

**Case Officer:** Bob Neville

**Recommendation:** Approval

**Applicant:** Cotefield Holdings Ltd

**Proposal:** New B1/B8 building adjoining existing unit

**Expiry Date:** 18 December 2019

**Extension of Time:**

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

- 1.1. The site forms part of a wider mixed use site to the southwest of the Oxford Road to the southern edge of the village of Bodicote. The wider site as defined by the blue line ("the wider site") is bounded by Cotefield House to the east, Oxford Road to the northeast, residential properties to the northwest and new residential development under construction to the southwest. The proposed site sits adjacent to the southwest of an existing unit in use for the production and storage of skirting boards and mouldings. The site is bounded by mature boundary hedgerow and trees to the south west and north and is accessed via an existing access off the Oxford Road serving the wider commercial site.
- 1.2. Within the wider site is the main Cotefield garden centre to the north of the site and to the south is the proposed site and a number of other buildings encompassing B Class and Sui generis uses under the name Cotefield Farm.
- 1.3. There are no notable site constraints relevant to planning and this application.

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

- 2.1. The application seeks planning permission for a new B1/B8 building adjoining and extending the existing unit. The proposed building would be constructed in materials to match those in use on the adjacent buildings, appearing as a subservient lean-to extension with three roller shutter doors and pedestrian access. The proposed building would measure 24.7m (width) x 7.7m (depth) x 6.1m (overall height) and provide an additional ~165sqm floor space.

## **3. RELEVANT PLANNING HISTORY**

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

## **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 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 **28 November 2019**.
- 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: **No objections**, subject to there being significant planting between this building and the new housing to shield the area from noise and light.

### OTHER CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**.

## **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)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- ESD3: Sustainable Construction
- 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
- ENV1: Development likely to cause detrimental levels of 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

Principle of development:

- 8.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having three dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable economic development and in the context of this application would include delivering business and industrial units and securing high quality design.
- 8.3. The NPPF seeks to secure support for the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and encourages Local Planning Authorities to proactively meet the development needs of business. Furthermore, under paragraph 81 Local Planning Authorities should support existing business sectors, taking account of expansion and be flexible enough to accommodate needs not anticipated.
- 8.4. Policy SLE 1 of the CLP is generally supportive of small scale employment development in the rural areas, subject to them being located within or on the edge of those villages in sustainable locations and that any proposed development would not give rise to significant detrimental impacts on the character and appearance of either the built or natural environment.
- 8.5. The site is an existing employment site on the outskirts of Bodicote, a village considered to be one of the most sustainable (Category A) within the district, given its community facilities and proximity to Banbury.
- 8.6. Permission is sought here for the expansion of an existing B1/B8 use which would result in a relatively minor extension to an established business use and within the business park's existing boundaries, and is a use consistent and appropriate within the context of the site.
- 8.7. The existing business park is served by an existing access and it is considered that the proposals would not result in a significant increase in traffic to and from the site or any significant adverse impacts on the character of the site or surrounding environment. The proposals are therefore considered acceptable in terms of general sustainability subject to further considerations discussed below.

Design, and impact on the character of the area:

- 8.8. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.9. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 8.10. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.11. The existing wider business park and proposed development is set back off Oxford Road and views are largely limited to those gained from within the site and at the existing access to the site. Views are to some extent screened by existing hedgerows and trees on the boundaries of the business park site and those along the edge of the highways. The proposals would be sited within the existing business park and would be seen in the context of the built form in this location; being no more visible than the existing business units.
- 8.12. The proposals would replace an existing row of storage containers and offer a more permanent form of development and appropriate appearance in the context of the wider site.

- 8.13. The palette of proposed materials is proposed to be similar to those in use on existing buildings and in terms of appearance the proposals would be seen as a subservient addition to the existing building. In this respect would not appear out-of-place when viewed in the context of the existing commercial units.
- 8.14. Given the context of the site and existing natural screening it is considered that any views would not be so significant that the proposed development would cause demonstrable harm to the visual amenities of the site or its wider setting. In this respect the proposals are considered as being consistent with Development Plan policies.

Residential amenity:

- 8.15. ESD15 of the CLP 2031 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority and states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.
- 8.16. A new residential development is currently under construction to the west/south-west of the site. The nearest new properties to the site have been completed and sit some 38m to the south-west of the siting of the proposed extended building.
- 8.17. The site is in an existing B1/B8 use and this would not change as a result of the proposed development. The proposals would replace an existing row of storage containers in an area currently used for external storage, with a permanent enclosed structure; extending the built form some 7.7m to the south-west.
- 8.18. The site is bounded by an existing mature boundary hedgerow including a number of trees which provides screening of the site along the south-western boundary. It is considered that subject to the existing natural boundary planting being retained, and given the separation distance to residential properties, the proposed development would not have a significantly greater impact on residential amenity above the current situation and is therefore acceptable in this regard.

Highway safety:

- 8.19. The LHA has assessed the proposals and raises no objections, advising that the proposals would not have any adverse impact upon the local highway network from a traffic and safety point of view. Officers see no reason not to agree with this assessment.
- 8.20. The proposals are an extension of the existing unit and would not result in significant traffic movements to and from the site. The site is served by an existing access, with hardstanding for manoeuvring and parking and this would not be significantly impacted upon by the proposed development.
- 8.21. It is thus considered that the proposed development would not have any significant adverse impacts on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

## **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. It is considered that the proposal assessed within this application is an acceptable form of development, which would support the expansion of an existing business use within a rural location which accords with the policies of the Development Plan and guidance within the NPPF. The proposals would not likely result in any

significant impact on highway safety or neighbour amenity; and the design is considered sympathetic to the context within which the site sits. The proposals would not be to the detriment of the visual amenities of the site or its wider setting, sustaining the character and appearance of the area.

- 9.3. In light of the above assessment it is considered that the proposals are broadly consistent with the above-mentioned Development Plan policies and the application is therefore recommended for approval as 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 form and the following plans and documents: 7993-0105-02, 7993-0107-02 and 7993-0108-01.

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 materials to be used for the external walls and roof of the development hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building 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. The existing hedgerows along the south-western, south-eastern and north-western boundaries of the site shall be retained and properly maintained at a height of not less than three metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and 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.

### **Planning Notes:**

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are

still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
3. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Case Officer: Bob Neville

DATE: 18/12/19

Checked By: Nathanael Stock

DATE: 19.12.2019

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