

Case Officer: Sarah Greenall

Recommendation: Approve

Applicant: Sarah Leather

Proposal: Change of use of from horticulture to Class E

Expiry Date: 16 November 2021

Extension of Time: 02/08/2022

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of land within a wider horticultural business site located in Cropredy, approximately 4 miles north of Banbury. Flood Zones 2 & 3 do not directly impact the application site but do lie to the north east of the site. A Public Right of Way (ref. footpath 179/13) runs along the tow path to the east of the canal. Bourton House. There is also a Grade II listed building located some 90m to the south.
- 1.2. The application site is accessed via an existing tarmac access into the site from School Lane which is a two-lane road off Station Road. Cropredy Primary School is located on the junction of School Lane and Station Road. Residential dwellings and agricultural barns and fields are also accessed off School Lane near the site.
- 1.3. The site lies to the south-west of the Oxford Canal and Oxford Canal Conservation Area. Cropredy is a Category A village within the adopted Local Plan. There are no defined settlement boundaries for Cropredy.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is sought to formalise the current use of the site as the business has evolved from mainly horticulture to supplying interior and exterior plants for landscaping of corporate spaces. Permission is therefore sought for a part change of use of the application site from a Horticultural Nursery and wider Horticultural use (Use Class Sui Generis) to a use relating to the manufacture and supply of replica plants to the commercial sector and associated as a use which can be carried out in a residential area without detriment to its amenity (Use class E) at Bright Green, School Lane, Cropredy, Banbury, OX17 1PX. No internal or external alterations are proposed and there will be no change to the current operations on the site.
- 2.2. The current use operates between the hours of 09:00 and 17:30 Monday to Friday and is closed on weekends and bank holidays and there are up to 23 full-time employees currently at the site. No floor plans have been provided; therefore, the current internal layout is unknown. An existing pebbled car park currently exists on site and the existing vehicle parking arrangements on-site are to be retained and unaltered.

3. RELEVANT PLANNING HISTORY

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

Application: 10/00038/F

Refused

26 April 2010

Use of land for Horticultural Nursery including greenhouse, poly tunnel, barn and parking/access area (as amended by Agent's letter dated 08.03.10 and amended plan No's 4896-02a, 4896-03a, 4896-01a)

Application: 10/01087/F Permitted 6 October 2010

Use of land for Horticultural Nursery including greenhouse, poly tunnel, barn and parking/access area - resubmission of 10/00038/F

Application: 10/00423/DISC Permitted 16 February 2011

Discharge of conditions 3, 5 and 7 of 10/01087/F

Application: 12/00611/F Permitted 15 November 2012

Change of design of greenhouse and new fenced compound with partially covered area for secure storage

Application: 14/00051/SO

Screening opinion to - 14/01379/F - Change of use from horticultural to B1 business, small changes to front and rear entrance of building to add glazed doors and fire escapes and addition of car parking and landscaping around building.

Application: 16/00049/NMA Permitted 30 June 2016

Non-Material Amendment to 12/00611/F - To cover the whole building with roofing

Application: 14/01379/F Permitted 19 December 2014

Change of use from horticultural to B1 business, small changes to front and rear entrance of building to add glazed doors and fire escapes and addition of car parking and landscaping around building.

Application: 15/02093/F Permitted 1 March 2016

Replacement of a polytunnel with a wooden storage shed.

Application: 17/01646/F Permitted 13 October 2017

Fenced concrete hardstanding to create yard for the storage of live plants, planters and compost

Application: 21/00539/F

Erection of two polytunnels next to the Straw Barn. Each to measure 12 metre long 6.5 metre wide

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, expiring **29 October 2021**, by advertisement in the local newspaper expiring **21 October 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **29 October 2021**.
- 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. Cropredy Parish Council – Supports the proposal provided that there will be no intensification or new buildings are proposed and there will be no increase in traffic along School Lane.

OTHER CONSULTEES

- 6.3. OCC Highways: No objections, subject to a condition that there shall be no deliveries to, or collections from the premises between 8am and 9am or between 3pm and 4pm on weekdays.
- 6.4. Thames Water: No comments.
- 6.5. Ward Councillors: No comments.

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 National Planning Policy Framework and policy PSD1 of the CLP 2031 state that all planning applications for new development should be considered in the context of the presumption in favour of sustainable development. Developments should respond to local character and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.
- 7.3. The CLP 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 CLP 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 2015)

- ESD15 – The Character of the Built and Historic Environment
- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- TR7 – Development attracting Traffic on Minor Roads
- EMP1 – Allocation of sites for employment generating development (the parts of the policy which have been retained)
- Villages 1

7.4. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Out Crime
- Secure by Design

