

Case Officer: Wayne Campbell

Applicant: Tom Hartley Jnr Ltd

Proposal: Demolition of existing car sales showroom, petrol filling station and servicing/repair garage and erection of new showroom for car sales including preparation and storage and administration areas with landscaping, access and associated works

Ward: Deddington

Councillors: Councillor Brown, Councillor Kerford-Byrnes and Councillor Williams

Reason for Referral: Major development

Expiry Date: 13 May 2021

Committee Date: 15 July 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the Whichford Road approximately 1km north of the village of Hook Norton. The site relates to an established car show room, garage and petrol station known as The Firs Garage which is currently vacant. The Firs Garage is a sui generis use, that is, not within any use class.
- 1.2. In terms of access elements of the wider Firs Garage site can be accessed off both Tadmarton Heath Road (south) and Sibford Gower Road (west). The application site itself is accessed off Sibford Gower Road, which also gives access to the current customer car parking area for Firs Garage. A tall hedgerow runs around most of the perimeter of the wider site.
- 1.2. Well Colemans' Elm and Scotchedge (south) and Ramthorne Lodge (east) are residential properties all located nearby. No buildings on the site or in the immediate surroundings are designated heritage assets, nor is the land subject of any heritage designation.

2. CONSTRAINTS

- 2.1. The application site is located approximately 1km to the North of Hook Norton. Although currently developed as a garage / commercial use the site is located outside the built-up area of Hook Norton and is therefore technically an open countryside location.
- 2.2. The site is relatively level with a slight drop along the western edge of the site. There is a public right of way located in the field on the opposite side on the road on the western side of the site. Parts of the eastern edge of the site is located within an area of Groundwater Vulnerability (Aquifer) – Minor. As the site contains petrol

pumps and includes workshops for car repairs and serving from its former use the suite has the potential to include areas of contamination.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks permission for the demolition of the existing buildings and structures that are linked to the Firs Garage and to erect a single replacement building. The proposed scheme seeks to create a high quality, low impact replacement showroom at the site for car sales, car storage and workshops. The applicant's business is the procurement and sales of significant, collectable cars, specialising in sports and racing cars from the 1950s and 1960s up to the present day, including the most modern supercars and hypercars. The business is of international standing in the trade of such vehicles.
- 3.2. The concept for the development is to create a total of 3 separate showrooms, for varying vehicle types, which the applicant states that in turn create a series of courtyards. The buildings would be arranged to address the following criteria:
- Showroom A is located on the south-western boundary of the site as this is the focal point with which the passing public would interact;
 - Showroom B is located east of the classics and connected by two links to create a central courtyard;
 - Showroom C is located on the eastern boundary and would act as a boundary between the adjacent cement works site. This showroom extends north further than the other two showrooms enclosing a semi-private courtyard;
 - The detailing, staff facilities and storage are located to the north of the site creating a private courtyard for staff only.
- 3.3. Each of the three showrooms would be rectangular in shape with very open and vaulted pitched roof to allow mezzanine levels in certain locations. The design allows for the cars to be arranged in varying displays depending on the current stock.
- 3.4. The applicant currently operates from a showroom in Leicestershire and is looking to relocate to this site in Hook Norton. Given the reach of the business the current proposals represent an opportunity to redevelop the site, and to provide a museum-style showroom that would attract clients internationally which would be a significant asset for the District. The business currently employs 8 staff members, but the relocation is expected to increase staff numbers to 15-20, all employed at the site.
- 3.5. The GIFA of the ground floor is 3166 sq m while the GIFA of the first floor is 791 sq m to provide an overall total GIFA equal to 3957 sq m.

