

Case Officer: Bob Neville

Recommendation: Approval

Applicant: Mr Martin Banford

Proposal: Erection of new dust extraction unit adjoining existing building (Unit E)

Expiry Date: 3 September 2020

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 site is an existing commercial 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. To the north of the site is Cotefield garden centre and an area currently used for contractor parking (associated with ongoing residential development); to the east/south are a number of other buildings encompassing B Class and Sui generis uses under the name Cotefield Farm, and a recently constructed residential development lies to the west of the site
- 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 the erection of new dust extraction unit adjoining the northern elevation of the existing building. The unit would have an overall height of 7.5m and project away from the building by ~5.3m. The unit would facilitate extraction of sawdust from business operations from within the building; disposed of by way the of a contained system into an externally sited sealed skip.
- 2.2. Unfortunately, the application has gone beyond its original statutory target due to a high volume of applications being experienced. Officers have looked to resolve the application as expediently as possible in the context of high workloads.

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 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 **10 August 2020**.
- 5.2. One letter of objection has been received from a local resident. The comments raised by third parties are summarised as follows:

- Detrimental impacts on residential amenity through noise; and that proposals would need appropriate mitigation.

5.3. 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. BODICOTE PARISH COUNCIL: No comments received.

OTHER CONSULTEES

6.3. ENVIRONMENTAL PROTECTION OFFICER (EPO): **No objections subject to a condition** securing further noise impact assessment and any potential further mitigation measures

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
- 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
- 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 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.
- 8.3. Policy SLE 1 of the CLP 2031 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.
- 8.4. 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.
- 8.5. The proposals would support an existing established business in B1/B8 use and would result in a relatively minor alteration to the existing building within the business park's existing boundaries and is a use consistent and appropriate within the context of the site.
- 8.6. 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 acceptability of the proposals is therefore subject to further considerations discussed below.

Design, and impact on the character of the area:

- 8.7. 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.
- 8.8. 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.
- 8.9. 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.
- 8.10. 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 of the site 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.
- 8.11. The proposed extraction unit would be sited against the northern elevation of the building and would sit just below the existing roof line of the existing building. The unit would be utilitarian and functional in its appearance. Boundary hedgerows would largely screen the proposals from views from outside the site. Limited glimpsed views experienced of the proposal during the months when the boundary hedgerow would not be in full leaf would be seen in the context of the existing commercial built form in this location; and would not be out of keeping or be any more visible than the existing business units.

8.12. 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:

8.13. 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'*.

8.14. Saved policy C31 of the CLP 1996 states that: *'In existing and 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'*.

8.15. 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 (some occupied) and sit some 40m to the west of the siting of the proposed extraction unit. Concerns have been raised by a local resident with regards to potential noise nuisance arising from the proposed development affecting residential amenity.

8.16. The site is in an existing B1/B8 use and this would not change as a result of the proposed development. The proposals would provide additional extraction to the existing established business.

8.17. The Council's EPO has assessed the application details and following the submission of further detail during the course of the application is satisfied that, whilst further specific detail in terms of noise impact and any necessary mitigation is required, it is likely that acceptable noise levels could be achieved to ensure that there would be no significant impacts on residential amenity as a result of the proposed development. Officers see no reason not to agree with this opinion.

8.18. The site is bounded by an existing mature boundary hedgerow including a number of trees along the northern and western boundaries. The retention of this existing natural boundary planting would provide both visual and degree of acoustic screening. Further noise impact assessment and any necessary mitigation measures could (and should) be secured by way of appropriate condition attached.

8.19. Subject to appropriate noise impact details being secured it is considered that the proposals would not result in any significant detriment impacts on residential and would comply with the above with the above-mentioned policies of the development plan.

Highway safety:

8.20. Having regard to the nature of the development and the LHA's response, it is considered that the proposals would not result in any significant increase in vehicle movements to and from the site, or impact on existing access or parking provision. The proposals would not be to the detriment of the safety and convenience of highway users and are therefore considered 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. The proposals would look to support the existing established business through the provision of improved extraction facilities at the site. Subject to further confirmation of appropriate noise levels being achieved, it is considered that proposal would not adversely affect the character or appearance of the area, the amenities of existing and future land users or result in environmental pollution through noise, vibration, smell or emissions. As such, the proposals comply with the above-mentioned policies and are 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: Extraction unit details received in applicant's email dated 01.07.2020, 1:2500 Site Location Plan and drawing numbered 7993-0107-02.

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. Notwithstanding the details submitted, prior to the first use/operation of the extraction unit hereby approved a detailed noise report produced to BS4142:2014 shall be produced and approved by the Local Planning Authority. The extraction unit shall not be used or operated unless and until all mitigation required by the report has been carried out and is in place, and the extraction unit shall be retained and properly maintained in accordance with approved details thereafter.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. The existing hedgerows along the northern and western boundaries of the site shall be retained and properly maintained at a height of not less than four 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.

Case Officer: Bob Neville

DATE: 02/10/2020

Checked By: Nathanael Stock

DATE: 06.10.2020
