

Case Officer: Sophie Browne

Applicant: Kelberg Trailers And Trucks Ltd

Proposal: Proposed erection of 8-bay workshop and associated works

Ward: Launton And Otmoor

Councillors: Cllr Gemma Coton, Cllr Julian Nedelcu and Cllr Alisa Russell

Reason for Referral: Major development

Expiry Date: 25 July 2024

Committee Date: 11th July 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO NO OBJECTIONS FROM THE ARBORICULTURAL OFFICER AND SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an area of hardstanding on the southern boundary of the wider Kelberg Trailers and Trucks Limited site. The wider site is a relatively large established commercial site comprising a two storey office building and attached workshops with a second detached workshop immediately west of this, a large area of hardstanding to the south, and additional hardstanding adjacent to the highway to the east for staff and visitor parking with two vehicular access points. The site is well-contained with mature trees and vegetation lining the northern, southern and western boundaries. Kelberg Ltd has occupied the site for over twenty years and designs, manufactures, services and repairs trucks and trailers.
- 1.2. The surrounding area consists of a collection of commercial units located in the open countryside around 1.2km north of Weston-on-the-Green. There are also a limited number of residential properties in the cluster of development and a gliding club is located on the opposite side of Northampton Road (the B430), which bounds the site to the east. Weston Business Park is located to the south of the site.

2. CONSTRAINTS

- 2.1. The application site is identified as potentially contaminated land and is approximately 775m north/north east of the Weston Fen SSSI. Due to the proximity of RAF Weston-on-the-Green, it is within a Ministry of Defence (MOD) safeguarding area requiring MOD consultation for all development proposals. The site is not within a conservation area nor are there any listed buildings in the area. The site is in Flood Zone 1.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is for the erection of a new eight bay workshop, located on the existing hardstanding to the south of the existing workshop and approximately 55m back from

the front of the site. It would measure approximately 53m in length by 24.5m wide, with a ridge height of approximately 10.3m and eaves at 7.3m with a dual-pitched roof and rectangular plan form. The walling and roofing materials would be profiled grey metal cladding to match the existing workshop and it would have thirty two rooflights evenly spaced across the entirety of the roofslopes. Eight roller shutter doors would be spaced evenly across the northern elevation, with personnel escape doors to the southern and eastern elevations.

4. RELEVANT PLANNING HISTORY

- 4.1. Kelberg Ltd has occupied the site for a number of years and it has a lengthy planning history. The following planning history covers the last twenty-odd years of the site history and is considered most relevant to the current proposal:

00/00784/F: 'Demolition of workshop and replacement with larger building and full landscape of site (as amended by revised plans received 14.06.00)'. Permitted 22.6.2000.

01/00623/F: 'Single storey extension to provide staff mess room'. Permitted 25.6.2001.

06/01321/F: 'Extension to industrial building'. Refused 25.8.2006.

14/02019/F: 'Extension to existing workshop including enclosure of vehicle wash bay'. Permitted 20.3.2015.

16/00830/F: 'Extension to industrial building'. Permitted 4.7.2016.

17/01223/F: 'Retrospective – Extension to building'. Permitted 20.7.2017.

18/01157/F: 'Erection of detached steel portal framed workshop'. Permitted 29.8.2018.

22/02075/F: 'Change of use from paddock to vehicle and trailer parking area'. Withdrawn 13.10.2022.

23/01641/F: 'Change of Use from paddock to vehicle and trailer parking area – re-submission of 22/02075/F'. Permitted 18.10.2023.

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, expiring **25 May 2024**, by advertisement in the local newspaper, expiring **24 May 2024**, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. Owing to a late consultee consultation, the final date for comments is **10 July 2024**.

- 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.
- 7.2. WESTON ON THE GREEN PARISH COUNCIL AND NEIGHBOURHOOD PLAN: **General comments** submitted jointly, stating that "*the Parish Council has significant concerns that the site will continue to seek extension of the commercial area by further incremental encroachment onto agricultural land, which the Parish Council would find unacceptable.*" Concerns are raised that the proposed workshop would be sited on an existing parking area, with parking moved to recently acquired land to the rear of the site "*which has recently been rezoned from agricultural land for use as a parking area.*" The Parish Council highlights the long history of development on the site and concerns about overdevelopment and seeks assurance that, should the workshop be permitted, no further change of use of surrounding land or expansion of the site would be permitted in future.
- 7.3. OCC HIGHWAYS: **no objection.**
- 7.4. CDC ENVIRONMENTAL PROTECTION OFFICER:
Noise and light: **no objection** subject to conditions.
Contaminated land, air quality, odour: 'no comment' response.
- 7.5. MOD SAFEGUARDING: **no objection** subject to condition.
- 7.6. CDC ECOLOGIST: **no objection** subject to conditions.
- 7.7. CDC ARBORICULTURAL OFFICER: **additional information required.**
- 7.8. OCC LEAD LOCAL FLOOD AUTHORITY (LLFA): no comments received at the time of writing.
- 7.9. THAMES WATER: no comments received at the time of writing.

