

Application 10/01814/F	No:	Ward: Cropredy	Date Valid: 06.12.10
Applicant:	Francis Tuthill Ltd		
Site Address:	Tuthill Park, Wardington		

Proposal: Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation. Refurbish existing industrial buildings and construct administration/ research and development block. Upgrade and reshape existing hard standings to form car parking areas

1. Site Description and Proposal

- 1.1 This application relates to a site on the south-western side of Wardington. Located via a long access road off the main Daventry to Banbury A361 road, the access is partially shared with Wardington House Nursing Home, four neighbouring cottages and several Tuthill family properties.
- 1.2 The majority of the site is outside the Conservation Area, but the access road is within it. A Grade II listed building (Old Farm House) is in close proximity and a public footpath runs along the access road and continues in a westerly direction to the rear of the site. The site is also within an Area of High Landscape Value.
- 1.3 The site is contained within a densely screened site with large mature trees forming all boundaries. The site itself comprises a range of buildings of varying size and height, which have evolved since the 1970's when Francis Tuthill Ltd established a rally car business. Alongside the Porsche business, the site has previously accommodated a horticultural business and glazing company, whilst these uses have since ceased a large greenhouse which is currently used for storing parts and measures 45m x 15m and the range of other buildings and a large number of storage containers remain. Some of the buildings are still occupied by Francis Tuthill Ltd, however another company Omlet Ltd has been operating from the site since 2004.
- 1.4 Planning permission is sought for the redevelopment of the site by demolishing a large greenhouse and construction of 2 no. new buildings and refurbishing the existing along with the formation of a new internal access track and associated hardstanding area to form 71 no. car parking spaces.
- 1.5 The existing layout of the site comprises 3 no. separate buildings (including greenhouse), 2 no. buildings (including greenhouse) are solely used by Francis Tuthill Ltd, part of the 3rd larger building has a mezzanine floor and this whole building is used by both Francis Tuthill Ltd and Omlet. 20 no. storage containers are also used by both companies. Car parking at the site is very random although a larger section of the site is mainly used for car parking.
- 1.6 The proposed layout of the site seeks to rationalise the accommodation providing better facilities for the employees, removal of all the storage containers and allowing

Francis Tuthill Ltd to have a rally car display area in the purpose designed building. Omlet will also have a purposed designed building but will still share the larger building on site with Francis Tuthill Ltd for warehouse storage.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. The final date for comment was 12th January 2011. No comments have been received.

3. Consultations

- 3.1 **Wardington Parish Council** raises no objection.
- 3.2 **Local Highway Authority** objects to the application and recommends refusal on sustainability grounds and highway safety
- 3.4 **OCC Footpaths Officer** raises no objection in principle as there will not be a significant increase in traffic using the public right of way, however a small building currently blocks part of the right of way and it is not clear whether this building is to remain as part of the proposed plans.
- 3.5 **Arboricultural Officer** advises that there are a number of trees on the site which are likely to be affected by the development. Therefore an Arboricultural Survey, Impact Assessment and Method Statement are required.
- 3.6 **Ecology Officer** advises that no ecology survey is necessary, but the applicant must be made aware of grass snakes in the immediate locality and potential for other reptiles in accordance with PPS9.

4. Relevant Planning Policies

- 4.1 South East Plan
CC1 – Sustainable development
CC6 – Sustainable communities and character of environment
RE3 – Employment and land provision
T4 – Parking
T5 – Travel Plans
NRM5 – Conservation and implementation of biodiversity
C4 – Landscape and countryside management
C6 – Countryside access and rights of way management
BE5 – Village Management
BE6 – Management of the Historic Environment
- 4.2 Adopted Cherwell Local Plan
EMP4 – Employment in rural areas
C2 – Protected species
C7 – Landscape Conservation
C13 – Conserve and enhance the environment in Areas of High Landscape Value
C14 – Trees and landscaping
C28 – Standards of layout, design and external appearance

ENV1 – Pollution control

4.3 Non Statutory Cherwell Local Plan

EMP4 – Existing employment sites

R4 – Rights of way and access to the countryside

EN3 – Pollution control

EN34 – Conserve and enhance the character and appearance of the landscape

4.4 **PPS4** – Planning for sustainable Economic Growth

PPS5 – Planning For the Historic Environment

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

5. Appraisal

5.1 Main Planning Considerations

The main issues to consider in the determination of this application are as follows –

- Principle of the development
- Landscape impact
- Highway Impact
- Residential amenity
- Impact on historic environment
- Ecology

Each of the above points will be considered in turn.

