

Case Officer: Clancy Sloan

Recommendation: Approve

Applicant: Kirtlington Community Shop and Cafe

Proposal: Erection of single storey detached community shop and cafe

Expiry Date: 8 November 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The subject site refers to a portion of grassed field next to the Kidlington Village Hall.
- 1.2. Kidlington Village Hall is directly east of the subject site. The existing car park for the Village Hall lies just north. To the west of the site is the rear gardens of dwellings that front South Green, and to the south of the site is Kirtlington Park, which contains a large playing field and a playground.
- 1.3. The site is accessed by vehicles via a South Green. Pedestrians can access the site from the South Green or via several footpaths.
- 1.4. The site lies within the Kirtlington Conservation Area and Kirtlington Park Registered Parkland. It is also in close proximity to St Mary's Church, which is a Grade II* listed building.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks planning permission for of a new building containing a community shop and café.
- 2.2. The supporting information identifies that Kirtlington village used to have a village shop, but it closed as it was no longer commercially viable. This proposal is for a community led shop operated by committed volunteers.
- 2.3. It is proposed to construct a new building, which will follow the current pattern of the village hall development, aligning with the front and rear building lines. The proposed building will be constructed as a timber frame building with vertical timber cladding and a slate pitched roof. Solar panels will be sited on the rear roof slope. It is proposed to construct a raised timber deck at the rear of the building to provide an outdoor seating area for the café.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

21/03745/PREAPP - A custom-built community shop and café next to the Village Hall, Kirtlington

4.2. The pre-application advice was supportive of the principle of a new local shop and community meeting place in the form of a café. The pre-app advice included comment with regard to the following:

- Concerns about the proposed orientation of the building, which did not align with the adjacent Village Hall.
- Concerns about the proposed timber siding.
- The proposed building would be located in close proximity to a number of trees that are protected by virtue of their siting in the Conservation Area. Therefore a tree survey and Arboricultural Method Statement should accompany any application.
- Due to the location of the site in a Conservation Target Area, and the requirement of Policy PD5 of the MCNP, the proposal should incorporate biodiversity enhancements into the scheme.

4.3. Further advice was given by the Conservation Officer, including:

- Concerns with the precise location and orientation of the building which does not pay respect to the alignment of the existing village hall or the neighbouring settlement.
- Concerns with the form and materials of the building – it is anticipated that timber cladding and a green roof have been chosen to blend in with the surrounding parkland landscape, but in such close proximity to the stone ‘barn type’ the materials do not appear appropriate.
- It would be preferable for an extension to the existing village hall or at least a building that pays respect to the pre-existing structure.
- The precise level of harm is unclear and would need to be outlined in a heritage statement.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **11 October 2023**, by advertisement in the local newspaper expiring **19 October 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **19 October 2023**.

5.2. The comments raised by third parties are summarised as follows:

5.3. Support:

- Strong need to have a village shop/café.
- Its convenient that it will be located near other village services such as church, hall and playground.
- Encourages people to make fewer car journeys as they can get essentials in walking distance.
- The addition of the cafe would make this a great village resource centrally located with existing parking near a play area that's widely used by villagers and other locals.
- Sympathetic design.
- Energy conscious design.

5.4. Object:

- Insufficient demand for this.

- Would lead to increased vehicle traffic on South Green, which is a Y shaped single track road. It would impact safety in the area. Maintenance of the private road is needed.
- South Green roads are private and there is no vehicular 'right of way'.
- Viability: will not receive passing trade as it is hidden from the main road, small shop will not have buying power, villagers are used to using delivery or driving to other villages.
- The village hall is underused already and surely could be reconfigured to incorporate space for a shop. The Church could provide a café.
- It is not necessary to erect a new building in this Conservation area.
- In the event that it may fail commercially I understand that the building could be dismantled because there would be no requirement to keep it as a publicly usable space.
- A timber building is incongruous among all the surrounding stone, particularly that of the Village Hall adjacent and St. Mary's Church within sight.
- It must not be used to add more housing.
- The village could be left with a huge burden of debt should it fail.

5.5. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. KIRTLINGTON PARISH COUNCIL: Comment.

