

Case Officer: Rebekah Morgan

Recommendation: Approve

Applicant: Mr John Miller

Proposal: Additional building within existing yard area for associated B1 and B8 use.

Expiry Date: 19 May 2023

Extension of Time: 19 May 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north of Wendlebury. The site is comprised of three commercial buildings arranged in a linear format with associated yard. The planning history shows the current use of the buildings is light industrial and storage use (Use Class B1/B8).
- 1.2. The existing buildings are portal frame buildings with metal cladding positioned along the northeast boundary of the site and separated from the A41 by a belt of mature landscaping. The site history shows the requirement for a landscaping bund around the site which is not currently complete.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks consent for a new building measuring approximately 18m x 8m with a maximum height of approximately 7.5m. The building would be finished predominantly in metal cladding with a small section of concrete panelling at lower level. The proposal also includes solar panels on both roof slopes.
- 2.2. The building would be located within the existing yard, orientated northwest to southeast, therefore positioned at a 90 degree angle to the existing buildings. The existing yard area to the front and rear of the building would be retained.
- 2.3. The previously approved landscaping bund along the southeast boundary would be reduced in width at one section to provide 14 parking spaces whilst maintaining a suitable width of access to the rear of the building.

3. RELEVANT PLANNING HISTORY

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

15/00727/F: Change of Use of barn to light industrial and storage use (Class B1/B8). APPROVED.

16/02487/F: Extension of existing building and yard area for B1 and B8 use. APPROVED.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

21/02021/PREAPP: Erection of new commercial building.

- 4.2. The pre-application enquiry related to a larger building, positioned along the northwest boundary (therefore slightly different to the existing proposal). It confirmed that 'a building of some description could be supported on this site', but suggested the scale of the proposal set out in the pre-application enquiry would not be supported.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **31 January 2023** 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 **6 February 2023**.
- 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. WENDLEBURY PARISH COUNCIL: Support the proposal.
- 6.3. CHESTERTON PARISH COUNCIL: Support the proposal.

CONSULTEES

- 6.4. OCC HIGHWAYS: No objections.
- 6.5. ENVIRONMENTAL PROTECTION:

Noise – No comments
Contaminated land – No comments
Air Quality – No comments
Odour – No comments
Light – 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 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
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- 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
- Highways safety
- Mitigating and adapting to climate change

Principle of development

8.2. Policy SLE1 of the CLP 2015 sets out the Council's strategy for the location of employment development within the district. The policy states '*Employment development will be focussed on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations*'. With regard to new employment proposals within rural areas on non-allocated sites, development will be supported but only if it meets the criteria listed in the policy.

8.3. The planning history for the site shows that employment uses commenced on the site following the granting of consent in 2015 for the change of use of an existing barn to light industry (15/00727/F). This was followed by an extension to the building and creation of a yard area in 2016 (16/02487/F). The application in 2016 did include planning conditions that prevented items being stored in the open (in the yard), but this consent did establish the commercial use across the entirety of the land.

8.4. The proposed development that is subject to this application would be within the yard area granted consent in the 2016 application. The proposal does not extend the area of land that would be used for employment uses and therefore it would be difficult to argue that the proposal doesn't represent '*an existing employment site*' in a rural area. Therefore, the proposal is being assessed against Policy SLE1 of the CLP 2015 in the context of an existing employment site and is therefore acceptable in principle.

Design and impact on the character of the area

- 8.5. The design of the proposed building has a similar appearance to the existing buildings on the site; steel portal frame building with low level block work and metal cladding to the walls and roof. The building would be positioned within the existing yard area on the site.
- 8.6. The site is well screened from the A41 and to the east of the site due to existing mature trees and landscaping along the boundaries. Furthermore, the proposal shows the bund and landscaping that formed part of application 16/02487/F being retained along the east boundary (albeit with a small modification to accommodate parking).
- 8.7. The design of the proposal is acceptable. It has a similar appearance to a barn and is in keeping with the other buildings on the site. Overall, the development would not be overly prominent or visible from longer distance views. Any views of the development would be in the context of the existing buildings on the site.

Residential amenity

- 8.8. The application site is situated away from the village of Bletchingdon and therefore would not cause concerns in terms of noise in relation to residential properties. Furthermore, the proposal would be located adjacent to existing commercial buildings and will be used in a similar manner. The Council's Environmental Health Officer has raised no concerns with regards to noise.
- 8.9. The previous application (16/02487/F) included planning conditions that places restrictions on the site in terms of hours of operation and preventing machinery being operated outside. This was to ensure the creation of an environment free from intrusive levels of noise and activity. This application does not change the relationship with the nearest residential properties and therefore it would be necessary and appropriate to impose similar conditions on this consent.
- 8.10. The proposed development would have an acceptable relationship with the nearest residential properties and would not have a detrimental impact on residential amenity.

Highway safety

- 8.11. The proposal utilises the vehicular access used by the existing commercial units on the site. The site layout provides car parking spaces that are easily accessible and separate from the main manoeuvring areas at the front and rear of the building. The layout appears to provide sufficient space for the manoeuvring of commercial vehicles for both the existing and proposed buildings on the site.
- 8.12. The Local Highway Authority has advised that '*overall, this proposal is unlikely to have any detrimental impact on the highway in terms of safety or convenience*'. The proposal has been amended to include the provision of EV charging points as requested by the Local Highway Authority.
- 8.13. The proposal would not have a detrimental impact on highway safety and is considered to be acceptable in this regard.

Mitigating and adapting to climate change

- 8.14. Policies ESD1, 3 and 5 of the CLP 2015 set out the Council's aims for ensuring developments are resilient and adapt to the impacts on climate change. The proposal includes the provision of a large number of solar photovoltaic panels which would cover the majority of the roof of the proposed development. This is a positive

feature that will enable the building to generate a significant amount of its own energy requirements and accords with Policy ESD5 of the CLP 2015. Given the design of the building (steel portal frame construction), this is an appropriate approach in terms of sustainability.

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 proposal seeks to add an additional building to an existing employment site in the rural area providing additional employment opportunities. The design of the building is in keeping with the site and would not be overly prominent in the wider landscape. There are no other adverse impacts associated with the proposal.

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:

- Planning Statement
- Drawing number 5442/Map – [Location Plan]
- Drawing number 5442/20C – [Site plan]
- Drawing number 5442/21B – [Plans, Elevations and sections]

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 permitted shall match in terms of colour, type and texture those used on the existing buildings on the site.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the appearance of the site and the amenities of the

area and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The building shall not be used, or the site operated, for the purposes hereby approved other than between the hours of 0730 to 2000 Mondays to Fridays, 0830 to 1600 Saturdays, and the building shall not be used or the site operated on Sundays or Bank or Public Holidays

Reason: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No machinery shall be operated, or industrial processes undertaken, outside of the building.

Reason: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no extensions to the building shall take place without the written grant of further planning permission by the Local Planning Authority.

Reason: To ensure that the site does not harm the character and appearance of the surrounding countryside, become a source of annoyance to surrounding occupiers or impact upon highways safety and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of works above slab level in respect of the development hereby approved, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:

(a) details of the proposed bund (including cross section), tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas and reduced-dig areas.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All planting, seeding or turfing comprised in the approved details of landscaping

shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Rebekah Morgan

DATE: 01/08/2023

Checked By: Paul Seckington

DATE: 09/08/2023