5.2 Principle of the development

Policy EC12 of PPS4 states, “in determining planning applications for economic development in rural areas, local planning authorities should ... support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport”.

5.3 Policy EMP4 of the adopted Cherwell Local Plan seeks to encourage economic activity in rural areas by identifying opportunities for employment generating development and in particular for small businesses within an existing acceptable employment site, including redevelopment. Providing that the activity can be carried on without detriment to the character and appearance of the locality or residential amenity.

5.4 Policy EMP4 of the Non-Statutory Cherwell Local Plan 2011 echoes that of the adopted Cherwell Local Plan policy but also states that the proposal should not give rise to excessive or inappropriate traffic and should aim to reduce the need to travel by private car.

5.5 Policy RE3 of the South East Plan 2009 supports economic diversity through the promotion of small and medium enterprises and businesses in rural areas.

- 5.6 In terms of history, the Tuthill's (Brothers and Sons) have operated their own and separate businesses from the site and Wardington Nursing Home and have lived in the properties since the 1960's. These family businesses; Francis Tuthill Ltd, Omlet and Wardington Nursing Home have evolved at the Wardington site over the years and due to their success, need to provide additional accommodation and also rationalise and upgrade the existing accommodation which is fairly old.
- 5.7 Francis Tuthill Ltd build, restore and repair Porsche 911 rally cars for historic motorsport, they also provide road car servicing for Porsche, Audi and VW's and currently employs 16 local people. A small retail section is included within the business which sells the custom designed and manufactured parts for Tuthill competition cars.
- 5.8 Omlet is the second business operating at the site and currently employs 25 people from the Banbury area (95% live within 7 miles of Wardington). This company produces and delivers modern innovative 'pet' housing, including the 'Eglu' a purpose designed and built chicken house for domestic properties. The chickens are kept at the site and both Eglu and chickens are dispatched from the site by the company's delivery vehicles to the purchasers home, where the Eglu is assembled and chickens, their house and run is established as a package. Other housings within the Omlet range includes that for rabbits, guinea pigs and bees.
- 5.9 The Omlet business operates an online ordering system, however the Eglu range and chickens and related products can be viewed and purchased from Barn Farm Plants (garden centre) also located at Wardington. There is no direct retail shop/counter operating for the Omlet business at the application site.
- 5.10 For clarification, the Wardington Nursing Home business is not included in this current application but partly shares its vehicular access with the other two businesses.
- 5.11 There has been extensive negotiation over the past years, which have concluded with the submission of the existing proposal. The original plans for the redevelopment of the site have been scaled down considerably following those negotiations to ensure compliance with Policy EMP4 of adopted Cherwell Local Plan.
- 5.12 The proposal seeks to expand and consolidate the amount of floorspace by the demolition of the large greenhouse building and the provision of two new purpose designed buildings linked to the existing core buildings. The existing buildings on site (including the greenhouse building but excluding the storage containers) covers approximately 3440m². The proposal seeks to remove the greenhouse (640m²) and the storage containers (624m²) and construct 2 no. separate buildings covering an external floor area of 1736m². Taking into account the floor area covered by the greenhouse, the net increase in floor area equates to about 1096m² which is about

32% increase in building floor area on the site.

