

Banbury Service Station  
Oxford Road  
Bodicote  
Banbury  
OX15 4AB

**16/02272/F**

**Case Officer:** George Smith                      **Recommendation:** Approve

**Applicant:** Euro Garages Limited

**Proposal:** Erection of a single storey flat roof extension to existing petrol filling station shop and erection of storage container (Retrospective)

**Report type:** Delegated

**Expiry Date:** 17 January 2017                      **Extension of Time:** N/A

## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the east of Oxford Road in the north of the village of Bodicote. The site is currently occupied by a service station with ancillary shop. To the north-west there is a car sales showroom, and to the south are residential properties. Opposite is an area of open space.
- 1.2. The site is in an area of potentially contaminated land and common swifts have been located nearby, which are a protected species.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The applicant seeks retrospective planning consent for an extension to the existing petrol station shop, protruding from the north-eastern elevation, and a storage container sited to the rear of the shop. The extension is 8.979m x 5.9m (d x w) and made of buff brick, whereas the container is 9.99m x 2.4m (d x w), made of grey painted metal. The container is used for the storage of dry goods.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. 16/01787/F & 16/01788/ADV: For retrospective planning and advertisement consent for an ATM and associated signage at the Petrol Station. APPROVED 28<sup>th</sup> October 2016.

## **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 and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 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/TOWN COUNCIL

- 6.2. BANBURY TOWN COUNCIL: **no comments** received
- 6.3. BODICOTE NEIGHBOURHOOD DEVELOPMENT PLAN: **Objections** – stating concerns for generation of additional parking, and also additions of guttering and the use of the car wash as a Gregg's food shop.

### STATUTORY CONSULTEES

- 6.4. OCC HIGHWAYS: **No objections**

### NON-STATUTORY CONSULTEES

- 6.5. N/A

## 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
- SLE2 – Securing Dynamic Town Centres
- ESD15 - The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- C31 – Compatibility of proposals in residential areas
- S26 – Small scale ancillary retail outlets
- S28 – Small shops and extensions in rural areas
- S29 – Loss of existing village services

- 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

### Principle of development

8.2. New employment proposals in the rural areas are assessed against Policy SLE 1 of the Cherwell Local Plan (2011-2031 Part 1). New employment proposals within rural areas on non-allocated sites will only be supported if certain criteria are met. These include whether sufficient justification has been provided to demonstrate why the development should be located in the rural area, whether the proposal will be small scale and have no significant adverse impacts on the character of the surrounding environment, and whether the proposal will give rise to excessive or inappropriate traffic. However, it is first necessary to establish whether there is sufficient justification for the development to be located in this rural location.

8.3. The site is an existing business use within the established built up limits of the village, access off a classified road. The applicant has stated that the proposed extension would provide additional shop space, together with additional office space and toilets, and the metal storage container would be used to store dry goods.

8.4. Saved Policy S26 of the Cherwell Local Plan 1996 states that: *proposals for small scale retail outlets which are ancillary to existing acceptable land uses will normally be permitted.* Furthermore, Saved Policy S28 states that: *favourable consideration will be given to proposals for small shops or extensions to existing shops required to serve local needs.*

8.5. Given the location of the site in relation to other uses, in particular the ancillary relationship of the shop to the established petrol station use, and the small-scale nature of the proposed extension and container, the proposal is considered to be acceptable in sustainability terms. However, the impacts on visual amenity and highway safety are considered in more detail below.

### Design, and impact on the character of the area

8.6. 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."

8.7. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new development to ensure that the standards of layout, design and external appearance are sympathetic to the character of the urban or rural context of that development.

8.8. The materials used for the extension are considered appropriate to the site and surrounding area, with the use of facing brick to match that of the existing building.

8.9. The extension proposed is also of an appropriate scale in the context, given its low height and flat roof, showing clear subservience to the existing building, and is also well contained within the existing petrol station unit.

8.10. The proposed storage container is not considered to contribute positively to the amenity of the area, and would be sited in a relatively prominent location as viewed from Oxford Road. The applicant has not submitted any detailed justification for the reasoning behind the placement of the container here, or that there is an essential need for this. On balance, however, as the container is sited against the backdrop of the existing building and is by its nature a temporary feature, it is considered that a temporary consent for a maximum of 3 years, to allow time for the applicant to provide a more suitable, permanent means of storage, is acceptable in the circumstances and proportionate to the level of harm caused.

#### Residential amenity

8.11. Policy ESD15 of the Cherwell Local Plan (2011 – 2031 Part 1) states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.

8.12. Saved Policy C31 of the Cherwell Local Plan (1996) states that 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.

8.13. Given the location of the site and its relationship with neighbouring properties, it is not considered that any residents would be unduly impacted by the extension or container by way of loss of light, outlook or privacy. Whilst the container is sited immediately adjacent the boundary with a neighbouring dwelling, its use is clearly ancillary to the existing lawful use of the site as a petrol station and is not considered to cause additional harm in this respect.

#### Highway safety

8.14. Given the location of the development in relation to the road, access and forecourt, it is not considered that the development would cause any harm by way of impact on highway safety or impede safe access to the site. Whilst the concerns raised about traffic generation are noted, the shop functions ancillary to the petrol station and in my view the extension is unlikely to result in significant increases in traffic movements associated with the site. There has also been no objection received from the Local Highways Officer. As such the proposal is acceptable in highway safety terms.

#### Other matters

8.15. Comments have been made regarding the Greggs sandwich shop which is now operating from the former car park. This shop is not included in the current application and whether or not a breach of planning control has occurred will be the subject of a separate planning enforcement investigation.

### **9. RECOMMENDATION**

9.1. That permission is granted, subject to the following conditions:

1. The development shall be carried out strictly in accordance with the following plans and documents: Application forms, design and access statement and drawings titled 'pln005.01.A3.IS.A' and 'pln005.02.A3.IS.A'.

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.

2. On or before the 17<sup>th</sup> January 2020, the storage container hereby approved shall be removed from the site and the land shall be restored to its former condition.

Reason – The storage container, because of its utilitarian design, temporary nature, and siting in the streetscene of Oxford Road, is not suitable for permanent retention and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1).

CASE OFFICER: George Smith

DATE: 17 January 2017

CHECKED BY: Alex Keen

DATE: 17 January 2017