KPC is concerned that the design and building materials do not have synergy with the existing Village Hall and are not integrated with it and that the proposed plan does not respect the form and scale of the village hall. We appreciate however that the applicant has now aimed to address the issues raised in CDC's pre application response, the contents of which have been shared with the Parish Council. We have noted, in particular, the revised conclusions of the Conservation Officer.

KPC is of the view that the new building is in the Conservation Area, in the Park Grade II listed Registered Park and Garden and therefore should seek to enhance its setting which the proposed design does not. However, we note that the Conservation Officer has accepted the applicant's further justifications since the pre application report and has now concluded that the issues raised in this respect in the pre application report have been satisfactorily addressed by the applicant. We note that the revised report concludes that there would be 'no harm'.

It does not comply with the Mid Cherwell Neighbourhood Plan Policies PD4 which aims to protect important views and vistas and PD5 which controls building and site design. However, we note that the proposed plan now locates the building nearer to the Village Hall. Although it is still not integrated with the Hall and a wooden structure seems unlikely to enhance the view, it does appear to be located in a less exposed position than on the former plan.

The pre application suggested considering amending the design and the proposed construction material. This has not noticeably changed on the architect's drawing and therefore would not be in sympathy with the village hall. However, we note the applicant's intention to reference the wooden boarding on the Village Hall for the

proposed building. We further note that similar wooden buildings have been approved elsewhere recently within the Registered Park and Garden.

The Parish Council have previously informed the applicant that there are concerns that the proposed shop and café would negatively impact the quality of life of nearby residents and add additional costs to the upkeep of South Green. These concerns remain and the Council is very much aware that a shop in this location could impact negatively on the parishioners who live near the proposed location.

Nevertheless, many people in the village could stand to benefit from the amenity of a community shop and cafe, and, if the shop were to prove successful, there could also be financial dividends to improve other amenities in the village. In this respect, the question remains as to whether the potential public amenity would outweigh the negative impact on the quality of life of the neighbouring parishioners. Also, the effect of any additional traffic and wear and tear on the parts of South Green that are not part of the adopted public highway needs to be borne in mind.

- 6.3. An update was received from the Parish that one of the KPC councillors has withdrawn their support for the comment submitted on behalf of Kirtlington Parish Council on 30/10. Nevertheless, no alternative comment has been agreed by KPC.

It is noted that the comments from the Parish were not unanimous.

- 6.4. MID-CHERWELL NEIGHBOURHOOD FORUM: No response received.

CONSULTEES

- 6.5. ARBORICULTURE: No response received.

- 6.6. ARCHAEOLOGY: No objection.

The site of the proposed development lies within an area of archaeological interest and potential, in the registered park and garden of Kirtlington Park (PG 2308), and east of the 12th Century Church of St Mary (PRN 5230). The development is also located 150m south of the Scheduled Ancient Monument of a moated site (SAM 154) which has been suggested as the site of a house belonging to John of Gaunt. The proposal site is on the edge of the Medieval core of Kirtlington, and the registered park which is known from historical records to have existed by 1279AD when Kirtlington Manor, held by the Countess of Warwick, is described as having a new park. In 1750 the 'Old Park' of 75 acres was taken into Sir James Dashwood's new park of 496 acres. It is possible that this new park would have been built over parts of the medieval settlement as has been seen elsewhere in the county (e.g. at Bletchington Park), and therefore important evidence for the medieval development of the village could be encountered by this development.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.

- 6.7. BUILDING CONTROL: No objection.

The Proposals will require a Full Plans Building Regulations application

- 6.8. CONSERVATION: No objection.

Conservation have previously provided comments dated 16th December 2021 under pre-application reference 21/03745/PREAPP, within which queries were raised about

the location and design of the proposed community shop and café. It is noted that within the LPA pre-application response that the principle and proposed location of the community shop and café was considered acceptable.

Within the submitted Heritage Statement, further justification has been submitted with respect to the proposed use of materials, such as the timber cladding and slate roof. Following on from the additional information and justification it is considered that the proposed materials would complement the village hall by appearing a well-designed and honest, modestly scaled building, reflective of traditional materials and complementary in its materials to the existing village hall building and its location within the conservation area. Due to the lack of inter-visibility and the distance there would not be a harmful impact upon the setting of the listed building, with a neutral impact.

For the reasons detailed above, it is considered that the character and appearance of the conservation area, and the setting of St Marys Church, would be preserved.

