

**Esso Banbury Service Station Oxford Road
Bodicote OX15 4AB**

20/02498/F

Case Officer: George Smith

Recommendation: Refuse

Applicant: Mrs Natalie Ternent

Proposal: Single storey rear extension

Expiry Date: 6 November 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. Common swifts have been located nearby, which are a protected species.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. An existing shipping container is on the site, which was granted a temporary consent for a period of 3 years to allow the applicant time to plan an alternative, more permanent solution. This expired in January 2019. Planning permission was subsequently refused for the permanent retention of the container, and then dismissed at appeal.
- 2.2. The applicant now seeks to retain the storage container, but instead to clad it in brick, similar to that of the main kiosk building.

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.
- 3.4. **20/00167/F - RETROSPECTIVE** - to retain storage container to rear of petrol filling station kiosk – Application Refused and Dismissed at Appeal
- 3.5. The application was refused on its design and siting, deemed to result in harm to the character and appearance of the area. The Inspector also found harm on this matter, siting its utilitarian appearance and giving rise to a cluttered overall appearance of the site.

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 **26 October 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: **Objects** – as the brick will not alter the development being detrimental to the appearance of the area

OTHER CONSULTEES

- 6.3. OCC HIGHWAYS: **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 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

- 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 principle of a storage building at the facility as accepted. A temporary consent was previously granted in this location, to allow the applicant time to devise an alternative solution. The key issue is therefore the proposals impact on the character and appearance of the area. This, and other material considerations are discussed below.

Design and impact on the character of the area

8.3. 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."

8.4. 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.

8.5. The existing storage container (subject of this application, but now proposed to be clad in brick) was dismissed at appeal. In refusing permission, the Inspector stated, "*Its boxlike utilitarian form has a standardised functional appearance. The limited openings, lack of detailing and painted grey finish results in a bland unattractive structure. Moreover, its somewhat rudimentary connection, height difference and proximity to the kiosk building gives the overall built form a disjointed cluttered appearance that has a negative impact on the appearance of the site. Consequently, the proposal does not constitute a development that is visually attractive as a result of good architecture as stipulated in paragraph 127(b) of the National Planning Policy Framework (the Framework).*" [appeal ref: APP/C3105/W/20/3253999].

8.6. Whilst the materials of the container would now be altered to match that of the main kiosk building, the utilitarian form would remain. The building would continue to lack openings or detailing and would remain a bland and unattractive structure. Its connection to the main kiosk building would be limited, would still have the same height difference and would be sited in the same location and proximity to the kiosk building. Thus, the building would retain the disjointed and cluttered appearance previously deemed unacceptable by the Planning Inspector. Officers note the comments of the parish council who come to the same conclusion.

8.7. Overall, the proposal would fail to relate well to its surroundings, amounting to moderate harm where it would be visible from the south. It does not make a positive contribution to the character and appearance of the area and is thus contrary to local and national policy.

Residential amenity

8.8. 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.

- 8.9. 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.
- 8.10. 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

- 8.11. 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. 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. For the reasons set out above, the erected storage container being clad in brick 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 the character and appearance of the area 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 utilitarian design and its siting, height and proximity to the main kiosk building and without sufficient justification for the discounting of alternative, less harmful options, the existing shipping container being clad in brick would result in harm to the character and appearance of the area. The proposed development is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and relevant paragraphs of the National Planning Policy Framework.

Case Officer: George Smith

DATE: 3rd November 2020

Checked By: Nathanael Stock

DATE: 05.11.2020