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 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- 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
- TR7 – Development attracting large commercial vehicles

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 Weston on the Green Neighbourhood Plan (WOTGNP), which was made in May 2021, and the following Policies of the Neighbourhood Plan are considered relevant:

- E1 – Development to protect and conserve locally distinctive character and enhance biodiversity
- E3 – Develop previously developed land rather than greenfield
- E4 – Avoidance of light pollution
- C3 – High standards of broadband/telecoms connectivity
-

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

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
- Residential amenity and environmental impacts
- Drainage and flood risk
- Ecology impact
- Arboricultural impacts
- Highways matters
- Aerodrome safety

Principle of development

Policy Context

9.2. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as approving development proposals that accord with an up-to-date development plan without delay. Paragraph 8 states that, to achieve sustainable development, economic, social and environmental gains are interdependent and need to be pursued in mutually supportive ways.

9.3. CLP 2015 Policy PSD1 reflects this and commits the Council to a proactive approach to securing development that improves the economic, social and environmental conditions in the area.

- 9.4. CLP 2015 Policy SLE1 relates to employment development and seeks to focus this at allocated employment sites. It supports the retention of existing employment sites and the intensification of use of existing sites, including in the rural areas, subject to compliance with other local and national policies and material considerations. This accords with Section 6 of the NPPF (*“Building a strong, competitive economy”*), which states at paragraph 85 that *“Planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt”*, advising that significant weight should be attached to the support of economic growth and productivity. Paragraph 88 states, amongst other things, that *“decisions should enable the sustainable growth and expansion of all types of businesses in rural areas”*.
- 9.5. WOTGNP Policy E3 states that *“development that makes use of previously developed land will generally be preferred to greenfield locations”*.

Assessment

- 9.6. The covering email accompanying the application package states that demand for the company’s services and equipment has continued to increase and is now beyond the scope of the current workshop facilities. The company has continued to expand over recent years, with 2019 seeing an increase in workshop capacity from 8 to 16 bays and an expansion of a further 8 bays is now required to keep up with demand. It is anticipated that the additional workshop would initially employ a further 6 full time members of staff in the locality.
- 9.7. The proposed development would support the expansion of an established local business that has been operating at the site for a substantial length of time, in accordance with guidance in Section 6 of the NPPF, providing economic and social benefits in support of the aims of CLP 2015 Policy PSD1 and NPPF paragraph 11 by supporting economic growth and providing local employment opportunities. The proposed development would represent an intensification of use at an existing employment site in the rural area, which complies with CLP 2015 Policy SLE1.
- 9.8. The proposed development would be located within the existing boundaries of the Kelberg site on an area of existing hardstanding, thereby utilising previously developed land in accordance with the requirements of WOTGNP Policy E3.
- 9.9. The Parish Council and Neighbourhood Plan comments regarding the recent expansion of the site and concerns in relation to the potential for future further expansion are noted. The enlargement of the site permitted under application 23/01641/F was assessed in relation to relevant local and national policies and considered to be compliant with these and other material considerations. The current application must be assessed, as presented, in the same way and any future applications for further enlargement, intensification, or other development at the site would similarly be assessed on their own merits. Whilst the concerns of the Parish Council are acknowledged, therefore, it is not within the scope of the assessment and determination of this application to provide reassurances or restrictions relating to any potential future development of the site.

Conclusion

- 9.10. The proposed development would comply with the relevant requirements of CLP 2015 Policies PSD1 and SLE1, WOTGNP Policy E3, and guidance within the NPPF, and the principle of the development can therefore be supported subject to compliance with other relevant policies and material considerations.