6.9. ECOLOGY: No objection.

Due to the habitat, it is sited on (close mown amenity grassland) and the scale the proposals are unlikely to have any significant direct ecological impacts.

It is however in close proximity/adjacent to an ecologically sensitive area *i.e.* a Local Wildlife Site, A Conservation Target area, Priority/S41 habitat and is itself within a red zone for great crested newts denoting their likely presence. There would also need to be awareness of its proximity to root protection zones of adjacent trees.

I would recommend therefore that any permission includes a condition for a CEMP for biodiversity to ensure that appropriate checks are carried out for protected species prior to any commencement of works, that no materials are stored within more sensitive areas in the adjacent habitat, no vehicle movements outside construction zone, dust deposition to be considered, best practice with regards to trench covering/holes etc.. that might trap wildlife and that specific measures are taken to ensure GCN are not harmed during works.

I consider it unlikely that GCN habitat would be directly impacted so I would not advise that licensing is necessary here.

In addition we require every development to demonstrate an enhancement for biodiversity so I would recommend conditioning a biodiversity enhancement scheme for the site to include integrated bat or bird bricks/tubes within the new building.

6.10. ECONOMIC GROWTH: No response received.

6.11. ENVIRONMENTAL HEALTH: No objection.

Our only comment would be that any shop/café must be compliant with food hygiene laws. If they want to the applicant can send us any plans in advance for the shop/café layout and we can advise on the layout with regard to compliance with food safety laws.

6.12. LEGAL SERVICES – RIGHTS OF WAY: No comments.

6.13. OCC HIGHWAYS: No objection.

The proposed shop and café are unlikely to generate a significant number of new vehicle movements. There is a large car park for those who do arrive by car, many of whom will have been coming to the site anyway to use the village hall or playing fields.

It was outlined during the preapplication stage that the applicant should be looking to provide cycle parking facilities. This can be secured through condition. It is worth noting that the car park and approach roads are not part of the adopted public highway. The nearest public highway is Church Lane and the A4095.

Subject to the condition above, this proposal is unlikely to have a detrimental impact on the highway in terms of safety or convenience.

6.14. THAMES WATER: No comment.

6.15. THAMES VALLEY POLICE – DESIGNING OUT CRIME: No objection.

I have reviewed the submitted documents and crime statistics for the local area. Considering the location of this building, away from frequently passing traffic and associated activity, it will be at elevated risk of crime. I do not object to proposals, however ask that the building is constructed to meet the requirements of Secured by Design – Commercial 2023.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD 1 – Presumption in Favour of Sustainable Development
- SLE 4 – Improved Transport and Connections
- BSC 10 – Open Space, Outdoor Sport and Recreation Provision
- BSC12 – Indoor sport, recreation and community facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 11- Conservation Target Areas
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 – Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals in residential areas
- C33 – Protection of important gaps of undeveloped land
- S29 – Loss of existing village services
- ENV1 – Environmental pollution

MID-CHERWELL NEIGHBOURHOOD PLAN

- PD4: Protection of important views and vistas
- PD5: Building and Site Design

- PD6: Control of Light Pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Kirtlington Conservation Area Appraisal (2011)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highways Safety
- Trees
- Ecology
- Other Matters

Principle of development

- 8.2. Government guidance contained within the NPPF seeks to support a prosperous rural economy, with planning decisions required to enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. Further, planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside, and the retention and development of accessible local services and community facilities, such as local shops and meeting places. It is recognised that sites to meet local business and community needs in rural areas may have to be found in locations that are not well served by public transport, although in these circumstances it will be important to ensure that development is sensitive to its surroundings, would not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 8.3. The NPPF also seeks to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, including through the provision of local shops. Planning decisions should also guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs, and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 8.4. Policy BSC12 of the CLP 2011-2031 Part 1 states that the Council will encourage the provision of community facilities to enhance the sustainability of communities through the protection and enhancement of the quality of existing facilities.
- 8.5. Saved Policy S29 of the CLP 1996 states that proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted. The supporting text explains that the Council recognises the importance of village services, particularly the local shop and pub, to the local community and will seek to resist the loss of such facilities whenever possible.

