

Green Interiors, The Straw Barn, Station Road, Cropredy

14/01379/F

Ward: Cropredy

District Councillor: Cllr Ken Atack

Case Officer: Caroline Roche

Recommendation: Approval

Applicant: Green Interiors

Application Description: Change of use from horticulture to B1 business, small changes to front and rear entrance of building to add glazed doors and fire escapes and addition of car parking and landscaping around building.

Committee Referral: Initially submitted as a Major application requiring consideration by committee and advertised as such. **Committee Date:** 27 November 2014

1. Site Description and Proposed Development

- 1.1 The site is located to the south east of Cropredy Primary School and between a private track off Station Road and the Oxford Canal. The site is occupied by a firm called Green Interiors which benefits from planning permission for use as a horticultural/agricultural business. There are a number of existing buildings on the site and areas of the wider site given over to planting associated with the horticultural use.
- 1.2 When the application was submitted the red-line was around the entire site which was misleading as it suggested that application was seeking consent for the change of use of the entire site. However upon seeking clarification it was made clear that the applicants only wished to change the use of one of the existing buildings to a B1 business use along with the land immediately surrounding the building. The change of use would apply to the north western corner of the site. The proposal would also involve alterations to the external appearance of the building the creation of additional parking areas and landscaping. It would also appear that an existing access point will be used to access the B1 unit.
- 1.3 The site lies within an Area of High Landscape Value, is in proximity to a listed building and abuts the Oxford Canal Conservation Area. There is also a public footpath (canal tow path) that runs along the eastern side of the Canal, in the vicinity of which otters have been recorded. The land is potentially contaminated and the eastern edge of the land within the applicants ownership, but outside of the red line area, lies within a flood plain.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and notification to neighbouring properties. The final date for comment will be the 4th December 2014, following the reconsulation process on the amended plans and submission of a business case. In response to the first round of consultation the following comments have been raised by 4 local residents;
 - Poor visibility at road junction with primary school and railway bridge on bend
 - Safety of pedestrians, especially school children is a concern
 - Application too vague and does not make it clear what the impacts may be from the proposed change of use
 - Rural character of the area will be adversely affected by change of use
 - Increase in traffic from proposed change of use on an already overused lane
 - Light pollution from proposed change of use

- Affect on area of outstanding natural beauty (*Not a formal designation for the area*)
- Access via an un-adopted unmaintained road – vehicles cause dust clouds and noise – the road should be upgraded
- Increased use by large delivery vehicles
- Inappropriate in conservation area
- Not enough information about traffic generation

Further updates will be provided at the Committee meeting.

3. Consultations

- 3.1 Cropredy Parish Council: Support the application as it would appear to tidy up the site and hopefully will provide further local employment. However the additional parking would suggest increased traffic further exacerbating the problems by the school. HGV's have recently been seen parking overnight in the lane, a further cause for concern. Also question the need for three tall lights in the terrace area – the area generally has no street lighting – will these lights be switched off outside normal business hours, or be on sensors?

Cherwell District Council Consultees

- 3.2 Environmental Protection Officer: Given the scope of this development, I have no comment.
- 3.3 Ecology Officer: The proposed changes will not impact on any potential protected species habitat or disturb otter habitat on the canal, therefore I have no comments to make on this application.
- 3.4 Conservation Officer: Change of use will have limited impact on the Oxford Canal conservation area however if there are any knock-on changes such as up-grading the boundary security of the site especially the boundary facing the canal then this could potentially have a significant impact.

Oxfordshire County Council Consultees

- 3.5 Highways Liaison Officer/One Voice: The submitted plans and documents provide little information, some of which is contradictory. No information is provided relating to the trip generation of the proposed or extant use of the site and therefore the traffic impact cannot be determined with any confidence. The application form suggests 231sqm of additional floor space with use class order B1 but makes no reference to the loss of any other uses as would be expected with a change of use. Two different layouts are shown on the submitted plans, one dated 4-2-2010 the other 26-8-2014. The application form shows an increase in parking provision but this does not appear to be included within the plans and no justification is provided. For the reasons above I recommend the application for planning permission is not determined until appropriate plans and supporting documentation are submitted to enable a comprehensive appraisal of the proposal.

