

**Site Address: Railway Farm, Station
Road, Hook Norton**

14/01087/F

Ward: Hook Norton

District Councillor: Cllr Ray Jelf

Case Officer: Rebekah Morgan

Recommendation: Refusal

Applicant: D J Stanton Engineering Ltd

Application Description: Demolition of existing farm buildings. Erection of new build industrial building with associated vehicle yard and car parking.

Committee Referral: Re-submission of a previous application determined by the planning committee
Committee Date: 2 October 2014

1. Site Description and Proposed Development

- 1.1 The application site is a triangular piece of land located to the east of Hook Norton and east of and adjoining the former railway line. It is on the north side of the approach road from Milcombe/Banbury, at the entrance to the village. It is almost opposite, but slightly to the east of a building which has been converted to employment (Class B1) use and is known as Railway Bridge House. The site has to date been utilised for agricultural related use. Currently on site are a range of buildings, including a barn and lean to store. The main buildings are located on the eastern part of the site and form an inverted 'L' shaped footprint; they are clearly agricultural in character. There is also a building in the western part of the site. Access is from Station Road via gates located on the present boundary.
- 1.2 The application seeks consent to replace the existing buildings with a large portal framed building. The proposed building would measure approximately 29m x 16.5m with a maximum ridge height of 6.2m.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 21st August 2014.

48 letters have been received. The following issues were raised:

- Greenfield site – currently in agricultural use
- Unsustainable development
- Localism Act/Neighbourhood plan – CDC's stated aim is to concentrate future development in Banbury and Bicester, therefore protecting villages
- Draft Hook Norton Neighbourhood Plan has designated several areas for development. This is not one of them
- Not in keeping with surrounding area
- Landscape impact due to size of proposed buildings
- It will turn the existing farm into a brown field site
- Concerned that this development would allow for future housing proposals on this site at it would be brownfield
- Significant increase in floor area compared to existing barns
- Plans show a much higher roofline than the existing buildings
- Inappropriate design
- Small business. If it were to relocate, it would not noticeably affect Hook Norton's employment figures

- Stanton's employ a very small number of people with contract staff being employed when required
- The applicant had an existing site that was sold off for housing
- The applicant made a conscious decision to vacate their existing site
- Alternate sites in Banbury and Chipping Norton are available
- Highway safety concerns
- Noise impacts from traffic on neighbouring properties

3. Consultations

3.1 Hook Norton Parish Council: Objects

The following issues were raised in the objection to the previously refused application (13/01744/F):

- this is a development on a Green Field site
- it is outside the 30mph limit
- it outside the curtilage of the village which ends naturally at the railway line;
- the building will be much closer to the road than in the previous application;
- the scale and height of the building is obtrusive and unacceptable and much larger than the existing buildings;
- the proposed material for the outside of the building is not in keeping with the area;
- the landscape barrier is in the wrong place
- A Routing Plan for lorries avoiding the village centre is essential.
- there are comments about the employees. We are unable to confirm whether or not they are local. If the work is highly skilled, it is unlikely that staff would be recruited from the village, further adding to vehicular movement to/through the village.
- it serves no local need.

Hook Norton Parish Council maintains their original objection and highlights a number of policies from the emerging Hook Norton Neighbourhood Plan.

Cherwell District Council Consultees

3.2 Environmental Protection Officer: Recommend full contaminated land conditions

3.3 Landscape Officer: I have no objections to the revised development layout. The building is smaller than for previous application, ref. 13/01346/F. However larger hard standing/car park/lorry delivery area with highway access will result in a greater visual impact for road user-receptors than previously thought, and therefore retention and height management of the hedge to Station Road along with 'screen' tree planting is essential to mitigate the function and impact of this development.

The site is visually contained by the existing woodland to the disused railway embankment. In order to ensure that this vegetation is protected it is essential for the applicant to provide an BS 5837 arboricultural survey of all trees and hedges and thicket within an influencing distance of the development, with root protection area protection measures as a basis to a design layout.

Additional structural landscaping will be required for the east site boundary.

3.4 Ecology Officer: The farm buildings are of a relatively modern construction and appear to have little potential to support roosting bats, so no surveys of these are required prior to any decision. However, there is potential for species such as

badgers and great crested newts to be utilising the fields and hedgerows within the site, especially as there are ponds in the vicinity. If the site was left un-grazed before the implementation of any planning permission, this would increase the likelihood of not just great crested newts but also reptiles being present in the longer grass.

Therefore some consideration needs to be given to what species may already be there and also to how the site can be cleared and developed without contravening any wildlife legislation. Due to the location of the site, mitigation would be possible and as such this can be conditioned.

More information on the species mix of the proposed new planting is also needed. Any new planting should consist of native species, as conifers would be inappropriate in this rural location.

Oxfordshire County Council Consultees

3.5 **Highways Liaison Officer:** Taking the above into account and the site's recent history I have no objection this planning application subject to conditions being imposed (and legal agreement).

Detailed comments:

A site visit has been undertaken for this assessment.

The proposed development has been subject to a previous planning applications, references 13/01002/F and 13/01744/F.

