

Case Officer: John Cosgrove

Recommendation: Approve

Applicant: Mr Bonner

Proposal: Demolition of existing buildings and erection of replacement buildings on a like for like basis, for commercial use (Class E (g)) for which prior approval already exists (20/00009/R56). Widening of access track and provision of passing bay

Expiry Date: 21 June 2021

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located within the open countryside, located approx. 100m south of Wendlebury, 2.4km east of Weston on the Green, c.2km south of Chesterton and c.2km north-west of Merton. The site contains a number of steel portal framed agricultural storage buildings, and is located within Flood Zone 1, however an area of land within Flood Zone 2 is located c. 30 metres to the West of the site. The site is not within a Conservation Area and does not contain or impact on the setting of any Listed Buildings, however, it is located within an area of Archaeological Interest. There are no other relevant planning constraints.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application proposes the demolition of the existing buildings and erection of replacement buildings on a like for like basis, for commercial use (Class E (g)) for which prior approval already exists (20/00009/R56). The application also proposes the widening of the access track and the provision of a passing bay.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

20/00009/R56 - Change of Use of three agricultural buildings to a flexible use (Class B1) – Permitted: 10/03/2020.

19/02426/R56 - Change of use of agricultural buildings to flexible use (B1 & B2) – Withdrawn: 20/12/2019.

19/01490/R56 - Change of use of agricultural buildings to flexible use (B1) – Refused: 26/09/2019.

19/00372/R56 - Change of use of agricultural buildings to a flexible use, in this case Class B1 – Refused: 29/04/2019.

18/01563/Q56 - Change of use of buildings to two dwellings under Class Q(a) – Refused: 30/11/2018.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **17 April 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties.

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 COUNCIL

- 6.2. Wendlebury Parish Council: Do not object, raise concerns regarding drainage, landscaping details, parking and noise from commercial uses. Noted that the area gets frequently flooded, want to ensure that any road construction enabled adequate water flow in flooding by including drainage channels of sufficient size.

OTHER CONSULTEES

- 6.3. CDC Building Control: Boundary conditions to be considered in accordance with Approved Document B4 Access for fire service to be in accordance with Approved Document B5
- 6.4. OCC Highways: Object on grounds of: Sustainability due to poor footpaths and public transport links in the area, lack of details regarding the widths and materials of the highway access and lack of parking bay dimensions, shortfall in parking provision lack of details on servicing and ability to accommodate larger commercial vehicles, and lack of detail on cycle parking.
- 6.5. Thames Valley Police: Request condition requiring submission of Secure by Design Details.
- 6.6. OCC Archaeology: No archaeological constraints

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 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 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 2031 Part 1)

- SLE1 – Employment Development
- PSD1 – Presumption in Favour of Sustainable Development
- ESD10 – Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- ESD6 – Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD13: Local Landscape Protection Enhancement

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

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
- Highway Safety
- Ecological Impacts
- Flood Risk and Drainage

Principle of development

- 8.2. Paragraph 7 of the NPPF states that *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*

Policy SLE1 of the CLP 2031 states that *“Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations.*

While the current use of the application site is agricultural the principle of the use of the site for commercial purposes has been established by the granting of planning permission Ref: 20/00009/R56, which permitted the change of use of the existing buildings and the land within their curtilage to a B1 Business Use, and therefore the site is considered to represent a vacant employment site in a rural area and therefore the proposed development can be considered acceptable in principle subject to compliance with the other relevant Development Plan policies.

Design, and impact on the character of the area

- 8.3. The application proposes the demolition of the existing buildings on the site and their replacement with metal clad buildings of the same cumulative footprint as the buildings to be demolished. The proposed building would have an agricultural appearance and would be positioned well back from the highway where they would not have a detrimental impact on the character and appearance of the site or the wider area and the proposed replacement buildings are considered acceptable in

design terms. The proposed landscaping of the site as shown on Drawing No: 2020-647-23 Rev: B, is considered acceptable, however, in order to ensure the protection of the character and appearance of the site and the wider area it is considered reasonable and necessary to impose a condition requiring the submission and approval of details of a scheme of hard and soft landscaping prior to the first occupation or use of the development hereby approved. Subject to the condition detailed above the proposed development is considered acceptable in design terms and no objections are raised with regard to the design elements of Policies: ESD15, C28 or C30.

Residential Amenity

- 8.4. While the proposed development would represent an intensification of the use of the site over and above its current agricultural use and while it is noted that there are residential properties in close proximity, the proposal would not have any greater adverse impact on the amenity of any neighbouring properties than the scheme approved under Planning Ref: 20/00009/R56, therefore it is not considered that the proposed development would have a sufficiently severe adverse impact on the amenity of any neighbouring properties to justify the refusal of planning permission on this occasion and therefore no objections are raised with regard to the amenity elements of Policies: ESD15, C28 or C30.