- 5.13 In respect of retail sales, none take place at the Omlet business as the nearby Wardington Barn Plants business operates as the Omlet retail outlet. Francis Tuthill Ltd operate a small retail sales outlet as part of their business, however there is no sales counter as such and therefore the SDPHE considers that this aspect of the business amounts to ancillary sales associated with the operation of the business and does not constitute a retail sales element that generally would be contrary to Government guidance contained in PPS4 – Planning for Sustainable Economic Growth. However in order to control this element of the business a restrictive condition would be necessary.
- 5.14 The SDPHE considers that the proposal represents economic development within a rural area and small scale redevelopment within an existing acceptable employment site and in that respect generally accords with Government guidance contained in PPS4 – Planning for Sustainable Economic Growth and Policies EMP4 of the adopted Cherwell Local Plan and Non-Statutory Cherwell Local Plan 2011 and RE3 of the South East Plan 2009. However, notwithstanding the compliance with those policies, it could be argued that the site has gradually extended into open countryside without the necessary consent and that the storage containers are also unauthorised. That said, taking a pragmatic view, the harm caused to the locality by the existing operation is considered to be minimal. The site is well screened by mature trees and by allowing the proposed development; it is considered that the site will be contained and conditional. The development therefore complies with Policies EMP4 of the adopted Cherwell Local Plan, Non-Statutory Cherwell Local Plan 2011, RE3 of the South East Plan 2009 and Government guidance contained in PPS4 - Planning for sustainable Economic Growth.
- 5.15 Landscape Impact
- The site lies within an Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.
- 5.16 The site is physically contained within existing hedgerows and trees, the public right of way runs west to east alongside a line of mature Lime trees. The existing and proposed buildings will not be readily visible from the A361 approach road from the Banbury direction, however will be visible from the public right of way. The line of Lime trees help screen the existing range of buildings, but no Arboricultural Survey or method statement has been received, and there is concern that the proposed buildings will have a detrimental impact on these trees which are not subject to a TPO or part of the Conservation Area, but do provide an effective screen. At the time of report writing these surveys are being undertaken.
- 5.17 The existing buildings on site range from 4.2m to 7m high, the 2 no. proposed

buildings will be constructed from brick, vertical Yorkshire boarding, metal cladding and grey metal sheet roofing and will be 8m high. Providing that it can be demonstrated that the buildings can be constructed without serious harm to the Lime trees, it is considered that the proposal will not increase the overall impact of the site to the detrimental of visual amenities of the landscape and Area of High Landscape Value and therefore complies with Policies C13 and C28 of the adopted Cherwell Local Plan.

5.18 Highway Impact

The proposal seeks to use the existing vehicular access with the access track leading from the A361 to the site being upgraded, an internal access route will be formed with associated hardstanding and parking provision for 71 vehicles (staff, visitor and servicing) including 10 no. cycle parking spaces.

5.19 The applicant has provided a transport statement which details the comparison of traffic generation as a product of the proposal with the level of movements which exists at present. The figures for the traffic generation include movements by commercial, HGV and other vehicles. The traffic to the site includes:

Francis Tuthill Ltd	Existing	Proposed
Staff cars	16 per day	20 per day
Parts Deliveries (Vans)	3 per day	4 per day
Owned Delivery Vehicles	None	None
Retail Traffic (Cars)	3 per day	3 per day
Rep/Agent visits (Car)	1 per week	1 per week
Total	22.2 vehicles per day	27.2 vehicles per day

Omlet Ltd	Existing	Proposed
Staff cars	20 per day	24 per day
Parts Deliveries	2 'Artic's per week 2 Lorries (7.5 t'ne) per day	3 'Artic's per week 3 Lorries (7.5 t'ne)per day
Owned Delivery Vehicles	2 vans per day	2 vans per day
Retail Traffic (Cars)	None	None
Rep/Agent visits (Cars)	1 per week	1 per week
Total	24.6 vehicles per day	29.8 vehicles per day
TOTAL	46.8 vehicles per day	57 vehicles per day

The figures illustrate that there is a potential 22% increase in traffic to and from the site.

5.20 The local highway authority objects to the application and recommends that the application be refused on highway safety and sustainability grounds. The County Council's highway engineer has considered that "the increase of floor area and

parking provision at the site as a result the proposal has the potential to attract an increased number of trips and therefore increase the use of the access to the public highway". They also consider that "the access to the highway is poor, in terms of visibility and geometry, and increased use of the access would be to the detriment of the safety of highway users and therefore contrary to Government guidance contained in PPG13 – Transport."

