

Case Officer: George Smith

Recommendation: Refuse

Applicant: Mrs Natalie Ternent

Proposal: RETROSPECTIVE - to retain storage container to rear of petrol filling station kiosk

Expiry Date: 19 March 2020

Extension of Time:

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 and east 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 consent for a shipping container, located between the south-eastern boundary of the site and the service station shop building. 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. The following planning history is considered relevant to the current proposal:
- 3.2. **16/02272/F** - Erection of a single storey flat roof extension to existing petrol filling station shop and erection of storage container (Retrospective) – Application Permitted
- 3.3. Due to its harm caused to the visual amenity of the site, the storage container was granted consent for a temporary period of 3 years, to allow time for the applicant to submit an alternative, permanent solution that would cause less harm.

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. The final date for comments was **9 March 2020**, 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/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BODICOTE PARISH COUNCIL: **Object** – the container should be removed
- 6.3. BANBURY TOWN COUNCIL: **No objections** – but suggest a replacement fence is erected adjacent to 1 Oxford Road.

OTHER CONSULTEES

- 6.4. 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)

- 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
- C31 – Compatibility of proposals in residential areas

- 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:

- Design, and impact on the character of the area
- Residential amenity

Design and impact on the character of the area

- 8.2. 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.”

- 8.3. 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.
- 8.4. Saved Policy C31 of the Cherwell Local Plan (1996) states that any development which is not compatible with the residential character of the area will not normally be permitted.
- 8.5. The storage container subject of this application was granted a temporary consent for 3 years, to allow for time for the applicant to provide a more suitable, permanent structure or means of enclosure. As written in the delegated officers report for the previous application, *“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”*. However, given the level of harm caused, it was considered proportionate to grant a temporary consent for 3 years, allowing the applicant time to devise an alternative solution for storage within the site.
- 8.6. During this present application, the applicant has failed to demonstrate that attempt has been made to find an alternative solution, only making a case that the shipping container in this location is not harmful due to its siting to the rear of, and scale in relation to, the kiosk.
- 8.7. Despite its siting to the rear of the kiosk entrance, because of the orientation of the buildings the shipping container is clearly visible from the public domain on Oxford Road. The petrol station serves as a functional facility in this edge of village location, and whilst it is recognised that its use, the adjacent car sales uses and the Oxford Road bring with them elements of urbanisation, the container itself is considered to be an inappropriate permanent fixture in this village location, directly adjacent to residential uses, where alternative, more site sensitive and less visually harmful options appear available. Officers therefore consider that the proposal result in significant harm to the character and appearance of the area, failing to comply with Policy ESD15 of the CLP 2031, saved Policies C28 and C31 of the CLP 1996 and relevant paragraphs of the NPPF.
- 8.8. Given the planning officer’s comments at the time of the last application, and that the applicant has shown no intention to submit an alternative solution for consideration, it is considered disproportionate to the level of harm caused to grant a further temporary consent.

Residential amenity

- 8.9. 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.
- 8.10. Saved Policy C31 of the Cherwell Local Plan (1996) states that any development that would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.
- 8.11. 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 where it to remain a permanent fixture at the site, is not considered to

result in any significant harm to the neighbour at 1 Oxford Road. However, this lack of harm does not address or mitigate the harm to visual amenity identified above.

Highway safety

- 8.12. Given the scale and nature of the development, not impacting on any existing parking spaces or alteration to the access, the container is considered acceptable in relation to highway safety. However, this lack of harm does not address or mitigate the harm to visual amenity identified above.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out above, the erected storage container is considered to result in harm to the character and appearance of the area. The erected storage container may yield minor economic benefit (albeit this has not been elaborated upon by the applicant) but such benefit is outweighed by the identified harm to visual amenity and the storage container does therefore not amount to sustainable development. Thus, for the reason set out below, the proposal is hereby recommended for refusal.

10. RECOMMENDATION

That permission is refused, for the following reason:

1. By virtue of its design and siting, and without sufficient justification for the discounting of alternative, less harmful options, the shipping container results in significant harm to the character and appearance of the area. The development is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2031, saved Policies C28 and C31 of the Cherwell Local Plan 1996 and relevant paragraphs of the National Planning Policy Framework.

Case Officer: George Smith

DATE: 18th March 2020

Checked By: Nathanael Stock

DATE: 19.03.2020
