSIDERATIONS**

**6.1 The relevant planning considerations are the following:**

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Sustainable measures/carbon reduction**
- **Community Infrastructure Levy (CIL)**
- **Other matters**

**Principle of development**

6.2 South Oxfordshire Local Plan (SOLP) 2035 Policy EMP3 deals with the retention of employment land within the district. The site currently lies within an area of designated employment land within Thame. Thame Neighbourhood Plan (TNP) 2013 Policy WS12 would also be relevant as it seeks to retain existing employment land in employment use, and states that existing employment sites outside the town centre boundary must remain in employment use (B1, B2 or B8). The objection from Thame Town Council states that the proposed use is not an employment use within TNP Policy WS12, and that the applicant has failed to provide evidence that the site has been marketed at a reasonable price for either the existing or another suitable employment use for a period of at least one year.

6.3 Builders' merchants can be classed as falling within either Class B8 (Storage), Class E (retail) or sui generis. Officers consider the proposed use is sui generis as it is mainly a mixture of retail (Class E) and storage (Class B8). However, it is considered that both the existing and proposed uses are employment uses so there is no conflict with SOLP Policy EMP3. Policy WS12 states that employment sites outside the town centre must remain in employment use and

indicates that this is B1, B2, and B8. This wording is a little dated now because of the introduction of Class E (Note that from 1st September 2020 Class B1 has been merged into the new Class E use) and officers' do not consider that the proposal conflicts with the aims of policy WS12 of the TNP because the essential fact is that the employment use would remain.

- 6.4 In relation to the Town Council's concerns that the proposal has not demonstrated that the existing use is no longer economically viable, and that the site has not been marketed at a reasonable price for at least a year for the existing and any other suitable employment or service trade uses, this is only required if the change of use of employment land is for a non-employment use. As explained above, it is considered that a builder's merchant is still an employment use. Therefore, the proposal complies with the overall aim of TNP Policy WS12 in that it would retain the employment use on site. Therefore, the principle is acceptable as the proposed use is sui generis and, in common with many builders merchants, it is appropriately located within an existing employment site and it would continue to support economic growth within Thame.

- 6.5 Section 6.1.3 of the accompanying Planning Statement states that:-

"it will ultimately provide 25 jobs in a total floor area of approximately 2072 sq.m, equating to between 1 job per 83 sq. m. "Employment Density Guide 2015" by the Homes and Communities Agency suggests the following floor space per employee in different B8 situations;

National Distribution Centre 95 sq. m per employee

Regional Distribution Centre 77 sq. m per employee

'Final Mile' Distribution Centre 70 sq. m per employee

Therefore, this sui generis use is an employment use, providing a higher density of jobs than a B8 use as a national distribution centre, and is appropriately located in an allocated employment area."

#### **Design and character**

- 6.6 There would be modest changes to the overall appearance of the building with the exception that part of the existing building (to the north) will be demolished to create a yard area for storage purposes. Other changes to the building include new doors, changes to existing roller shutter doors with new larger roller shutter doors. The changes to building are considered acceptable in design terms and in keeping with the overall character of the building and surrounding commercial site.

#### **Residential amenity**

- 6.7 Concerns have been raised with regards to dust and noise disturbance to nearby properties. The nearest properties are located 90 metres to the north of the site on Chinnor Road and 91 metres south of the site on Warren Mead. Given these distances, officers consider the proposal is located a sufficient distance away to not result in detrimental impact to the residential amenity of these properties. A concern was raised about the opening hours of the builders' merchants but given the distance of the building in relation to local residential properties I consider that to restrict the days of operation and opening hours

would be unnecessary and in this case would fail to meet the 6 tests for imposing conditions as set out within the NPPG.

**Access and parking**

- 6.8 The application was amended during the application following the Local Highway Authority's objections regarding parking and highway safety issues. The additional information and site plans have addressed these objections as follows:

- The second HGV access has now been omitted from the scheme, and therefore no displacement of vehicles along 'Lupton Road' will occur as part of this second access.
- The parking spaces have been increased in terms of dimensional standards and total number which is considered acceptable.
- A Travel Plan has been recommended to promote sustainable modes of transport for staff working at the building which is considered to reduce car trips to and from the site.
- Additional cycle parking has been provided.

After investigation and reviewing the additional and amended documents, the Local Highway Authority has raised no objection to the proposal based on highway safety.

6.9 **Sustainable measures/carbon reduction**

The development is not a new build and therefore does not need to comply with SOLP policy DES10. However, policy DES8 would still be relevant, which states that all new development, including building conversions, refurbishments and extensions, should seek to minimise the carbon and energy impacts of their design and construction. Section 6.3.4 of the accompanying Planning Statement states that carbon reduction within the building would be achieved by:

- *High efficiency LED lighting with intelligent controls*
- *Natural lighting*
- *No gas supply*
- *The site will use electric forklift trucks rather than gas bottles which reduces carbon emissions for the site's day to day operations. Trucks are charged out of hours which reduces day time energy draw.*
- *EV charger will be available on site for staff and customer use in an aim to promote the use of electric vehicles.*
- *A heat recovery unit will be used for the trade and showroom area reducing the energy required to heat the air inside the building.*
- *Up to date energy efficient comfort cooling systems will be used to remove the requirement for individual electric heaters which reduces power consumption.*
- *Warehouse lighting will operate on PIR to save energy.*
- *External lighting and signage lighting will operate via time clocks to prevent systems being left on when they are not required.*
- *Voids/ above suspended ceilings will have 250mm loose/ bagged insulation installed to form an envelope around the offices, trade, showroom, and welfare areas to assist in retaining heat in the colder months.*

Officers consider that these measures would help reduce greenhouse emissions and would comply with policy DES8.

**Community Infrastructure Levy (CIL)**

- 6.10 The proposal is not CIL liable.

**Other matters**

- 6.11 The site sits on land that has the potential to give rise to contaminants due to the previous land use. It is recommended that due to some ground works involving resurfacing some areas of the site, that should the presence of any unsuspected contamination be encountered during the development that no development shall continue until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works is undertaken.

- 6.12 **Pre-commencement conditions**  
None.

**7.0 CONCLUSION**

- 7.1 Planning permission should be granted because the proposal would retain an employment use on an existing employment site. It does not result in a harmful impact to the character and appearance of the site, or the wider area. In conjunction with the attached conditions the proposal will not give rise to a harmful impact to highway safety or neighbouring residential amenity and will accord with development plan policies.

**8.0 RECOMMENDATION**

- 8.1 **Planning Permission to be granted subject to the following conditions: -**
- 1. Development to commence with three years**
  - 2. Development to be built in accordance with the approved plans**
  - 3. Development to be constructed in materials specified on the plans**
  - 4. Parking and manoeuvring areas retained as shown on plans**
  - 5. Cycle parking facilities to be covered and details to be provided**
  - 6. A Travel Plan Statement shall be submitted**
  - 7. Land contamination investigation required should any unsuspected contamination be encountered**

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