

**Case Officer:** George Smith

**Applicant:** Francis Tuthill Ltd

**Proposal:** Erection of new building and associated car parking

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Councillor Chapman, Councillor Reynolds, Councillor Webb

**Reason for Referral:** Floor space created (over 1,000 sqm)

**Expiry Date:** 26 May 2021

**Committee Date:** 20 May 2021

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. This application relates to a site on the south-western side of Wardington. It is reached by a long access road off the main Daventry to Banbury A361 road. The access is partially shared with Wardington House Nursing Home, four neighbouring cottages and several Tuthill family properties.
- 1.2. The site is contained within a larger well-screened site with large mature trees forming all boundaries. The application site is on relatively flat land but sits close to the top of a plateau. The land slopes downwards to the west and north. The site currently comprises a range of buildings of varying size and height, which have evolved since the 1970's when Francis Tuthill Ltd established a rally car business.

## **2. CONSTRAINTS**

- 2.1. The majority of the site is outside the Wardington Conservation Area, but the access road is within it. A Grade II listed building (Old Farm House) is in close proximity and a public footpath runs along the access road and continues in a westerly direction to the north of the site.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks planning permission for a new building with associated car parking. The building would have a footprint of c.817sqm (43m x 19m). The ridge height would be c.8m and the eaves height c.6m. The walls would be constructed in a mix of steel and larch cladding, with the roof wholly in steel. Windows and doors would be grey aluminium.
- 3.2. The application also seeks consent for a car parking area to the south of the building, comprising 36 vehicular spaces.
- 3.3. A minor amendment was received during application process, to move the building so that it is not within 1.5m of the footpath.

#### 4. RELEVANT PLANNING HISTORY

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

**14/01671/F** - Proposed extension and alterations. Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation; refurbish existing industrial buildings and construct new administration/research and development block. Upgrade and reshape existing hard-standings to form new car parking areas – APPROVED

**15/01947/F** - Removal of Condition 10 of 14/01671/F – APPROVED

#### 5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

#### 6. RESPONSE TO PUBLICITY

6.1. 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 **1 April 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

#### 7. RESPONSE TO CONSULTATION

7.1. 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

7.2. WARDINGTON PARISH COUNCIL: **No objections** – subject to the footpath adjacent to the site being maintained and accessible.

##### CONSULTEES

7.3. OCC HIGHWAYS: **No objections** – as existing access is more than adequate to accommodate the development and is wide enough to allow vehicles to pass each other. The Highway Authority conclude that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms, subject to conditions for parking and manoeuvring areas to be retained and for a CTMP (Construction Traffic Management Plan) to be submitted pre-commencement.

7.4. OCC DRAINAGE: **Objects** – due to the failure to submit a detailed surface water management strategy.

7.5. OCC RIGHTS OF WAY: **No objections** – following amendment to relocate the building further from the footpath.

7.6. OCC ARCHAEOLOGY: **No objections**

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- ESD1: Mitigation and Adapting to Climate Change
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- 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
- ENV1: Environmental pollution

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **9. APPRAISAL**

### 9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety
- Flood Risk and Drainage

#### Principle of Development

##### *Policy context*

- 9.2 Policy PSD 1 of the CLP 2015 states that wherever possible, development should improve the economic, social and environmental conditions in the area.
- 9.3 With regards to the rural context of this site, Paragraph 83 of the NPPF states that amongst other matters planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings;

- 9.4 Policy SLE 1 of the CLP 2015 states that: “*Employment development will be focused 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.*” It continues that employment development in the rural areas should be located within or on the edge of Category A villages.

#### *Assessment*

- 9.5 The proposed building would be for an employment use, associated with Tuthill Porsche. The business currently operates building and restoring classic Porsche models. This proposed building would provide a facility for car storage, workshops, offices and car parking. It would support an existing business in its undertakings, with the applicant stating that storage facilities are currently rented around the country in order to cover this need.
- 9.6 The proposal is within the built-up limits of Wardington, which is a Category A village, but it would be located at an existing employment site; is outside of the Green Belt; makes efficient use of the site; has good access and can be easily accessed by public transport; does not significantly affect the design or character of the area; and does not have a significant adverse effect on surrounding uses. Officers consider that the applicant has satisfactorily justified the need for this additional building.

#### *Conclusion*

- 9.7 The principle of development therefore accords with Policy SLE 1 of the CLP 2015.

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

##### *Policy context*

- 9.8 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development creating better places in which to live and work and helps make development acceptable to communities.
- 9.9 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. All new development will be required to meet high design standards.*”
- 9.10. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

#### *Assessment*

- 9.11. The site is physically contained within existing hedgerows and trees, with a public right of way running west to east alongside a line of mature Lime trees. The existing and proposed buildings will not be readily visible from the A361 approach road from the Banbury direction only seen in glimpsed views when travelling southbound, at a distance of c.350m. However, the existing and proposed buildings would be visible from the public right of way.