Design and impact on the character of the area

Policy Context

- 9.11. CLP 2015 Policy ESD13 seeks to protect and enhance the character and appearance of the landscape, including avoiding harm to important natural landscape features and topography, to the setting of settlements, buildings, structure or other landmark features, or to the historic value of the landscape, preventing impacts on areas with high levels of tranquillity, avoiding undue visual intrusion into the open countryside, and ensuring that development is consistent with local character.
- 9.12. CLP 2015 Policy ESD15 seeks, *inter alia*, to secure high quality development that contributes positively to the character and identity of the area.
- 9.13. CLP 1996 Policy C28 exercises control over all new development to ensure that standard of layout, design and external appearance are sympathetic to the character of the area.
- 9.14. WOTGNP Policy E1 seeks to ensure that development contributes positively to the locally distinctive character and conserves the setting of the village. Amongst other things, it requires proposals to "*recognise the importance of open space, rural character and important views*" and to "*avoid development outside the village confines along the B430 unless it is in accordance with Policies in this Plan and the adopted Cherwell Local Plan*".
- 9.15. Section 12 of the NPPF seeks to achieve "*well-designed and beautiful places*". Of particular relevance is paragraph 135, which sets out design expectations for decision-making including that developments "*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*".

Assessment

- 9.16. The proposed development would be located within the existing boundaries of the established business. The design, materials and external finishes would match those of the existing workshop buildings and the new workshop would be sited on an area of hardstanding opposite the existing workshop. The new building would be sited against the southern site boundary approximately 15m from the existing buildings at the nearest point (being set at an angle to them) and approximately 55m back from the frontage of the site. It is therefore considered that the site can comfortably accommodate the proposed new building without resulting in a cramped form or sense of overdevelopment. The matched appearance of the proposed new building with the existing workshop on the site is considered to prevent any appearance of incongruity and to aid visual recession within the existing site context. Whilst the proposal is for a large new commercial structure in a largely rural setting, therefore, it is considered that it relates well to the existing development on the well-contained existing commercial site and would not appear incongruous or intrusive in the wider landscape setting. It is therefore considered to represent high quality design that is sympathetic to the character of the area.
- 9.17. WOTGNP Policy E1 seeks to restrict development along the B430 outside the settlement itself unless it is in accordance with other Neighbourhood and Local Plan policies. As evidenced throughout this report and assessment, the proposal is considered to accord with all other relevant policies of the Local Development Plan, in light of which it is also considered to comply with this requirement of Policy E1.

Conclusion

- 9.18. Given the above, the proposed development is considered to be of an appropriate design that would not appear incongruous in its surroundings nor intrude into the open countryside or otherwise adversely affect the rural character of the area. It is therefore considered to accord with the relevant requirements of CLP 2015 Policies ESD13 and ESD15, CLP 1996 Policy C28, WOTGNP Policy E1, and guidance within Section 12 of the NPPF.

Residential amenity and environmental impacts

Policy Context

- 9.19. *Amongst other matters, CLP 2015 Policy ESD15 requires that new development should “consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space” and that it should limit the impact of light pollution on local amenity.*
- 9.20. *CLP 1996 Policy ENV1 seeks to prevent development that would result in materially detrimental level of environmental pollution, including noise, vibration, smell, smoke and fumes.*
- 9.21. *WOTGNP Policy E4 states that “any lighting proposed should be designed to ensure that it does not cause visual intrusion, nor cause adverse effects due to light pollution”.*
- 9.22. Section 12 of the NPPF requires, *inter alia*, that policies and decisions should create places with a high standard of amenity for existing and future users. Section 15 of the NPPF seeks to conserve and enhance the natural environment, including through the prevention of development that would result in unacceptable levels of environmental pollution. Paragraph 191 requires decision-makers to consider the likely effects of pollution from new development on health, living conditions and the natural environment.

Assessment

- 9.23. The nearest dwellinghouse is located approximately 27m south east of the proposed location for the new workshop. The proposed new building would not result in loss of privacy owing to its use, nature and design, and the relative orientation of the two buildings would prevent any impingement on residential amenity arising from loss of light or overshadowing. Given the site context, degree of separation, building design, and existing mature treeline along the southern site boundary, it is considered that the proposed development would not result in overbearing or otherwise impinge on neighbouring residential amenity. Owing to the degree of separation and existing intervening development, it is considered that no other nearby dwellinghouses would be affected by the proposed development.
- 9.24. The Environmental Protection Officer has confirmed that there are no objections to the proposal, which would not give rise to unacceptable adverse impacts having regard to air quality, odour, or health implications arising from potentially contaminated land. Conditions have been requested to ensure that noise levels arising from any new plant, machinery or equipment installed in association with the development are restricted to acceptable levels and that details of any external lighting must be approved by the LPA prior to installation, in order to protect residential amenity in accordance with CLP 2015 Policy ESD15, WOTGNP Policy E4 and NPPF Section 12, and to prevent adverse environmental effects as required by CLP 1996 Policy ENV1, WOTGNP E4 and NPPF Section 15.

