

Case Officer: Saffron Loasby**Recommendation:** Approval**Applicant:** CALA Homes Chiltern (LTD)

Proposal: Application for engineering operations to include the re-alignment of existing garden centre along existing drive along with stopping up of second entrance. Duplicate application of 16/02622/F which has timed out, also now including information to address conditions 3 and 4 of 16/02622/F

Expiry Date: 6 December 2023**Extension of Time:** No

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is an area of land and existing access to the south-east of Cotefield Farm Garden Centre. The garden centre is currently served by two access roads which in turn are accessed from an access road off the main Oxford Road which lies to the east of the site. To the west there is a new residential development still under construction, to the south-east there is a large area of hardstanding with some commercial uses on and a business park beyond. To the north there are residential properties.
- 1.2. The site is not within a conservation area and there are no other Heritage Assets within the vicinity of the site. The site is within a Minerals Consultation Area. There are no other notable site constraints relevant to planning and this application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for engineering operations to include the realignment of the existing garden centre access along an existing drive off the Oxford Road, along with stopping up of a second entrance. This scheme is a resubmission of an expired consent; however, this submission looks to also address two of the previously included conditions, namely 3 and 4 of 16/02622/F as set out below:

Condition 3

Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, vehicular tracking and swept path analysis to demonstrate that a HGV and a car can pass each other whilst turning at the junction of the garden centre access with the shared access off Oxford Road, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Condition 4

Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, full details of the layout, construction, drainage and surfacing of the garden centre access to be altered shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. RELEVANT PLANNING HISTORY

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

Application: 18/00193/REM Permitted 28 August 2018

Reserved matters application to 14/02156/OUT - for appearance, landscaping and layout (including the layout of the internal access roads, footpaths and cycleways) for 37 dwellings

Application: 16/02622/F Permitted 28 March 2017

Application for engineering operations to include the realignment of existing garden centre access along existing drive along with stopping up of second entrance

Application: 17/00330/OUT Permitted 6 October 2017

Variation of Condition 5 (Drainage) of 11/00617/OUT

Application: 17/00008/SO Screening Opinion 7 March 2017
not requesting EIA

Variation of Condition 5 (Drainage) of 11/00617/OUT

Application: 19/00130/OUT

Variation of Condition 12 (drainage scheme) of 14/02156/OUT - Alternative drainage strategy

Application: 20/00123/OUT Application 13 May 2020
Withdrawn

Outline application for a food store including access and scale

Application: 20/00422/SO Screening Opinion 14 February 2020
not requesting EIA

Application: 20/03353/OUT

Outline application for a food store, including access and scale (resubmission of 20/00123/OUT)

4. PRE-APPLICATION DISCUSSIONS

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 2nd November 2023. The overall final date for comments was **2 November 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. Bodicote Parish Council – No objections. If trees are removed, they should be replaced.

OTHER CONSULTEES

- 6.3. OCC Highways – No objection. Although the application description includes "...16/02622/F which has timed out...", it is apparent the majority of the approved alterations have been completed. Going by Google Earth and Streetview images, it seems that the only outstanding work is the stopping up of the secondary access, which is not opposed.

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 (CLP 2015) 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 2015 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

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
- Highway Safety
- Design, and impact on the character of the area
- Residential amenity

Principle

8.2. The application seeks permission for an improved access to serve an existing established business at the site; also including pedestrian footpath crossing provision at the access point. The proposals also look to facilitate improved pedestrian links as required as a result of an adjacent residential development (originally approved under ref. 11/00617/OUT), connecting into the existing footpath network serving the village. This application is identical to that previously approved, albeit now timed out application under reference 16/02622/F; the principle of development was considered acceptable prior to this re-submission.

8.3. The principle of development is considered acceptable subject to the considerations of residential and visual amenity and highway safety discussed further below.

Highway Safety

8.4. The Local Highway Authority has assessed the proposals and raises no objections to this re-submission. It also advises that most of the works have since been carried out, except that the old access still needs to be stopped up.

8.5. Previously Officers saw no reason to disagree with the advice of the LHA and considered that subject to appropriate details with regards to the swept path analysis could be secured through an appropriate condition attached to any such permission. As part of this scheme, the application seeks to address conditions 3 and 4 of the previously approved scheme.

8.6. No objections have been received as part of this assessment and therefore the additional information submitted to overcome the previous conditions 3 and 4 can be considered favourably also. It is considered unlikely that the proposals would have any significant impact on the safety and convenience of highway users and are therefore acceptable in terms of highway safety.

Visual Amenity

8.7. Policy ESD15 of the CLP 2015 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.

8.8. 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 context of that development.

8.9. The site is characterised by areas of formally maintained grass to the front of the garden centre. Whilst there would be a slight loss of this formal grassed area as a result of the proposed development this would not be significant, and it is considered that the general character and appearance would be sustained. Furthermore, a

second access would be closed, and the land returned to grass. The proposals are not considered to be visually intrusive or detrimental to the visual amenities of the site or wider street-scene and are therefore acceptable in this regard.

Residential Amenity

- 8.10. Given the context of the site, and the nature of the proposals it is considered that the proposals would not affect the amenity of neighbouring properties and are therefore acceptable in this regard.

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 assessed within this application are an acceptable form of development that would not detrimentally impact on highway safety or visual amenities of the site. The proposals are relatively minor in their nature and are considered to sustain the character and appearance of the street-scene and wider area. As such the proposals are considered to comply with the above-mentioned policies and are therefore 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:

CFB_FUL_PLN_209 Location Plan
CFB_FUL_PLN_208 Proposed Garden Centre Access Alterations
15031 401 Rev A Signing and Lining
15031 404 Swept Path Analysis HGV Out
15031 405 Swept Path Analysis HGV In
15031 400 General Arrangement
15031 402 Rev A Kerbing and Pavement Details
15031 420 Rev A Construction Details
15031 403 Rev A Drainage and Contour Plan
All received 11/10/2023

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and in the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

3. Within one month from the date of this decision, the existing garden centre access

shown on the approved plans to be stopped up shall cease to be used as such and the land shall be laid to grass similar in species and appearance to that of the adjacent land and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and visual amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Saffron Loasby

DATE: 04/12/2023

Checked By: Nathanael Stock

DATE: 06.12.2023