- 8.6. Kirtlington used to have a village shop but it closed as it was no longer commercially viable. There are no other grocery shops located within Kirtlington, and the nearest groceries can be found in the Co-op food store in the nearby village of Bletchington.
- 8.7. The proposed development would involve the erection of a new local shop and community café, following the loss of the former shop within the village of Kirtlington. Whilst the site is not located on the main road through the village, where the previous shop was located, the applicant states that the shop is not conceived as a commercial entity but a community benefit. It will therefore not rely on passing trade for its success. The location of the shop alongside the existing Village Hall and recreation fields complements their importance to the community.
- 8.8. Given that the proposal will create a community facility, that will serve the basic needs of the local community, it is considered to accord with the Local Plan policies outlined above, and the NFFP Guidance. The principle of development is thereby accepted.

Design, and impact on the character of the area and impact on heritage assets

- 8.9. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.10. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.12. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”* Further, development proposals will be required to conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings.
- 8.13. Policy ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided.
- 8.14. Saved Policy C23 of the CLP 1996 states that there will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a Conservation Area. In sensitive areas, such as Conservation Areas, development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- 8.15. Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings.

- 8.16. Saved Policy C33 of the CLP 1996 seeks to preserve a view or feature of recognised amenity or historical value, such as trees of amenity value or the loss of features such as boundary walls where they constitute an important element of an attractive or enclosed streetscape.
- 8.17. Policy PD4 of the Mid-Cherwell Neighbourhood Plan identifies that proposals within the plan area must demonstrate sensitivity to the important views and vistas described in the plan.
- 8.18. Policy PD5 of the Mid-Cherwell Neighbourhood Plan identifies that proposals should wherever possible include appropriate landscape mitigation measures to reduce the impact of the built form, to ensure that development is in keeping with the existing rural character of the village, and to provide a net gain in biodiversity.
- 8.19. Policy PD6 of the Mid-Cherwell Neighbourhood Plan identifies that the design of external in all new development should minimise the risk of light spillage beyond the development site boundary, to minimise impacts on the character of the village and ensure no detriment to an area of nature conservation interest.
- 8.20. The site lies within the Kirtlington Conservation Area and Kirtlington Park Registered Parkland. It is also in close proximity to St Mary's Church, which is a Grade II* listed building.
- 8.21. The proposed building would sit upon a grassed area that is currently fenced off from the remainder of the sports field by post and rail fencing. The area is immediately adjacent to the existing village hall and associated surfaced car park. The impact on important views and vistas are minimal. The impact on St Marys Church is limited, as the views of the Church from the site are mostly screened by mature vegetation. The site is not identified as a vista within the Kirtlington Conservation Area Appraisal. The proposal does not affect any identified sensitive skylines.
- 8.22. The proposed building would be a single storey rectangular plan building with a pitched roof, orientated to align with the current pattern and direction of the village hall development, following front and rear building lines. A raised deck is proposed at the rear of the building to provide outdoor seating for the café. The proposed construction would be a timber frame building with vertical timber cladding and a slate pitched roof. Solar panels will also be sited on the rear roof slope.
- 8.23. The applicants Design and Access Statement advises that *The Village Hall was designed by Andrew Banks of this office*. The Hall's original plan was simple and designed to take the form of an agricultural barn. The scale of the proposed new building is more modest than the adjacent village hall and appears to follow the 'barn' type form of the village hall.
- 8.24. Concerns have been raised regarding the proposed timber siding for the new building. The pre-application advice given also raised concerns about the use of timber siding in such close proximity to the stone 'barn type' the materials nearby. The applicant's Design and Access Statement included further justification for the timber siding, providing examples of other recently approved buildings with timber cladding nearby, and historic use of timber on buildings by the playing fields.
- 8.25. The Conservation Officer has reviewed the submitted information and raises no objection to the proposal. Their comments advise that following on from the additional information and justification it is considered that the proposed materials would complement the village hall by appearing a well-designed and honest, modestly scaled building, reflective of traditional materials and complementary in its materials to the existing village hall building and its location within the Conservation Area. Due

to the lack of inter-visibility and the distance there would not be a harmful impact upon the setting of the listed building, with a neutral impact. It is considered that the character and appearance of the Conservation Area, and the setting of St Marys Church, would be preserved. It is recommended that conditions are added to any approval requiring full joinery details and samples and details of external materials to be provided for approval by the LPA.