Other Consultees

- 3.6 Canal and River Trust: After due consideration of the application details, the Canal & River Trust has no comments to make.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- EMP4: Employment generating development
- TR7: Development that would attract large commercial vehicles onto unsuitable minor roads
- C1: Nature Conservation, protected species
- C13: Areas of High Landscape Value
- C28: Layout, design and external appearance of new development
- C29: Buildings, extensions and alterations in the vicinity of the Oxford Canal
- C30: Standards of amenity
- ENV1: Detrimental levels of noise, vibration, smell, smoke or other forms of environmental pollution
- ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance (2014)

Submission Cherwell Local Plan (January 2014)

This document has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. 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.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

- SLE1: Employment Development
- ESD16: The Character of the Built and Historic Environment
- ESD17: The Oxford Canal

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of the development
- Visual Impact including impact on the Conservation Area and setting of listed buildings;
- Impact on residential amenities;
- Highways Safety
- Other matters

Relevant Planning History

5.2 **10/00038/F** – Use of land for horticultural nursery including greenhouse, poly tunnel,

barn and parking/access area – Refused for the following reasons;

The applicants have failed to submit an assessment of the contribution of the setting to the significance of the designated battlefield, and an assessment of the impact of the proposal on that significance, and in the absence of the evaluation it is not possible for the Council to reach an informed decision on this issue. The proposal is therefore contrary to PPS 5: Planning for the Historic Environment and Policy EN47 of the Non-Statutory Cherwell Local Plan 2011. Further, the applicant has failed to demonstrate that undue harm to the safety or convenience of highway users would not result from the development, contrary to PPG 13: Transport and Policy T1 of the South East Plan 2009.

10/01087/F - Use of land for horticultural nursery including greenhouse, poly tunnel, barn and parking/access area – resubmission of 10/00038/F – Approved

12/00611/F - Change of design of greenhouse and new fenced compound with partially covered area for secure storage - Approved

Principle of the development

- 5.3 The principle of the wider site being used for the purposes of a horticultural business has been established along with the construction of various buildings in which to grow and manufacture products relating to the horticultural enterprise taking place. The business has now been operational for some time and has already grown in scale hence the construction of additional buildings on the site. The applicants have stated in their later submissions regarding this application that the business is widening its scope to include the manufacture of artificial and preserved foliage trees, the design and manufacture of preserved and artificial green walls and green art pictures. They will also produce Christmas ranges. The applicants recognise that this does not directly fit into the scope of horticulture and the existing buildings and their permitted uses do not provide the type of facility which is suitable for a showroom and client visits. As such they are seeking permission to change the use of one of the existing buildings into a B1 business use to accommodate offices and a showroom. The applicants have set out that the business has and continues to expand both in size and diversity. Turnover has doubled, as has the number of employees which are understood to all be living within 5 miles of Cropredy.
- 5.4 Policy EMP4 of the adopted Cherwell Local Plan sets out that in rural areas proposals for employment generating development will normally be permitted if they are within existing employment sites, if they involve the conversion of existing buildings which are in keeping with the surrounding area and can be converted without major rebuilding or extension. The development is only acceptable where the activities can be carried out without undue detriment to the appearance and character of the rural landscape and without harming the amenities of settlements. This proposal specifically relates to the conversion/change of use of an existing building. Whilst the building is relatively new it has already been assessed for its impacts on the visual amenities of the area and its compatibility with its context through the consideration of earlier applications. The proposal complies with the relevant elements of EMP4 which allows for further employment generating development within existing sites and the conversion of existing buildings. An assessment as to the impacts on the amenities of the settlement will be made later in the report.
- 5.5 Policies contained within the Submission Local Plan carry less weight given that they have not yet been adopted but they are a relevant consideration and help to demonstrate the Council's intentions with regard to future strategic policies and demonstrate a level of compliance with guidance contained within the National Planning Policy Framework. Policy SLE1 of the submission Local Plan sets out that new small scale employment proposals within rural areas will be supported if they meet certain criteria. However this relates to new small scale employment rather than

the change of use between different types of rural employment on existing sites. However some of the key considerations in assessing proposals against policy SLE1 include; development being on the edge of villages listed in Policy for Villages 2, meeting an identified local need, the ability to carry out the activities without detriment to residential amenity, the highway network, village character and setting and the appearance of and character of the landscape, the proposal not giving rise to excessive or inappropriate traffic and there being no other more suitable sites within existing employment sites. This proposal being a change of use within an existing employment site complies with the general thrust of this policy but issues relating to amenities and highway safety will be considered later in the report.