Highway Safety

- 8.5. The application proposes the demolition of the existing buildings and the construction of replacement units of the same floor area as the existing buildings and for commercial use as previously approved under Planning Ref: 20/00009/R56. The proposed buildings would benefit from 15 no. off street parking spaces of which 3 no. would be disabled spaces along with 6 no. cycle and 6 no motorcycle spaces. It is noted that the Highway Authority has objected to the proposed development on the grounds that it would not represent sustainable development due to poor footpaths and public transport links in the area, lack of details regarding the widths and materials of the highway access and lack of parking bay dimensions, as well as a shortfall in parking provision lack of details on servicing and ability to accommodate larger commercial vehicles, and lack of detail on cycle parking. However, it is noted that the Highways Authority did not object to Planning Ref: 20/00009/R56 subject to conditions requiring the first 15m of the means of access between the land and the highway shall be widened to 5.5m formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance, and that full specification details of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter. Drawing No: 2020-647-23 Rev: B, shows the first 15 metres of the means of access between the land and the highway shall widened to 5.5 metres, and it is considered that the quantum of parking proposed is sufficient to serve the proposed development. Therefore, with regard to Paragraph 109 of the NPPF and subject to a condition requiring the turning areas and parking spaces to be constructed in accordance with the approved details and retained for the parking and manoeuvring of vehicles at all times thereafter, and an informative regarding works to or adjacent to the highway, the proposed development is not considered to have a sufficiently severe adverse impact on highway safety to justify the refusal of planning permission on this occasion and therefore, no objections are raised on parking or highways grounds. However, due to the location of the site and the nature of the local highway network it is considered reasonable to impose a condition requiring the submission and approval of a

Construction Environmental Management Plan prior to the demolition of the existing buildings on the site.

Ecological Impacts

- 8.6. While a search of the Council's records has not identified any reports of any protected species being present on or adjacent to the site, due to its rural location and the nature of the buildings on the site it is considered that there remains limited potential for protected species to be present and the applicant is reminded of their responsibilities regarding the habitat of protected species, therefore, should evidence of any protected species including evidence of any nest or roosts be identified on the site the applicant is advised that work including demolition must stop immediately work and that they should contact the Council's Ecologist for further advice prior to resuming on the site. Subject to an informative reminding the applicant of their responsibilities should evidence of any protected species be found, the application is considered acceptable on Ecology grounds and no objections are raised with regard to the provisions of Policy: ESD10.

Flood Risk and Drainage

- 8.7. The application site is located within Flood Zone 1, the area considered least at risk of flooding and wherein a Flood Risk Assessment or flood mitigation measures are not required. However, the Parish Council have raised concerns regarding drainage at the site and have stated that the area is prone to flooding. While the site is not considered to be at significant risk of flooding it is noted that drainage details have not been provided with the application and therefore it is considered reasonable to impose a condition requiring drainage details to be provided as part of a scheme of hard and soft landscaping to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works other than demolition. Subject to the above condition the proposed development is considered acceptable in Flooding and Drainage terms and no objections are raised with regard to the provisions of Policies: ESD6 and ESD7.

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. Having regard to the above, it is considered that the proposed development would be in accordance with the provisions of the relevant Development Plan Policies and would therefore represent sustainable development. Thus, in accordance with the provisions of the NPPF it is recommended that planning permission be granted on this occasion.

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

and the following plans and documents:

Drawing No: 2020-647-02, Entitled: Survey Barn 2 (Plan/Elevations), Dated: September 2020 and received by the Local Planning Authority on the 18/01/2021.

Drawing No: 2020-647-22, Entitled: Sketch Unit 3 (Plan/Elevations), Dated: November 2020 and received by the Local Planning Authority on the 18/01/2021.

Drawing No: 2020-647-21, Entitled: Sketch Unit 2 (Plan/Elevations), Dated: November 2020 and received by the Local Planning Authority on the 18/01/2021.

Drawing No: 2020-647-03, Entitled: Survey Barn 3 (Plan/Elevations), Dated: September 2020 and received by the Local Planning Authority on the 18/01/2021.

Drawing No: 26976A/1, Entitled: Land Survey, Dated: 21 September 2020 and received by the Local Planning Authority on the 18/01/2021.

Drawing No: 2020-647-01, Entitled: Survey Barn 1 (Plan/Elevations), Dated: September 2020 and received by the Local Planning Authority on the 18/01/2021.

Drawing No: 2020-647-20, Entitled: Sketch Unit 1 (Plan/Elevations), Dated: November 2020 and received by the Local Planning Authority on the 18/01/2021.

Drawing No: 2020-647-23 Rev: B, Entitled: Sketch (Block Plan) Dated: November 2020 and received by the Local Planning Authority on the 24/03/2021.

Drawing No: D01, Entitled: Location Plan Dated: 13/01/2021 and received by the Local Planning Authority on the 18/01/2021.

Planning Statement by DLP Planning Ltd, Dated: January 2021 and received by the Local Planning Authority on the 18/01/2021.

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. The proposed access and parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first use or occupation of the development hereby permitted. The access parking, turning, and loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason - In the interests of highway safety, to ensure the provision of adequate off-street parking and turning to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. No development above ground level shall take place including any works of demolition until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide

for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. Prior to works other than demolition a scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps, to include details of drainage and means of dealing with surface water runoff within the site.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord 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.

6. No development above ground level shall commence until details of how the applicants will incorporate 'Secured by Design principles and/or standards into the development have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out and maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the prevention of crime and to ensure the safe occupation of the site and to comply with the provisions of the National Planning Policy Framework.

7. Before any above ground works commence a scheme for the provision and implementation of [foul and] surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

Reason : To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

8. The premises shall be used only for the purpose of E (g) 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.

Informatives

1. Please be advised, as the site access abuts the highway and highway verge, all works planned to be carried out, must do so with the benefit of a Section 278 Agreement (Highway Act 1980) between the applicant and the County Council. Please note, the applicant shall not commence any such work before formal approval has been granted by Oxfordshire County Council by way of a legal agreement.
2. The applicant is reminded of their responsibilities regarding the habitat of protected species, should evidence of any protected species including evidence of any nest or roosts be identified on the site the applicant is advised that work including demolition must stop immediately and that they should contact the Council's Ecologist for further advice prior to work resuming on the site.

Case Officer: John Cosgrove

DATE: 24/06/2021

Checked By: Paul Ihringer

DATE: 25/6/21