- 8.26. It is also recommended that a condition be added to any approval to ensure no external lighting is installed on the site, unless details of this lighting are submitted to and approved by the LPA to ensure that it is suitable in terms of impacts on the character and amenity.
- 8.27. In light of the comments from the Conservation Officer, the design and materials of the proposed building are acceptable, and the proposal does not result in harm to the heritage assets or character of the area. The proposal is therefore considered to accord with the above Policies in terms of visual impact and heritage assets.

Residential amenity

- 8.28. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD15 of the CLP 2011-2031 Part 1 requires all development to consider the amenity of both existing and future development.
- 8.29. Saved Policy C31 of the CLP 1996 states that in existing or proposed residential areas any development which is not compatible with the residential character of the area or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 8.30. Due to the single storey height and distance between the proposed building and neighbouring residential dwellings, I do not consider that any harm would be caused in terms of shading, a loss of outlook or dominating appearance.
- 8.31. The Environmental Health Office was consulted, and raised no concerns in relation to noise, odour, or any other environmental impacts.
- 8.32. Given the adjacent context, location, and design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts. The proposals are therefore considered to accord with Policy ESD15 of the CLP 2031, Policies C31 and ENV1 of the CLP 1996 and Government guidance contained within the NPPF.

Highways Safety

- 8.33. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.34. Policy SLE4 of the CLP 2011-2031 Part 1 requires all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce

congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported. Policy ESD15 of the CLP 2011-2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in.

- 8.35. The site is accessed by vehicles via South Green which is a private road. It is proposed to use the existing Village Hall parking area to accommodate any parking for the proposed shop and café. Pedestrians can access the site from the South Green or via footpaths from other directions. A transport Statement has been provided in support of the application.
- 8.36. Concerns have been raised about the safety impacts of vehicle access via South Green. Concerns have also been raised about the maintenance responsibilities of the road.
- 8.37. South Green is a private road in a triangle shape that provides access to a number of dwellings and the Village Hall. It is generally narrow and does not have a separate footway. South Green is subject to a 20mph speed limit.
- 8.38. Concerns have been raised about the access via the private road and maintenance of the road (South Green). This is a legal matter between the involved parties and not a material planning consideration.
- 8.39. The Local Highways Authority raises no objections to the proposal, noting that the proposed shop and café are unlikely to generate a significant number of new vehicle movements, and there is a large car park for those who do arrive by car, many of whom will have been coming to the site anyway to use the village hall or playing fields. A condition is requested in relation to cycle parking at the site.
- 8.40. I agree with the assessment of the Local Highways Authority, and I consider that the proposal would not cause any significant harm in the way of highway safety, and in the subject to a condition in relation to cycle parking it is considered that the proposal accords with the above policies.

Trees

- 8.41. The proposed building would be located in near a number of trees that are protected by virtue of their siting in the Conservation Area. No Tree Survey has been provided in support of the application. The Arboricultural Officer has been consulted but has not provided a response.
- 8.42. Due to the separation between the proposed works and the trees, it is considered that the risk to the trees could likely be mitigated through a Tree Protection Plan. It is recommended that a condition is added to any approval to require an Arboricultural Method Statement and a Tree Protection Plan to demonstrate how the trees will be retained and protected.

Ecology

- 8.43. Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 8.44. Policy ESD10 of the CLP 2011-2031 Part 1 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones. Policy ESD 11 of the CLP 2011-2031 Part 1 states that where a development is proposed within or adjacent to a Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement.
- 8.45. Policies PD5 and PD6 of the Mid Cherwell Neighbourhood Plan seek a net gain in biodiversity and to protect environments from excessive lighting.
- 8.46. Given that the building would be sited upon a closely mown grassed area it is considered unlikely that protected species or their habitat would be harmed as a result of the construction of the building. The Ecology Officer has reviewed the materials and raises no objection subject to pre-commencement conditions relating to a CEMP for biodiversity, and a scheme of biodiversity enhancement. A condition is also recommended to ensure no external lighting is installed on the site, unless details of this lighting are submitted to and approved by the LPA to ensure that it is suitable in terms of impacts on ecology.
- 8.47. Therefore, subject to the conditions outlined above the proposal is considered to accord with Policy ESD10 of the CLP 2011-2031 Part 1, and Policies PD5 and PD6 of the Mid-Cherwell Neighbourhood Plan.