- 5.6 The NPPF requires a sustainable approach to development and at section 3 sets out that Local Planning Authorities should support a prosperous rural economy. This should be done in the following ways;
- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings; and
 - Promoting the development and diversification of agricultural and other land-based rural businesses.

It is considered that the Council's adopted and submission plan policies are in general compliance with the NPPF's guidance and such can be afforded full weight in the consideration of the application. Whilst having specific regard to the general principles set out in the rural employment policies it is still relevant to consider other implications and guidance within the NPPF which seeks to ensure sustainable development.

Visual Amenities

- 5.7 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.8 Saved Policy C28 of the adopted Cherwell Local Plan seeks to exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing building.
- 5.9 The proposal consists mainly of the change of use of an existing building. Whilst the building was described as a green house in the earlier submissions it was largely timber clad with a significant number of glazed openings and rooflights with a high internal ceiling height. It has already been constructed on site. However the proposed change of use results in the need for minor changes to the external appearance of the building. Also proposed is an additional element of car parking to the north west of the building and the creation of an external landscaped area. These changes are considered to be minor and unlikely to cause detriment to the visual amenities of the character and appearance of the area given their containment within the existing established boundary and only being visible from glimpsed views from the private access track and the canal. Furthermore given the nature of the changes it is unlikely that there will be any impact on the character and appearance of the canal Conservation Area and setting of the listed building to the south east of the site. Given the reduced area over which the change of use is to apply and the limited nature of the external changes I do not agree with some of the neighbours concerns with regard to the proposal having an adverse impact on the character and appearance of the rural setting. It is therefore considered that the proposal complies

with Policy C28 of the adopted Cherwell Local Plan and guidance contained within the NPPF requiring the preservation and enhancement of heritage assets.

Impact on Neighbouring amenities

- 5.10 Neighbouring residents have raised a number of concerns with regard to the proposal. However many of these relate to highway safety implications which will be addressed below. Other matters such as noise and disturbance from increase traffic movements are relevant. However this stems more from the nature of the existing poorly serviced private access road and the type of vehicles using it than the nature of the proposal. It is understood from correspondence from both the applicant and a neighbouring resident that there may be discussions taking place with regard to improving the surface of the track but as this is a private road and not a public right of way it is not possible for this to be a requirement imposed by a planning condition. If increased noise and disturbance was considered to be a significant issue this would have been picked up by the Council's Environmental Health Officer who has in fact raised no objections. If the Local Highway Authority responds with further concerns about a potential increase in traffic movements and the nature of the traffic it may be reasonable to consider limiting the hours of access to the site to limit neighbour disturbance and in order to comply with Policy ENV1 of the adopted Cherwell Local Plan.
- 5.11 The Parish Council has identified that the proposal includes some external lighting. Given the rural nature of the site and the fact that the area is otherwise free of street lighting any proposed lights have the potential to cause visual intrusion and although adverse neighbour impact from lighting is unlikely given the separation between the site and residential properties it would be reasonable to seek to control the level of luminance and the hours during which the lights are used in order to avoid wider visual intrusion due to this edge of village location. This can be controlled by condition and would ensure the proposal complies with policy C28, C30 and ENV1 of the adopted Cherwell Local Plan. Lighting across the remainder of the site (outside of the redline area) is still controlled under a condition on an earlier consent which requires planning permission for any other form of external lighting.
- 5.12 Given the separation of the site from neighbouring properties and the nature of the change of use it is unlikely that any of the properties will be affected by overbearing or overlooking. As such this element of Policy C30 of the adopted Cherwell Local Plan is complied with.