Conclusion

- 9.25. The proposed development would not result in unacceptable adverse impacts on neighbouring residential amenity or unacceptable levels of environmental pollution. It is therefore considered to accord with the relevant requirements of CLP 2015 Policies ESD15, CLP 1996 Policy ENV1, WOTGNP Policy E4, and guidance within Sections 12 and 15 of the NPPF.

Drainage and flood risk

Policy Context

- 9.26. CLP 2015 Policy ESD6 relates to sustainable flood risk management, advocating a sequential approach to development and specifying when a site specific flood risk assessment should be required.
- 9.27. CLP 2015 Policy ESD7 requires the incorporation of sustainable urban drainage systems (SuDS) for the management of surface water run-off in all development.
- 9.28. Section 14 of the NPPF relates, amongst other things, to addressing flood risk. Paragraph 173 states that “*when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere*”. Paragraph 175 requires major developments to incorporate sustainable drainage systems except where it can be evidenced that this would be inappropriate.

Assessment

- 9.29. No comments have been received from the LLFA at the time of writing, which is a statutory consultee on all major applications. However, the application site is in Flood Zone 1, which has the lowest risk of flooding. The proposed development type is classed as ‘less vulnerable’ in terms of flood risk vulnerability and is therefore compatible with the flood zone and a site specific flood risk assessment is not required. The proposed new workshop would be constructed on an area of existing hard standing and would not therefore increase the impermeable area within the site. Given this, it is considered highly unlikely that the proposal would result in increased flood risk within the site or on neighbouring land. In light of this, and subject to a condition to secure an appropriate surface water drainage scheme in accordance with the requirements of CLP 2015 Policy ESD7, the proposal is considered to meet the relevant requirements of CLP 2015 Policies ESD6 and ESD7 and guidance within Section 14 of the NPPF.

Conclusion

- 9.30. Subject to the LLFA raising no objections in their consultation response, it is considered that the proposed development would not result in unacceptable adverse drainage or flood risk impacts in accordance with the requirements of CLP 2015 Policies ESD6 and ESD7 and guidance within Section 14 of the NPPF.

Ecology Impact

Policy Context

- 9.31. Paragraph 180 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.

- 9.32. Paragraph 186 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.
- 9.33. Paragraph 191 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.
- 9.34. 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.
- 9.35. This policy is 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.
- 9.36. 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.
- 9.37. WOTGNP Policy E1 seeks to secure biodiversity net gain for the parish in association with all new development and to “*implement a biodiversity measure for all development proposals*”.

Assessment

- 9.38. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.39. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the proposed location of the new workshop would be on an existing area of hardstanding. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. The proposed workshop would be located in close proximity to the established vegetation along the southern site boundary which is likely to function as an important wildlife corridor in the area but a grassed buffer of at least 5m will be left between the building and the hedgerow and the Council's Ecologist confirms that this is sufficient to protect the wildlife corridor. On this basis, and subject to conditions to secure a biodiversity enhancement scheme (to include management of this buffer) and details of any proposed external lighting, the proposed development is considered to accord with the relevant requirements of CLP 2015 Policy ESD10, WOTGNP Policy E1, guidance within the NPPF and other material considerations.

Arboricultural impacts

Policy Context

- 9.40. CLP 2015 Policy ESD10 seeks to protect and enhance biodiversity and the natural environment, including encouragement of the protection of trees.
- 9.41. Amongst other matters, CLP 2015 Policy ESD15 requires that new development should integrate and enhance green infrastructure.
- 9.42. CLP 2015 Policy ESD17 relates to green infrastructure and sets out measures through which this will be maintained and enhanced within the District. These include *"protecting and enhancing existing sites and features forming part of the green infrastructure network and improving sustainable connectivity between sites"* and requiring development proposals to maintain and extend green infrastructure links.
- 9.43. Section 12 of the NPPF recognises the contribution that trees make to the character and quality of the urban environment and supports the incorporation of trees into new development and retention of existing trees where possible. Section 15 of the NPPF similarly recognises the contribution that trees and woodland make to the intrinsic character and beauty of the countryside.