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highway Safety

Principle of Development

- 8.2. Policy ESD1 seeks to guide development in accordance with the strategy outlined in the plan to ensure the achievement of sustainable development and to reduce the need to travel and reduce impacts of development on climate change.
- 8.3. Paragraph 84 of the NPPF highlights that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas.
- 8.4. Policy SLE1 applies to B use class development and sets out that, new proposals within rural areas on non-allocated sites will be supported if they meet the criteria set out in the policy. (Policy SLE1 replaced saved policy EMP4 of the CLP 1996 when the Part 1 Local Plan was adopted in July 2015). Policy SLE2 of the CLP 2015 requires main town centre uses, such as the proposed leisure use, to be directed towards the existing town centres of Banbury, Bicester and Kidlington. Proposals for retail and other Main Town Centre Uses not in these town centres should be in 'edge of centre' locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered.
- 8.5. The Town and Country Planning (Use Classes) Order 1987 was amended from 1st September 2020. In terms of Use classes, a new Use Class E is introduced and Use class B now only contains B2 (General Industrial) and B8 (Storage or distribution) uses. Class E also includes some Main Town Centre Uses. For any planning applications submitted after 1st September 2020, the new Use Classes are to be used when determining the application.
- 8.6. The application seeks to formalise the site as Class E. Schedule 2 of the Use Classes Order at Part A point (g) for Class E. Commercial, Business and Service states: "(i) an office to carry out any operational or administrative functions, (ii) the research and development of products and processes, or (iii) any industrial processes, Being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit"

This is considered to include the uses being carried out on the site and it is therefore considered the site would fall into Class E.

- 8.7. The applicant has set out in their submission that the company has been operating on the site for over 10 years, with planning permissions on the site relating to the company spanning from 2010. Since 2010, however, the company appears to have evolved to become a manufacturer and supplier of replica plants to the commercial sector, moving away from the original main horticulture use of the site previously permitted.
- 8.8. While the site is not located within a main town centre and is in a rural location, it is noted that the site has already been in use by the applicant for a number of years and regularising the use of the site would support the existing business in their expansion. The site is also located at the edge of a Category A village, which is not considered to be particularly remote, and is also well connected.
- 8.9. It is not considered that regularising the site would result in any significant increase in the use of the site; however, it is noted that some of the main town centre uses now included within Class E could result in a significant increase in the use of the site that could be unacceptable and which may conflict with local and national 'town centre first' policies. An appropriate condition would therefore be attached to the permission restricting the use of the site in this respect.
- 8.10. Given the proposed use of the site would regularise the site to accommodate the expansion and evolution of a business that have utilised the site for a number of years, the proposed use is unlikely to alter the existing character of the site, and there is national policy support for enabling the sustainable growth of business in rural areas, the principle of the development is therefore considered to be acceptable.

Visual Amenity

- 8.11. The proposal would not involve any external alterations to the application building or wider application site or any internal alterations to any internal layouts of the existing application building. From the submitted plans, the proposal appears to be compliant with the policy ESD15 of the CLP 2015 and saved policies C28 and C30 of the CLP 1996.

Residential Amenity

- 8.12. Policy ESD15 of the CLP 2015 states that new development should consider the amenity of both existing and future development. Policy ESD15 further states that new development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- 8.13. The application site is surrounded by open rural countryside, with no surrounding residential properties within close proximity of the site. The proposal will also not involve any external alterations to the application building or wider application site.
- 8.14. It is therefore considered that given the proposed development would be physically divorced from existing properties, there will be no direct impact on the amenity of neighbours to the site or other local residents. The development is therefore compliant with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Highway Safety

- 8.15. Given that no external alterations or alterations to the existing car parking and vehicle parking arrangements are to be made, that car-parking currently on-site is to be retained and unaltered, that no alterations are to be made to the existing accesses to the site as part of the proposal and that the local highway authority raises no objections to the proposal, I consider that the proposal would not have any adverse impact upon the local highway network and would therefore be acceptable on grounds of public and highway safety.
- 8.16. However, the LHA has recommended a condition prohibiting deliveries between 08:00 and 09:00am and 15:00 and 16:00 on weekdays in order to avoid peak traffic associated with the local primary school and to therefore preserve highway safety and comply with government guidance contained in the NPPF. This is considered reasonable and necessary and a relevant condition would be added to any permission given.
- 8.17. No cycle storage provision has been provided or outlined. However, given the form of development and its locality, this is likely to be accepted. Cycle storage could be accommodated within the existing car-parking area and the applicant is encouraged to provide covered and secured cycle storage to encourage the use of more sustainable modes of transport. In future planning applications, a condition requiring the provision of covered and secure cycle storage would likely be requested in order to comply with the requirements of policy SLE4 of the CLP 2015.

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 current proposal is for a use that would support an existing business, and given it would not result in the intensification of the use of the site, with the inclusion of an appropriate condition the principle of the development can be considered acceptable. It is not considered there would be any adverse impact on visual amenities, residential amenity or highway safety as a result of the development.
- 9.3. Overall, on balance, and subject to the conditions recommended below, the current proposal is acceptable in accordance with Policies ESD1, SLE1 and SLE2 of the CLP 2015 and Government guidance contained within the NPPF.

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 condition, the application shall be carried out strictly in accordance with the application form and the following plans and documents: SLP1, SP1 and the Covering Letter dated 7th September 2021.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with

Government guidance contained within the National Planning Policy Framework.

3. There shall be no deliveries to, or collections from the premises between 8.00am and 9.30am or between 2.30pm and 4.00pm on weekdays.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

4. The site shall not be used for the retail sale of goods or for the sale of food and drink principally to visiting members of the public where the consumption of that food and drink is mostly undertaken on the premises.

Reason: In the interest of highway safety and in order to safeguard the amenities of the area and ensure the proposed development is sustainable development and to comply with saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Policies SLE2 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Sarah Greenall

DATE: 28.07.2022

Checked By: Nathanael Stock

DATE: 02.08.2022