4. RELEVANT PLANNING HISTORY

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

CHN.389/87 – Extension to vehicle repair garage – APPROVED

CHN.9/91 – Construction of a building for storage and preparation of new and second-hand vehicles – APPROVED

19/01819/F – Erection of a new storage building for vehicles and parts – APPROVED

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. 20/01183/PREAPP - It was noted that a significant increase in footprint was proposed. The applicant was advised that they would need to demonstrate as part of any future planning application that the proposal would not result in a significant intensification in the use of the site, that it would be an environmentally sustainable form of development and that the development would provide genuine choice as means of travel and not significantly increase vehicular movements in what is a relatively geographically unsustainable location. In addition, the applicant would need to demonstrate through scaled elevation drawings that the proposals would not result in a significant increase in scale and height over that of the existing buildings at the site. Subject to the above being demonstrated, it is considered that any future planning application for these proposals may be considered favourably.
- 5.3. 21/00110/PREAPP - The principle of development for the previous pre-application enquiry was considered to be generally acceptable. It would still need to be demonstrated as part of any future planning application that the proposal would not result in a significant intensification in the use of the site, that it would be an environmentally sustainable form of development and that the development would provide genuine choice as means of travel and not significantly increase vehicular movements in what is a relatively geographically unsustainable location. The ridge height of the projecting elements would need to be reduced in height, which could be achieved through alterations to the pitch of the roofs. Subject to the above being demonstrated, it is considered that any future planning application for these proposals could be considered favourably.

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 **29 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. HOOK NORTON PARISH COUNCIL: **No objection**

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections**
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection**. As the site lies within an area of groundwater vulnerability risk and includes car parking spaces as part of the proposal, water quality standards must be met. Proposed development needs a

water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual. The applicant is required to provide a Surface Water Management Strategy.

7.5. OCC ARCHAEOLOGIST: **No objections.**

7.6. CDC ENVIRONMENTAL PROTECTION OFFICER: **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
- SLE 1: Employment Development (site not allocated).
- SLE 4: Improved Transport and Connections
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: 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

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Hook Norton Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- HN CC2 – Design
- HN-T1 – Access and parking

8.4. Other Material Planning Considerations

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

- Residential amenity
- Drainage
- Sustainable construction

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and how these should be applied.
- 9.3. Paragraph 10 states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development***. Paragraph 11 defines the presumption in favour of sustainable development as *approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.
- 9.4. Paragraph 12 also advises, amongst other things that the *presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making* (my emphasis). *Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed*.
- 9.5. Paragraph 13 continues by stating that *the application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*.
- 9.6. Paragraph 83 highlights, amongst other things, that *planning policies and decisions should enable:*
- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- 9.7. Paragraph 84 continues by stating that, *the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist*.
- 9.8. Policy PSD1 of the Cherwell Local Plan 2015 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.9. Policy SLE 1 of the CLP 2015 is generally supportive of small-scale employment development in the rural areas, stating, amongst other things that *unless exceptional*

circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A.

- 9.10. The Hook Norton Neighbourhood Plan was made part of the development plan for the area by Cherwell District Council on 19 October 2015. The Neighbourhood Plan and the Policies contained within are therefore a material consideration in the assessment of this application.
- 9.11. Policy CC 1 considers the protection and enhancement of local landscape and character of Hook Norton. The policy states that *any development must be located and designed so that it is readily visually accommodated into its surroundings and setting and provides a positive contribution to the locally distinctive character and context of Hook Norton.* The Policy continues by stating that *proposals which would introduce development to isolated sites in the open countryside which would adversely affect the tranquillity, unspoilt character and amenity value of the landscape will not be permitted.* The policy also highlights that *development which makes use of previously developed land and buildings will generally be preferred to greenfield locations.*

