

**Case Officer:** John Cosgrove

**Recommendation:** Approve

**Applicant:** Martin Banford

**Proposal:** Increase the existing dust extraction unit height by 1.35m to allow for a small silo to sit under the extraction unit in place of the current 40 cubic yard skip as per the granted planning permissions - 20/01581/F and 20/02879/NMA. Install a heater with flue to burn sawdust

**Expiry Date:** 7 October 2021

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## **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 to Increase the existing dust extraction unit height by 1.35m to allow for a small silo to sit under the extraction unit in place of the current 40 cubic yard skip as per the granted planning permissions - 20/01581/F and 20/02879/NMA. Install a heater with flue to burn sawdust.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:

20/01581/F - Erection of new dust extraction unit adjoining existing building (Unit E).  
- Permitted: 06/10/2020.

20/02879/NMA - Increase in the dust extraction unit dimensions (proposed as non-material amendment to 20/01581/F) – Permitted: 12/11/2020.

20/03504/DISC – Discharge of Condition 3 (noise report) of 20/01581/F - Permitted: 22/01/2021.

#### **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 advertisement in the local newspaper, 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 **29 July 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- **Neutral:** Requests Information on the type of waste to be burnt, raises issues of pollution and public health, questions whether the quantity of waste burnt will increase over time, the visual impact of the proposal the purpose of burning waste, the potential for noise pollution and long term maintenance of the equipment.
- **Objects:** Due to emissions and potential height of the flue, questions where waste will go in summer when not being used to heat the factory.

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 COUNCIL

6.2. Bodicote Parish Council: No Response.

##### OTHER CONSULTEES

6.3. CDC Environmental Health: Requested further information on noise levels from proposed plant and of Emission levels and control from the burner to prevent odour and air quality issues. Following correspondence between the EHO and the Applicant confirming that noise levels would be in line with the Acoustic report submitted and approved under Planning Permission Ref: 20/01581/F and the receipt of Emissions testing reports EH have confirmed that the proposal can be considered acceptable in environmental terms.

#### **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)

- 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
- Environmental Impact
- Highway Safety

#### 8.2. Principle of development

The application 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. Policy SLE1 supports 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. Due to the modest scale of the proposal and the fact that the application is intended to support the activities of an existing business on an established commercial site, the proposed development can be considered acceptable in principle subject to compliance with the other relevant Development Plan Policies.

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

The application proposes an increase in the height of the existing dust extraction unit by 1.35m to allow for a small silo to sit under the extraction unit in place of the current 40 cubic yard skip. Due to the modest scale of the proposals and its location to the rear of an existing commercial building within a wider commercial site it is considered that the proposed development would satisfactorily integrate with the host building and the wider site and would not have a detrimental impact on the character and appearance of the area. Having regard to the above the proposed development is considered acceptable in design terms and therefore no objections are raised with regard to the design elements of Policies: ESD15, C28 and C31 and the guidance contained within the NPPF.

#### 8.4. Residential amenity

The proposed development would be modest in scale and would be located to the rear of an existing industrial facility within a large commercial site. The nearest residential dwellings would be located some 40 metres to the west of the proposed

development and it is considered that the proposed increase of 1.35m in the height of the plant would not have any significant adverse impacts on the amenity of any neighbouring properties. Subject to the re-imposition of a condition requiring the retention and maintenance of the boundary screen planting the proposed development is considered acceptable in amenity terms and therefore no objections are raised with regard to the amenity elements of Policies: ESD15, C28 and C31.

#### 8.5. Environmental Impact

The application proposes the installation of a heater with a flue to burn waste sawdust. Observations and objections have been received from neighbouring residents questioning the environmental impact of the proposals and when consulted on the application the Council's Environmental Health Officer (EHO) requested further information on noise levels from proposed plant and of emission levels and control from the burner to prevent odour and air quality issues. Following correspondence between the EHO and the applicant confirming that noise levels would be in line with the acoustic report submitted and approved under PP Ref: 20/01581/F and the receipt of emissions testing reports, the EHO has confirmed that the proposal can be considered acceptable in environmental terms. Having regard to the above and subject to a condition requiring the retention and maintenance of the previously approved extraction equipment in line with the details contained within the noise report approved under application Ref: 20/01581/F the proposed development is considered acceptable in environmental terms and therefore no objections are raised with regard to the provisions of Policy: ENV1.

#### 8.6. Highway Safety

The proposal would not alter any existing or create any new access onto the highway nor would it result in the loss or gain of any off street parking spaces and it is not considered that the proposed development would have any adverse impacts on parking or highway safety and therefore no objections are raised on highways grounds.

### 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. Having regard to the above, the proposed development would accord with the provisions of the relevant Development Plan Policies and is therefore considered to represent sustainable development, thus it is recommended that planning permission be granted subject to the conditions detailed 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 forms and the following plans and documents:

Drawing No: PE1, Entitled: Right Elevation, Undated and received by the Local Planning Authority on the 01/06/2021.

Drawing No: D1, Entitled: Plan Model, Undated and received by the Local Planning Authority on the 01/06/2021.

Drawing No: D2, Entitled: ISO, Undated and received by the Local Planning Authority on the 01/06/2021.

Drawing Entitled: Site Location Plan, Undated and received by the Local Planning Authority on the 01/07/2021.

Drawing Entitled: Proposed Location Plan (Block Plan), Undated and received by the Local Planning Authority on the 01/07/2021.

Stack Emissions Testing Report (Low Fire) by Environmental Scientifics Group, Dated: 25<sup>th</sup> November 2010 and received by the Local Planning Authority on the 01/10/2021.

Stack Emissions Testing Report (High Fire) by Environmental Scientifics Group, Dated: 25<sup>th</sup> November 2010 and received by the Local Planning Authority on the 01/10/2021.

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 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.

4. The extraction unit shall be retained and properly maintained thereafter and operated in accordance with the details previously approved under planning permission Ref: 20/01581/F and the associated details provided under planning References: 20/02879/NMA and 20/03504/DISC.

Reason - For the avoidance of doubt, 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.

Case Officer: John Cosgrove

DATE: 04/10/2021.

Checked By: Paul Ihringer

DATE: 7/10/21

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