Assessment

- 9.44. The proposed new workshop would be sited in close proximity to the existing planting along the southern site boundary and separating the existing hardstanding from the new parking area to the west (permission 23/01641/F). The Arboricultural Officer has requested additional details of the proposed siting and extent of excavations required for the new building in order to assess whether an arboricultural impact assessment and method statement are required pre-determination or whether these can be conditioned. A more detailed site plan was subsequently submitted and information regarding the extent of excavations is still awaited. Notwithstanding this, the existing planting primarily comprises shrubby hedgerow and immature trees along the southern site boundary and a line of conifers separating the hardstanding from the newer parking area. None of the existing trees that may be affected by the development appear to be particularly high quality or of high amenity value and any likely losses could be compensated for by replacement planting. Given this, and subject to confirmation from the Arboricultural Officer, it is considered that any arboricultural impacts arising from the proposal can be adequately mitigated and this can be controlled by condition.

Conclusion

- 9.45. Subject to receipt of an arboricultural impact assessment and method statement, either pre-determination or to be secured by condition, the proposal is considered to accord with the relevant requirements of CLP 2015 Policies ESD 10, ESD 15, and ESD17 and guidance within Sections 12 and 15 of the NPPF.

Highways matters

Policy Context

- 9.46. CLP 2015 Policy ESD15 seeks to deliver safe and healthy places to live and work in. Amongst other things, it requires new development to integrate with existing streets and patterns of routes and spaces and requires that the principles set out in The Manual for Streets should be followed.
- 9.47. CLP 1996 Policy TR7 states that *“development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted”*.
- 9.48. Section 9 of the NPPF promotes sustainable transport. Paragraph 108 requires transport issues including the potential impacts of development on transport networks and the environmental impacts of traffic to be considered from the earliest stages of development proposals. Paragraph 115 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe”*.

Assessment

- 9.49. The Local Highways Authority considers that the proposed development is unlikely to significantly increase vehicle trips in addition to the existing site use and confirms that the existing site access has sufficient visibility in both directions to ensure highway safety. The proposed developments is therefore considered to integrate with existing streets and patterns of routes and to follow the principles set out in The Manual for Streets, as required by CLP 2015 Policy ESD15, to properly to consider the potential impacts of the proposal on transport networks and the environmental impacts of traffic in accordance with NPPF paragraph 108, and to comply with the requirements of CLP 1996 Policy TR7 and paragraph 115 of the NPPF.

Conclusion

- 9.50. The proposed development is considered to accord with the relevant requirements of CLP 2015 Policy ESD15, CLP 1996 Policy TR7, and Section 9 of the NPPF, in light of which it is considered acceptable in relation to highway impacts.

Aerodrome safety

- 9.51. The application site is within the statutory safeguarding zones surrounding RAF Weston on the Green, in particular the height and birdstrike safeguarding zones.
- 9.52. Whilst the MoD raises no objection to the proposed development having regard for the height of the proposed new building in relation to air traffic approaches and the line of sight of navigational aids and transmitters/receivers, it raises concerns that cranes or other tall construction equipment used during the construction phase may affect the safe operation of the aerodrome. A condition is therefore requested to secure the agreement of a construction management strategy prior to

commencement of development, detailing any cranes/tall construction equipment to be used along with obstacle lighting, and this is considered reasonable.

- 9.53. No concerns are raised in relation to the potential for the proposed development to increase birdstrike incidence.
- 9.54. Given the above, the proposed development is considered to safeguard Weston on the Green aerodrome in accordance with Government guidance.

Other matters

- 9.55. WOTGNP Policy C3 states that “*all developments must provide connectivity (virtual services such as broadband, telecoms) to the highest standard available at the time of the proposal*”.
- 9.56. The proposed development would be located within an established commercial site with existing sufficient connectivity to meet the needs of the business. It is considered unlikely that the proposed new workshop would require high levels of connectivity and that connection to the existing networks serving the business would therefore be adequate. On this basis, it is considered that the proposal meets the requirements of WOTGNP Policy C3.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The fundamental aim of the planning system is to contribute to the achievement of sustainable development, in relation to which three overarching objectives are to be pursued: an economic objective, a social objective, and an environmental objective. These should be delivered through the implementation of plans and the application of policies within the NPPF.