Assessment

- 9.12. The application site is a vacant garage located approximately 1km to the north of Hook Norton, which is a Category A village and considered one of the most sustainable rural settlements in the district. However, the site is clearly outside the built limits of this settlement and in open countryside. Notwithstanding this point the application site does represent a previously developed site with the existing single storey garage buildings and associated structures. The existing use includes areas / buildings for sales of motor vehicles, workshops, outdoor sales areas, parking and a single bungalow.
- 9.13. The use of the site as a garage is *sui generis*, although of a commercial nature. The proposed use of the site as a car sales / showroom and workshop would also be classed as *sui generis* (that is, outside of any use class set out in the use classes order). The current use of the site is for a commercial / employment activity the proposal would allow for a commercial use of the site to continue. Furthermore, the applicant has confirmed that the development would result in the generation of between 15 – 20 staff to be employed in the site as part of this development. As the site is currently vacant this would bring the site back into an active employment use to the benefit of the local rural economy.
- 9.14. As highlighted in the Hook Norton Neighbourhood Plan the policies accept that the use of previously developed land and buildings will generally be preferred to greenfield locations. This application seeks to re-develop a currently developed site and would therefore comply with this Policy requirement. Furthermore, it is also accepted that the development of this garage site would allow for the continued commercial use of the site as encouraged through the advice in the NPPF as well as the policies in the Neighbourhood Plan.

Conclusion

- 9.15. The proposal to re-develop this former garage site with a new commercial use is considered in line with adopted policies both in the Local Plan as well as the Neighbourhood Plan. The development would also be supported in principle by Government guidance in the NPPF.

Design, and impact on the character of the area

Policy context

9.16. Section 12 of the NPPF covers the issue of design, paragraph 127 states that planning policies and decisions should *ensure that developments:*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.*

9.17. Paragraph 130 continues by stating, amongst other things, that *permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

9.18. Policy ESD 15 of the CLP 2015 covers the issue of the impact of development upon the Character of the Built and Historic Environment. Under this Policy it is stated, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context.* Furthermore, the policy continues by stating that *new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design and that all new development will be required to meet high design standards.*

9.19. Saved Policy C28 of the CLP 1996 also highlights the need for *all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.*

Assessment

9.20. The application is a former garage site with a series of buildings and a large canopy structure over the area of the former petrol pumps. The existing buildings comprise of a single storey flat roof features on this site. The exception to this is the dormer bungalow allocated on the eastern side of the application site. The design and style of the existing buildings is dated and although typical of this type of use the built form on the site does little to enhance the appearance of this rural area.

9.21. The proposed development is for a two storey building on the site with the bulk of the first floor accommodation contained within centre of the site and limited accommodation within the roof area of the building.

9.22. The applicant states that the proposed buildings are of a traditional form with pitched roofs and prominent gables, and that the design takes inspiration from working agricultural buildings in the surrounding countryside to maintain a rural character while contemporary detailing ensures a high-quality design with a modern appearance.

- 9.23. Officers accept that the gable frontage to the main building would provide a strong design feature which would enhance the site and the area. The use of traditional materials in the development would ensure that the development would appear as a natural development of the site and would result in an up lift in the character of the site over and above that of the current buildings.
- 9.24. It is clear from the street scene image that the proposal would be taller than the current buildings on the site. The difference in height (1.9m between tallest point of existing and tallest point of the proposed) is not, however, considered significant in terms of the street scene. In this case the highest existing point on the site is the ridge on the dormer bungalow followed by the large flat roof canopy over the former petrol pump island and finally the flat roof single storey car show rooms.
- 9.25. While the height of the proposal is greater than the existing buildings on the site, the design of the proposed building along with the choice of materials such as ironstone would result in an improvement in terms of appearance on the site compared to the existing buildings and structures. As such it is considered that the impact of the proposal on the public street scene would be acceptable and would not result in any undue adverse impact.
- 9.26. Officers have raised concerns over the bulk of the development and in particular the eastern rear wing has been raised and in response the applicant has advised that there is a need for a first-floor element to the development in the former of a mezzanine floor. As such the height of the roof and the overall height of the building is, to a particular point, fixed at a certain height. This point is accepted, and the provision of the mezzanine floor is acknowledged as a necessary part of the development for the applicant's business to function. Notwithstanding this point the applicant has been requested to amend the end part of the eastern projection in parts where the need for the mezzanine floor is not required as part of the business use. This change in design would reduce parts of the rear projection along the eastern boundary to a point which reduces the bulk of the development. The eastern boundary is shared with the neighbouring use which is a further commercial use in the form of Ramthorne concrete. As such the neighbouring use is not a sensitive use in terms of the bulk of the development and issues of light and outlook; however, there would be a view of the rear wing from the public highway to the west of the site and as such a reduction in height even slight would reduce the visual impact of the development on the site.