- 9.12. A previous consent granted a building in the same general location of the building currently proposed, albeit the building now proposed is over double the footprint, (an increase from 360sqm to 817sqm). The height of the building would be approximately the same, at c.8m to ridge.
- 9.13. The previous consent has commenced and therefore the approved building could be constructed at any point in the future.
- 9.14. Whilst it is acknowledged that the proposed building would have some impact on the character and appearance of the site, being clearly visible within the site and from the adjacent footpath in particular, the site is already industrial in its nature, whilst the proposed building being of a similar appearance to that of the nearby building. The building is therefore considered appropriate in this context. It is also noted that the wider landscape impact is limited, due to its setting within an existing employment site and the physically contained nature of the site.
- 9.15. The materials proposed are considered appropriate to this context, being similar to those built out under approval 15/01947/F.

### *Conclusion*

- 9.16. The building is considered to be of an acceptable design and scale compatible with the adjacent built development and the development would not cause significant or demonstrable harm to the character and appearance of the area. The proposals therefore accord with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and relevant paragraphs of the NPPF in this regard.

### Heritage Impact

#### *Legislative and policy context*

- 9.17. The site is abutting the Wardington Conservation Area, whilst the access road falls within this designation. The access road also passes a Grade II Listed Building.
- 9.18. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.19. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.20. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.21. The site is contained, being well screened by the mature trees around the boundaries. The proposed development will have no detriment to the significance of the designated heritage assets or their settings and therefore accords with

government guidance on conserving and enhancing the historic environment contained within the National Planning Policy Framework.

#### Residential amenity

- 9.22. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 9.23. The site is an existing employment generating use. Whilst the wider site is located nearby to residential dwellings, the proposed building itself is located c.150m from the nearest residential dwelling. Officers consider that the new building will not give rise to loss of amenity, nor that the increase in traffic to and from the site will not cause serious harm to residential amenity. Furthermore the site is an existing acceptable employment generating site, the activities of which have not given rise to any amenity issues in the past. The proposal therefore complies with Policy ESD15 of the CLP 2031 and relevant paragraphs of the National Planning Policy Framework.

#### Highway safety

##### *Policy Context*

- 9.24. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. This is consistent with Paragraph 110 of the NPPF which states that: developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

##### *Assessment*

- 9.25. OCC Highways have raised no objections to the scheme, citing that the site access is capable of accommodating the development, and is wide enough to allow vehicles to pass each other. OCC Highways conclude that the development is unlikely to have a detrimental impact on the local highways network in traffic and safety terms, subject to conditions. The conditions relate to specification details of parking areas being submitted, alongside a Construction Traffic Management Plan. Officers see no reason to disagree with this assessment or those recommended conditions, which are necessary and reasonable for this scale of development.
- 9.26. During the course of the application, the OCC Countryside Access Officer raised concerns with the proximity of the development to the drawn path of the public right of way. The applicant amended the siting of the building, so that it was offset from the footpath by the same distance as the previously approved barn (also accounting for the opening of the fire door proposed). Thus, given that the previously approved building could be built out at any time in the future, officers are satisfied that this new building would not cause additional harm to users of this public right of way. The OCC Countryside Access Officer has confirmed that this amended plan is acceptable in respect of the public right of way.

## *Conclusion*

- 9.27. For these reasons, it is therefore considered that the development proposal would be acceptable in terms of highway safety and parking provision, thus complying with Government guidance contained within the NPPF and Policy ESD15 of the CLP 2015.

### Flood risk and drainage

- 9.28. A Flood Risk Assessment and drainage strategy is submitted with the application in line with the requirements of Policy ESD6 of the CLP 2015 and the NPPF. Policy ESD7 of the CLP 2015 requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 9.29. The site is located in Flood Zone 1, which has the lowest probability of flooding and is considered to be appropriate for such a use.
- 9.30. Officers note that OCC Drainage have objected to the application as it stands, as a result of a lack of surface water drainage strategy. However, officers note that the previous application was not found to be unacceptable on these grounds. That development has commenced, so the approved building could be built out at any point in the future. This, together with the development being located in Flood Zone 1, not near a watercourse and on elevated land, means that officers do not consider that a refusal on these grounds would be reasonable and could not be maintained at appeal.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and need to achieve the economic, social and environmental objectives in mutually supportive ways.
- 10.2. For the reasons set out in this report the proposal is considered to accord with Policies SLE1 and Government guidance contained within the NPPF. Furthermore, subject to conditions, there would not be a detrimental impact on visual amenity, residential amenity, flooding/drainage or highway safety, and the proposal therefore constitutes sustainable development that accords with the relevant policies of the Development Plan, and in accordance with Paragraph 11 of the NPPF permission should be granted.

## **11. RECOMMENDATION**

**RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW**

### CONDITIONS/REASONS FOR REFUSAL

#### **Time Limit**

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.

### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - Site Location Plan – WG1013-001
  - Proposed Site Layout (1) – WG1013-003 C
  - Proposed Floor Plans – WG1013-004 B
  - Proposed Elevations – WG1013-005 B
  - Proposed Site Layout (2) – WG1013-006

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.

### **Details of materials and finishes**

3. No development shall commence above slab level unless and until a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply 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.

### **Parking and manoeuvring areas retained**

4. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

### **Construction Traffic Management Plan**

5. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods.

Reason - In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

### **Informative:**

1. The approved CTMP shall be implemented and operated in accordance with the



approved details:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

CASE

OFFICER:

George

Smith