Other Matters

- 8.48. Concerns have been raised about the fiscal feasibility and viability of the proposed community shop and café. This is not a material consideration during the planning assessment. A condition is recommended to require that the use of the building shall be used only for the purpose of a community shop and café, and for no other purpose whatsoever. This is to ensure that if the use ceases, any future use would require assessment.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposed development would involve the erection of a new local shop and community café, following the loss of the former shop within the village of Kirtlington. Given that the proposal will create a community facility, that will serve the basic needs of the local community, the principle of development is considered to accord with the Local Plan policies.
- 9.3. The construction of the new building will be subservient to and similar in form to the adjacent Village Hall Building. The Conservation Officer raises no objection to the proposal. It is considered that the proposed materials would complement the village hall by appearing a well-designed and modestly scaled building, reflective of traditional materials and complementary in its materials to the existing village hall building and its location within the conservation area. Due to the lack of inter-visibility and the distance there would not be a harmful impact upon the setting of the listed building. It is considered that the character and appearance of the conservation area, and the setting of St Marys Church, would be preserved.

- 9.4. The proposal is not expected to negatively impact the residential amenity of the nearby dwellings. The proposal is not expected generate a significant number of new vehicle movements, and there is a large car park for those who do arrive by car. The proposal is considered acceptable in regard to Highways safety. Subject to conditions recommended below, the proposal is considered to be acceptable in terms of ecology and preservation of trees.
- 9.5. The proposals are therefore deemed to be acceptable, subject to the conditions set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms, design and access statement and the following plans and documents:

6304.01 Rev: B
6304:02

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of works above slab level, samples of the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the construction of the building above slab level, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the Local Planning Authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

6. Within six months of the completion of the archaeological work, carried out in accordance with the written scheme of investigation approved pursuant to condition 5, the applicant (or their agents or successors in title) shall submit to the Local Planning Authority for its written approval, an archaeological archive report comprising a post-excavation assessment and analysis.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

8. No external lighting shall be installed on any building or structure or within the site, unless details of such lighting are first submitted to and approved by the Local Planning Authority.

Reason - In order to maintain the character of the area and to comply with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD6 of the Mid-Cherwell Neighbourhood Plan, and Government guidance contained within the National Planning Policy Framework.

9. No development shall commence unless and until an Arboricultural Method Statement and Tree Protection Plan to show how the existing trees to be retained will be protected during the construction phase has been submitted in writing to and approved by the Local Planning Authority. The construction of the development shall proceed in accordance with the approved Arboricultural Method Statement at all times.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of any works at the site, a Construction Environmental Management Plan (CEMP) for biodiversity is to be submitted to and approved in writing by the Local Planning Authority. The CEMP shall ensure that appropriate checks are carried out for protected species prior to any commencement of works, that no materials are stored within more sensitive areas in the adjacent habitat, no vehicle movements outside construction zone, dust deposition to be considered, best practice with regards to trench covering/holes that might trap wildlife is adhered to and that specific measures are taken to ensure Great Crested Newts are not harmed during works. The construction of the development shall proceed in accordance with the approved CEMP at all times.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and ESD11 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. A scheme of biodiversity enhancement is to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works above ground level. The scheme shall include management and establishment details of all methods of biodiversity enhancement, and ongoing monitoring or review periods. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason - To ensure a net gain for biodiversity is achieved in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to commencement of development, an application shall be made for Secured by Design Commercial accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason – In the interest of crime prevention and to meet the requirements of Secured by Design – Commercial 2023 and to comply with Government guidance contained within the National Planning Policy Framework.

13. The development hereby approved shall be used only for the purpose of a community shop and café, and for no other purpose whatsoever, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting or amending that order) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order.

Reason: To safeguard the visual amenities of the area and protect the amenities of nearby residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C31 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

1. Any extraction systems required for the café must comply with the current Emaq guidance on control of odour and noise from commercial kitchens exhaust

systems (BS4142:2014 should be used, such as for noise from industrial sources).

2. The building should facilitate postal deliveries either via secure external post box certificated to DHF TS009, or via through-the-wall post box into a container also rated to protect against arson attacks.

Case Officer: Clancy Sloan

DATE: 7 November 2023

Checked By: Paul Ihringer

DATE: 8/11/23