Conclusion

- 9.27. It is accepted that the development on the site would be taller and of a larger footprint than the existing buildings on the site. Notwithstanding this point the design of the proposal is of a high quality and the use of materials such as ironstone, glass and metal cladding would ensure that the proposal is of an enhancement to the area. The proposal is therefore considered to comply with Policy ESD 15 of the CLP 2015, Saved Policy C28 of CLP 1996 and government guidance in Section 12 of the NPPF.

Highway impact

- 9.28. Paragraph 108 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.29. In addition to this paragraph 109 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

9.30. 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.*

Assessment

9.31. The application seeks the re-development of this vacant garage site for a new car sales, storage and workshops. The existing use on the site allows for four existing site accesses which would be reduced to three through the proposed development with the broad filling station access to Whichford Road removed. Two access points are maintained to the western boundary for staff and services, with access reduced to the south reduced to a single entrance/exit to be used by the public. Parking and turning areas are provided within the development in order that all vehicles can safely access and egress.

9.32. In terms of traffic movements associated with the proposed use the applicant contends that due to the nature of the scheme the proposal would see a net reduction in vehicular movements to, and from, the site, on the basis that although essentially a car sales use the applicant is in the business of selling performance and high end value cars. The applicant also contends that the removal of the petrol filling station facility on the site and its access close to the 4-way junction would provide a significant highway safety benefit.

9.33. The application details have been considered by the Local Highway Authority (LHA), who agree that the proposals are expected to represent a net decrease in trips generated by the site. Any trips associated with the proposals are therefore not seen as problematic. In addition, the LHA notes that the proposal would retain two accesses whilst relocating one of the Sibford Road access points further away from the nearby junction. This would represent a decrease in vehicular access points as the existing petrol station forecourt access will be removed and as such the proposal would result in a reduction in access points to the highway. For these reasons the LHA has no objection to the application from a highway safety point of view. Your planning officers have no reason to disagree with this advice.

Conclusion

9.34. The LHA advises that the proposals are acceptable in terms of highways safety and potential impacts on the local road network and officers see no reason to disagree with the LHA's assessment.

Residential amenity

9.35. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states, amongst other things that, *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*

9.36. With this particular application the adjoining uses to the site are commercial in nature or are formed by public highway. The nearest residential properties are located at Well Colemans' Elm and Scotchedge positioned to the south of the site and Ramthorne Lodge located to the east of the site. The development as proposed is not considered to impact on the amenities of these nearby residential properties in terms of any loss of outlook, light and / or privacy. As such the proposal is considered to comply with Saved Policy C30 and Policy ESD 15 of the CLP 2015.

Drainage

Policy context

9.37. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.38. Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.*

9.39. Policy ESD 7 of the CLP 2015 highlights that *all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.*

Assessment

9.40. The application site is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. The edge of the eastern side of the site are located within an area allocated as groundwater vulnerability risk and includes the car parking spaces shown in the proposal. For this reason, it is expected that water quality standards must be met in accordance with the assessment within Sections 4 and 26 of the SuDs Manual.

9.41. The application as initially submitted was not supported by a detailed drainage strategy and hence an objection to the proposal was raised by the Local Lead Flood Authority (LLFA). In response to this the applicant has now provided a detailed

drainage strategy. This strategy has confirmed that the proposed drainage across the site would mirror the current arrangement and direct flows from the development into a new detention basin relocated to the north of the site with the resultant outflow into the adjacent ditch system. The strategy also confirms that the surface water flow rates into the adjacent ditch system would need to be attenuated to the greenfield run off rates for the site or to the lowest rate which would offer a reliable maintenance free system. In order to protect the groundwater and receiving watercourses it is accepted that it is essential to capture, control and treat pollution. In acknowledging this point the applicant has confirmed that by using SuDS treatments this would help to replicate natural drainage regimes and minimize impact.