The Economic Objective

- 10.2. The proposed development would support the expansion and growth of an established local business, supporting the local economy and providing an additional six full time employment opportunities. The intensification of use at an existing employment site is supported by CLP 2015 Policy SLE1 and Section 6 of the NPPF, and is given moderate positive weight in the planning balance.
- 10.3. In addition to the above, the proposed development would provide short-term economic benefits during the construction phase by providing local employment opportunities, which is also afforded positive weight.

The Social Objective

- 10.4. The proposal would support the social objective of sustainable development by providing full time local employment opportunities, helping to support a vibrant local community, and this is afforded moderate positive weight.

The Environmental Objective

- 10.5. The proposed development is well-designed and would integrate well with the existing site context in accordance with CLP 2015 Policy ESD15, CLP 1996 Policy C28, WOTGNP Policy E1 and Section 12 of the NPPF. It would protect the character and appearance of the wider rural landscape in compliance with CLP 2016 Policy ESD13 and Section 15 of the NPPF. This is afforded moderate positive weight.
- 10.6. The proposed development would respect existing residential amenity and any potential disturbances to amenity or the wider natural environment arising from noise

or light pollution can be controlled for by condition. The compliance of the proposal with these elements of CLP 2015 Policy ESD15, CLP 199 Policy ENV1, WOTGNP Policy E4, and Sections 12 and 15 of the NPPF is afforded neutral weight.

- 10.7. The proposal would incorporate sustainable drainage systems and would affect drainage and flood risk in a neutral manner, in light of which compliance with CLP 2015 Policies ESD6 and ESD7 and Section 14 of the NPPF is also given neutral weight.
- 10.8. The proposed development may adversely affect existing trees on the site but this can be controlled for and mitigation secured by condition. Overall biodiversity net gain can similarly be secured by condition and the proposal would not result in loss of or damage to existing ecological networks or habitat. It therefore complies with the relevant requirements of CLP 2015 Policies ESD10, ESD15 and ESD17, WOTGNP Policy E1, and Section 15 of the NPPF. Given the potential for adverse impacts to existing trees that would require mitigation, the overall biodiversity net gain to be secured is afforded limited positive weight in the planning balance.
- 10.9. The proposal is likely to result in a small increase in vehicle movements to and from the site but this would not be significant enough to raise highway safety concerns. Nevertheless, this would contribute to environmental pollution and so, whilst the proposal complies with the relevant requirements of CLP 2015 Policy ESD15, CLP 1996 Policy TR7 and Section of the NPPF, limited negative weight is attached to the environmental consequences of the development in relation to highways matters.
- 10.10. There are no concerns in relation to increased aerodrome safety risk arising from the proposed development and any potential impacts due to the use of tall equipment or machinery during construction can be controlled by condition. This is afforded neutral weight in the planning balance, as is the compliance of the proposal with WOTGNP Policy C3 in providing sufficient connectivity to meet the needs of the business.

The Planning Balance

- 10.11. In light of the above, and taking into account other material considerations, the balance weighs in favour of the proposal being sustainable development and it is therefore recommended for approval.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

- **NO OBJECTIONS FROM THE ARBORICULTURAL OFFICER AND**
- **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

CONDITIONS

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: unnumbered location/site plan (submitted 2.4.2024) and drawing number 2024-728-20.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason – To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems and in accordance with Government guidance contained within the National Planning Policy Framework.

4. Before any above ground works commence a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first use of the building hereby approved and shall be maintained as such thereafter.

Reason - To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property 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 guidance contained within the National Planning Policy Framework.

5. A method statement for enhancing the site for biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level, which shall include details of the planting and management of the 5m grassed buffer against the southern site boundary. It could include measures such as additional landscaping within the wider site or appropriate inclusion of bat/bird/invertebrate boxes on the building hereby approved. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that

the rating noise level from the equipment shall be at least 5 dB(A) below the pre-existing background noise level (dBLA90) when measured at the nearest noise sensitive premises/site boundary. Measurements and rating of noise for the purpose of this conditions shall be in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates).

Reason – To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first use of the development hereby approved details of the external lighting, including security lighting and/or floodlighting, and 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 the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason - In the interests of visual amenity and to protect the amenities of nearby residents and to ensure that the development does not cause harm to any protected species or their habitats in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Sophie Browne