Access arrangements

The proposed site is located on the edge of the village of Hook Norton outside the existing 30mph speed limit.

The site's existing vehicle access has restricted visibility to the left due to the gradient of the road and is therefore not considered suitable for an intensified use. However, following discussions with the Local Highway Authority (LHA) earlier this year, it is proposed to permanently close off the existing access and form a new one to the north-east where greater visibility can be achieved.

The road that serves the site is subject to the national speed limit at the points of the existing and proposed vehicle accesses, necessitating a vision splay of 215m in both directions. This is not achievable from the location of the new access. It is therefore proposed that the 30pmh speed limit to the village is extended northwards beyond the proposed access's location. This in conjunction with a traffic calming measure would make the provisions of the new access and its available visibility acceptable.

Extending the 30mph speed limit will require an alteration to the existing Traffic Regulation Order (TRO). This must be carried out by the LHA and is subject to a separate public consultation process to a planning application. The cost of this TRO consultation is to be covered by the applicant. A unilateral undertaking (legal agreement) is required to secure the £3,000 for the TRO consultation (and for the proposed amendments to the TRO). These works will need to be secured by a Grampian planning condition (as recommended before by the LHA).

In addition to the proposed speed limit reduction, a gateway entry feature (traffic calming measure) was also previously recommended by the LHA to help reduce vehicle speeds. Such a scheme will need to be secured by a pre-commencement approval planning condition and a Section S278 Agreement with the LHA.

Parking and Turning area

The proposed 10 parking spaces meet the appropriate standards for a B2 land use. The parking and HGV turning area is also considered acceptable. These areas are to be secured by planning condition.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- EMP4: Employment Generating Development in rural areas
- C7: Landscape Character
- C13: Areas of High landscape Value
- C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance (2014)

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the Development
- Visual Amenity and Impact on the Character of the Countryside
- Highway safety
- Neighbouring Amenity
- Other Matters

Relevant Planning History

5.2 **Application 13/01002/F:** Demolition of existing farm buildings. Erection of new build industrial building with associated vehicle yard and car parking. Application withdrawn.

5.3 **Application 13/01744/F:** Re-submission of 13/01002/F. Demolition of existing farm buildings. Erection of new build industrial building with associated vehicle yard and car parking. Application refused for the following reasons:

1. The proposal is contrary to government guidance contained within the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan in that the application site is located within the open countryside and is considered to be inappropriate and unsustainable location for the proposed industrial development.

2. The proposed building would result in an incongruous feature causing harm to the character and the appearance of the countryside. The proposal would be contrary to government guidance contained within the NPPF and Policy C7 of the adopted Cherwell Local Plan.

Principle of the Development

5.4 Policy EMP4 of the adopted Cherwell Local Plan states: 'In the rural areas, proposals for employment generating development of the following types will normally be

permitted:

(a) Within an existing acceptable employment site including redevelopment;

(b) Conversion of an existing building or group of buildings (provided that the form, bulk and general design of the buildings concerned is in keeping with the surrounding area and, in the case of a building beyond the limits of a settlement, can be converted without major rebuilding or extension).

(c) Within, or adjoining settlements, for a minor extension to an existing acceptable employment site

- 5.5 Considering each point in turn;
- the application site is a parcel of agricultural land, therefore not considered to be an existing employment site
 - The proposal is for new build development and not the conversion of an existing building or group of buildings
 - The application site is not an existing acceptable employment
- 5.6 Therefore the proposal is considered to be contrary to the provisions of Policy EMP4 of the adopted Cherwell Local Plan.
- 5.7 When considering a proposal for employment generating development in rural areas paragraph 28 of the National Planning Policy Framework states that: *'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*
- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion and existing buildings and well-designed new buildings;*
- 5.8 Although the National Planning Policy Framework allows for 'well designed new buildings' it also refers to 'sustainable growth and expansion'.
- 5.9 Setting aside the personal circumstances put forward by the applicant, this application essentially seeks consent for a new industrial development in the open countryside and should be considered as such. Therefore it is your officer's view that the National Planning Policy Framework does not wholly support this type of development and that Policy EMP4 of the adopted Cherwell Local Plan is in compliance with the Framework and therefore can be given significant weight.
- 5.10 The National Planning Policy Framework also sets out a presumption in favour of sustainable development. When assessing the sustainability of a development, consideration has to be given to the way the business operates as well as the location of its employees.
- 5.11 In this case many of the employees are local to Hook Norton, however the business only employs a very small workforce (currently 6 people). In terms of the business, it supports a much wider industry, therefore in terms of sustainability; it would seem better suited to a location such as Banbury with better links to the wider transport network. Furthermore, it would not be possible to insist that employees are sourced from the local area.
- 5.12 When assessing the application, consideration must also be given to the potential use of the site. If granted consent for Class B1 industrial use, the site could be intensified in the future and although it could increase employment levels, it would not necessarily provide jobs for local people.
- 5.13 The principle of creating a new employment site at this location and in open countryside is considered to be unsustainable and as such it is unacceptable being contrary to government guidance on 'supporting a prosperous rural economy'

contained within the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan.