- 9.42. On a further point the applicant accepts that the guidance on SuDs recommends that water treatment is provided for surface water runoff dependent on the potential type of pollutant and sensitivity of the receiving water course and ground water. As this applicant proposal is for a motor vehicle sales, storage and workshop the applicant has confirmed that a petrol interceptor would be located upstream of the surface water detention basin to retain pollution.
- 9.43. In considering the details submitted the drainage strategy is being reviewed by the Lead Local Flood Authority and subject to confirmation that the drainage strategy is acceptable the proposal complies with Policy ESD 7 of the CLP 2015 and Government guidance in Section 14 of the NPPF.

Conclusion

- 9.44. The applicant has provided additional to address the objection raised by the LLFA and a response to this additional information is awaited. Providing that the LLFA confirms that the information submitted demonstrate that the development would provide adequate drainage upon the site to ensure that the development does not lead to problems of surface water flooding both on the site and to adjoining sites there is no objections to the scheme on the issue of drainage.

Sustainable construction

Policy context

- 9.45. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.46. Policy ESD 3 of the CLP 2015 covers the issue of Sustainable Construction and states amongst other things that *all new non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect, subject to review over the plan period to ensure the target remains relevant. The demonstration of the achievement of this standard should be set out in the Energy Statement.* The Policy continues by stating that *all development proposals will be encouraged to reflect high quality design and high environmental standards,*

demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

- 9.47. In response to this requirement the applicant highlights that the proposed buildings would offer substantial improvements over the existing structures in environmental terms. This includes the fact that the design of the building offers an opportunity to harness renewable energy in that the large, pitched roofs and the flat area of the crown roof, provide a good opportunity to utilise solar energy with the application of solar PV panels. In addition to this the applicant has advised that ground, or air, source heat pumps could offer an environmentally friendly way of space heating and hot water production. This would also include the use of LED lighting throughout the building which allows for a significant reduction in the electricity usage, over other light bulb types
- 9.48. Although no details of the renewable energy measures have been provided with this application the details will be required as part of a condition.

Conclusion

- 9.49. Subject to the imposition of suitable conditions requiring compliance with the submitted Energy Statement, Planning Officers are satisfied that the proposed development will achieve sustainability through construction, be energy efficient and utilise renewable energy in accordance with the requirements of Policy ESD 3 of the CLP 2015.

Ecology

Legislative context

- 9.50. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.51. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.52. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may

proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.53. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.54. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.55. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.56. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.57. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.58. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.59. These polices are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.60. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.61. This application is supported by a Preliminary Ecological Appraisal which has evaluated the habitats present within the site and assessed the potential for the site to support protected and notable species. One specific aim of this study is to survey the existing buildings for bats and/or evidence of bats, and other protected species, including nesting birds. The study assesses the overall potential of the buildings to support roosting bats and discusses the likely impact of the proposed works on protected species and their habitats.
- 9.62. In conclusion the appraisal highlights that no bats or evidence of bats were found during the survey and that all buildings are assessed as having 'negligible' potential to provide shelter to roosting bats. All trees within the site are considered to have 'negligible' potential to provide shelter to roosting bats; and exhibit no potential roost features (PRF). In considering the issue over nesting birds the appraisal highlights that there was no evidence of nesting birds was noted in association with the buildings. Furthermore, the buildings are not considered to be suitable for barn owls or swallows and that there is no evidence of nesting by house sparrows, swifts or house martins. It was confirmed that a conifer hedge, and adjacent hedgerow (to the west) does offer potential nest sites to breeding birds and the breeding bird assemblage is likely to comprise common and widespread species of farmland habitats, rare species are likely to be absent.
- 9.63. The appraisal recommends that as bats are absent from the site no bat licence will be required however, the appraisal also highlights that once works commence that in event that bats or significant evidence of bats (for example large accumulations of fresh bat droppings) are encountered, works should stop immediately, and advice sought from a qualified ecologist. It is also recommended that although not necessary from a legal point of view, that consideration be given to the erection of bat boxes on the new buildings.
- 9.64. With regards to nesting birds the appraisal recommends that the removal of trees, hedges or woody shrub removal should be undertaken outside of the bird breeding season (avoiding March to August, inclusive) so as to avoid any impacts on active birds' nests. Furthermore, the appraisal continues by stating that as an enhancement, the erection of bird nesting boxes is recommended in order to provide suitable nest sites for species within the local area, as nest boxes can be excellent substitutes for the holes found in old trees. On new buildings, the integration of bird boxes is particularly recommended as species such as house sparrow and swift will readily adopt such features as nest sites. The adoption of new bird nesting features is considered appropriate in this instance.