Highway Safety

- 5.13 The existing parking arrangements across the site are fairly informal but the application forms state that there are 20 existing car parking spaces, 6 light goods vehicle spaces, 2 disability spaces and 5 cycle spaces. The proposal seeks to introduce a further 12 car parking spaces, 2 disability spaces and 5 cycle spaces. The forms also set out that there are currently the equivalent of 12 full time employees working at the site and the proposal is likely to result in the equivalent of 20 full time employees. The supporting statement recognises that some of these figures are estimations but clarifies that the proposal relates to a change of use of an existing building rather than the introduction of a new building, as such suggesting that there will be some overlap/substitution in the traffic movement to and from the site. Furthermore the applicants do not envisage that there will be any increase in the number of large delivery vehicles given the nature of the change of use to offices rather than plant storage and production.
- 5.14 Policy TR7 of the adopted Cherwell Local Plan is appropriate in this instance as it relates to developments that would attract regular traffic movements consisting of large commercial vehicles onto unsuitable minor roads. Given that the access track

is not public highway the main consideration of the Local Highway Authority is likely to be in relation to the vision and number of traffic movement from the track onto Station Road. If increased traffic numbers accessing the highway from the private access track is an issue this will be picked up by the Local Highway Authority who have yet to respond to the additional information provided by the applicant. It is hoped that a further response from the Highway Authority will be available by the time the application is considered by the Committee. In the absence of a further response from the Local Highway Authority at the time of drafting the report it is still considered necessary to restrict delivery times to the site during the peak school drop off and pick up times as was imposed on the previous consent in order to avoid potential conflict between school traffic and commercial vehicles accessing the site.

Other issues and Conclusion

- 5.15 Application 10/00038/F (see planning history section above) was refused on the grounds of a lack of a Heritage Statement and as such the proposal failed to have appropriate regard to the potential affects on the setting of the nearby battlefield site. This reason was overcome in application no. 10/01087/F through the submission of an appropriate Heritage Statement. Given that this proposal relates principally to a change of use and any external works are within the north western part of the site it is not considered necessary to require a further assessment of the impacts on the setting of the battlefield site.
- 5.16 Contamination has been raised as a potential issue on this site and a small section of the land within the applicant's ownership is within the flood plain. However given the nature of the proposal and its location within the wider site it is not considered that either of these issues are a constraint to the proposal.
- 5.17 Based on the above assessment it is considered that the principle of the change of use of a proportion of the site to enable the existing rural business to diversify complies with both the adopted Local Plan policies which seek to encourage rural economic activity providing it continues to protect the countryside and guidance contained within the NPPF which supports a prosperous rural economy. Subject to traffic and transport issues not being found to be a concern to the highway authority, or appropriate conditions being imposed it is thought that the change of use could occur without detriment to the amenities of the neighbouring residents and the safety of other highway users. Visual impact is likely to be minimal but appropriate conditions can be imposed to ensure that lighting within the application site does not cause detriment to the character and appearance of this rural edge of village location. As such subject to the criteria set out in section 6 the application is recommended for approval.

Engagement

- 5.18 With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application. Unfortunately due to workloads, the need to seek further clarification from the applicants and an extended consultation period the application will exceed its target date. No problems or issues have arisen through the assessment of this application.

6. Recommendation

Approval subject to;

- a) The end of the consultation period (4 December 2014) and further comments being taken into consideration;

- b) the following conditions and any others that may be deemed appropriate (following the result of the highway consultation) with the approval of the Chairman;
1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Business Case and drawings numbered: GI01/2014 received 11 November 2014, LAND01/2014, Landscaping 02.2014, 01.2014 dated 12 August 2014. Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.
 3. Prior to the commencement of the development hereby approved, full details of the external lighting including its luminance and hours of illumination shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
 4. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development for the purposes of B1, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter. Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
 5. There shall be no deliveries to, or collections from the premises between 8am and 9am or 3pm and 4pm on weekdays. Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
 6. That the development hereby permitted shall be used solely for the purposes set out in the documents and plans accompanying the application, and shall not be used for retail or any other purpose. Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in the National Planning Policy Framework.

Planning Notes

- 1 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.
- 2 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained

planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

- 3 The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

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 through seeking additional information in order to progress the application in a positive manner.