Visual amenity and impact on the character of the countryside

- 5.14 The application site is situated within the open countryside and is within an Area of High Landscape Value (AHLV).
- 5.15 Policy C7 of the adopted Cherwell Local Plan states that '*Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape*'.
- 5.16 Policy C13 of the adopted Cherwell Local Plan states '*The Ironstone Downs, the Cherwell Valley, the Thames Valley, North Ploughley, Muswell Hill and Otmoor are designated Areas of High Landscape Value within which the Council will seek to conserve and enhance the environment*'. It is acknowledged that this is a local landscape designation and therefore only carries limited weight.
- 5.17 The proposed building would measure approximately 29m x 16.5m with a ridge height of 6.2m.
- 5.18 The applicant has submitted a drawing showing sections through the site with both the existing and proposed buildings shown. It should be noted that the tallest existing building has a ridge height of approximately 5.2m, however the section of the building at this height only measures 9m wide with the remainder of the building having a lower ridge height.
- 5.19 The proposed building is a portal framed building with grey profile metal sheeting on the roof and sides. It is a typical design for an industrial building, but it is also acknowledged that its appearance is similar to modern agricultural buildings.
- 5.20 The building has been reduced significantly in size from that set out in application 13/01744/F. Both the width and the height have been reduced, and the single storey element has been removed. The scale of the proposal is now more in keeping with a modern agricultural building.
- 5.21 The replacement building is not significantly larger in terms of floor space than the existing agricultural buildings on the site; however a larger percentage of it will be at the increased height. Although the existing buildings are currently well screened by the existing landscaping, the proposed building would have a greater impact on visual amenities of the area, especially when viewed from the main road.
- 5.22 To mitigate the impacts of the proposal, the applicant has proposed some additional planting to reinforce the existing planting and the proposal includes a 1.8m high bund adjacent to the proposed car park. No details have been submitted relating to species or expected lengths of time for the landscaping to establish.
- 5.23 The concern that your officers have with this type of approach is that landscaping of the form proposed can itself appear as artificial features within the rural landscape. In this case it is queried whether the proposed 1.8m section of bund could successfully blend into this section of countryside. If this application is approved a condition could be imposed requiring a full landscaping scheme so alternative options could be considered instead of the use of the landscaping scheme.
- 5.24 Given the amendments that have been made to the size and scale of the proposed building, it is your officer's view that an appropriate landscaping solution could be found to mitigate the visual impacts of the building. Therefore it would be difficult to sustain a reason for refusal on this basis.

- 5.25 With appropriate landscaping the visual impacts of the proposal could be mitigated and therefore the proposal complies with government guidance contained within the National Planning Policy Framework and Policies C7 and C13 of the adopted Cherwell Local Plan.

Highway Safety

- 5.26 The Local Highway Liaison Officers comments are set out in full in paragraph 3.5 of this report and reflect the comments received on previous applications.
- 5.27 With regards to parking levels, the Local Highway Authority Liaison Officer has advised that parking levels are sufficient for the proposed development.
- 5.28 The applicant has not yet indicated whether they are happy to enter into the legal agreement and pay the contribution required for the amendments to the Traffic Regulation Order.
- 5.29 Provided that the applicant is willing to enter into a Section 278 Agreement and pay the required financial contribution, the proposed development would not have a detrimental impact on highway safety. The proposal complies with government guidance contained within the National Planning Policy Framework.

Neighbouring Amenity

- 5.30 The application site is located away from residential properties. The proposed development is not anticipated to cause harm to neighbouring amenity due to unacceptable noise levels or other pollution.
- 5.31 A neighbour letter has raised concerns regarding the impact of traffic noise on residential properties in the area. Given the distance between the site and residential properties, your officers do not consider that traffic would generate significant levels of noise to warrant a reason for refusal. Furthermore, it is felt that a reason for refusal based on traffic noise could not be sustained at appeal.
- 5.32 The proposal would not cause harm to neighbouring amenity and complies with the core principle of the National Planning Policy Framework.

Other Matters

- 5.33 Hook Norton Parish Council highlighted a number of policies from the emerging Hook Norton Neighbourhood Plan. As this plan has not yet been through examination or a local referendum, it cannot carry any weight. However, the concerns and issues raised by the Parish Council have been fully considered.
- 5.34 In the agent's supporting statement, information has been submitted regarding other sites that have been considered. The letter shows that any site not available as 'freehold' has been ruled out. This is the applicant's choice and does not necessarily provide clear evidence that no other sites are available.
- 5.35 Furthermore the Brymbo Works site has also been ruled out due to alleged dust nuisance without any clear evidence to support the applicants case.

Engagement

- 5.41 With regard to the duty set out in paragraphs 186 and 187 of the Framework, concerns regarding the proposal were set out in pre-application advice and during the previous applications 13/01002/F and 13/01744/F. The principle of the development has remained the same and it is not considered that this concern could be overcome by seeking amendments to the scheme. It is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application.

6. Recommendation

Refusal, for the following reason(s):

1. The proposal is contrary to government guidance contained within the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan in that the application site is located within the open countryside and is considered to be inappropriate and unsustainable location for the proposed industrial development.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the decision has been made in an efficient way.