Conclusion

- 9.65. Officers are satisfied, on the basis of the Preliminary Ecological Appraisal submitted with the application, that the welfare of any European Protected Species found to be

present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

- 9.66. Reasonable mitigation is proposed to protect and enhance habitats within the site to achieve biodiversity gain. The proposals are therefore considered to be in accordance with the requirements of Policy ESD10 of the CLP 2015 in this regard.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. 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.
- 10.2. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material Page 142 considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.
- 10.3. This application seeks planning permission for the re-development of this vacant garage site for a high quality, low impact replacement showroom for car sales, car storage and workshops. The applicant's business is the procurement and sales of significant, collectable cars, specialising in sports and racing cars from the 1950s and 1960s up to the present day, including the most modern supercars and hypercars. The business is of international standing in the trade of such vehicles.
- 10.4. The current buildings on the site are functional and dated and do little to enhance this rural area. The design of the new buildings will be of a high quality and takes inspiration from working agricultural buildings in the surrounding countryside to maintain a rural character while contemporary detailing ensures a high-quality design and honestly modern appearance. The design of the development is considered to be an enhancement to the rural area over and above the existing buildings on the site
- 10.5. The access to the site will reduce the number of access points into the site with the removal of the existing large access to the front of the site which served the former petrol pump island. This reduction in access points is considered to represent a highway improvement to the site from a highway safety point of view.
- 10.6. There is no adverse impact upon the amenities on the nearest neighbouring properties in terms of any loss of light, outlook or privacy.

11. RECOMMENDATION

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

CONDITIONS

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from 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. The development shall not be carried out otherwise than in complete accordance with the approved plans reference 18169 -Pe0010, 18169 -Pp0032, 18169 -Ps0010, 1690.I.1 Rev A, 18169 -Pp0010, 18169 -Pp0030, 18169 -Pp0031, 18169 -Pp0011, 18169 -L001, 18169 -Pe0011, 36197 all received 18/03/2021 and LVIA, Transport Statement, Preliminary Ecological Appraisal, received 18/03/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

Materials

3. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and 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.

Ecology

4. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal of The Firs Garage, Whichford Road, Hook Norton, Oxfordshire by Windrush Ecology Limited dated September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Sustainable Construction

5. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.

(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

Landscaping

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the building or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord 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.

7. A schedule of landscape maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. 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 that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord 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.

Drainage

8. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Construction Method Statement

9. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Alterations and Extensions

10. Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be extended without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

11. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site 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.

12. Details of the external lighting/security/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area 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 advice in The National Planning Policy Framework.

Highways

13. Prior to the first use of the building hereby approved, the means of access between the site and the highway shall be constructed in full accordance with details to be submitted and approved in writing by the Local Planning Authority. The details submitted shall include position, layout, construction, drainage and vision splays associated with the access. Once constructed the means of access shall be retained in accordance with the approved details.

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

14. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

15. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

16. 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 relocated access will require construction on highway land. As a result, the applicant will be required to enter into a section 278 agreement with OCC. This will also apply to any resurfacing or works on existing access points to the highway.

Thereafter, 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.