- 5.21 Furthermore the local highway authority considers "that the rural location of the site is extremely limited with regard to reasonable alternatives to car travel. The site would be unlikely to attract pedestrians or cyclists from beyond Wardington, given that most routes would follow the busy strategic route A361 which is fast moving, unlit and without separate provision for non-motorised highway users beyond the settlement. An infrequent bus service is available along the A361, which is unlikely to be practical for most employees. Therefore the County's highway engineer considers that staff would be reliant upon private motor car for access to the site, contrary to the guidance of PPG13. However, due consideration to Policy EC12 of Planning Policy Statement 4 (Planning for Sustainable Economic Growth) should be made".
- 5.22 At the time of report writing the applicant's agent is attempting to discuss the reasoning for recommending refusal with the local highway authority. However, the applicant's agent has already confirmed to the County Council that whilst there will be some intensification, the applicant cannot recall any 'collision' associated with the access since operating their family run businesses on the site from 1977 and whilst not ideal, the access has proven to be safe.
- 5.23 In respect of the sustainability issue, it considered that this can be overcome by the provision of a travel plan that identifies other means of travel to the site. The applicant's agent has already confirmed that the businesses employ a number of people from Wardington and the surrounding area and already operates an 'informal' car share policy. The car parking on site is not effectively being enlarged but rationalised to improve the visual and environmental amenity of the site.
- 5.24 The site is positioned off the A361 Daventry to Banbury road, a route where Geoff Amos buses operate an hourly service to and from Banbury to Rugby. Therefore the SDPHE does not consider that the public transport available is infrequent or that it will not be practical to employees as maintained by the local highway authority. Consequently the SDPHE considers that a reason to refuse the application on sustainability grounds could not reasonably be sustained at appeal.
- 5.25 Residential amenity
- Notwithstanding the fact that no letters of representation have been received from any neighbouring property, the SDPHE considers that the proposed buildings will not give rise to loss of amenity or that the increase in traffic to and from the site will not cause serious harm to residential amenity sufficient to refuse the application on those grounds. Furthermore the site is an existing acceptable employment

generating site, the activities of which have not given rise to any amenity issues in the past and therefore complies with Policy EMP4 of the adopted Cherwell Local Plan.

5.26 Impact on historic environment

The site is not within a Conservation Area but the access road is and the site abuts the Conservation Area. There are also listed buildings in close proximity to the site. Due consideration of the impact on the setting of Heritage Assets is therefore necessary. The site is contained and very well screened by the mature trees around the boundaries. The SDPHE considers that the proposed development will have no detriment to the significance of the Heritage Assets settings and therefore accords with PPS5: Planning for the Historic Environment.

5.27 Ecology

PPS9: Biodiversity and Geological Conservation places a duty upon local planning authorities to ensure that a protected species assessment and or survey be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS9 states that “It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

5.28 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those

functions”.

- 5.29 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

- 1) is the development needed for **public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature** (development).
- 2) Is there any **satisfactory alternative**?
- 3) Is there **adequate mitigation** being provided to maintain the favourable conservation status of the population of the species?

- 5.30 In respect to the application site, there are no known protected species on the site and the current buildings are unlikely to be acceptable bat roosts, and therefore no Ecology survey was sought.

- 5.31 The Council's Ecologist has however considered the development proposals and advises that there are grass snake records close to this site and the areas outside the hardstanding on site looks to be suitable habitat for them. However from the plans it appears that there will be minimal encroachment into this green space with the majority of the proposals occurring within the hardstanding so the habitat for reptiles should not be impacted significantly, a survey is not required, but the applicant should be made aware of the legislation pertaining to reptiles (protected from injury and killing under W & C Act) and should take precautions during any works to avoid injury to reptiles.

- 5.32 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and Policy C2 of the adopted Cherwell Local Plan.

5.33 Conclusion

The SDPHE considers that the proposal represents economic development within a rural area and small scale redevelopment within an existing acceptable employment site that has no serious impact on the landscape amenity, residential amenity, and

significance of setting of heritage assets or ecology and therefore accords with the relevant development plan policies and Government guidance. In terms of sustainability, the site is close to Banbury, the M40 and accessed off the A361 which is a good public transport route and therefore complies with PPG13, however as the local highway authority considers that the access to the site is poor in terms of visibility and geometry, the increase in traffic generation will result in a detriment to highway safety. On that basis only the application is recommended for refusal, unless further discussions between the applicant and OCC result in the local highway authority withdrawing their objection.

6. Recommendation
Refuse for the following reason:
The Council considers that the intensification of use of the access would lead to increased risk of collision to the detriment of the safety of highway users and contrary to Government guidance contained in PPG13 – Transport.

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