

**Site Address: Tuthill Park, Banbury
Road, Wardington**

14/01671/F

Ward: Cropredy

District Councillor: Ken Atack

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr Francis Tuthill

Application Description: Proposed extension and alterations. Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation; refurbish existing industrial buildings and construct new administration/research and development block. Upgrade and reshape existing hard-standing to form new car parking areas.

Committee Referral: Major

Committee Date: 22nd January 2015

1. Site Description and Proposed Development

- 1.1 This application relates to a site on the south-western side of Wardington. It is reached by 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 larger well-screened site with large mature trees forming all boundaries. The site currently 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 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.
- 1.5 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.
- 1.6 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 purpose designed building but will still share the larger building on site with Francis Tuthill Ltd for warehouse storage.

1.7 The application is an identical re-submission of application 10/01814/F. That consent lapsed on 25th February 2014.

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 27th November 2014. No correspondence has been received as a result of this consultation process.

3. Consultations

3.1 **Wardington Parish Council:** No objections

Cherwell District Council Consultees

3.2 **Landscape Officer:** No comments received

3.3 **Ecology Officer:** There are records of reptiles (specifically grass snakes) at and around this site and it is likely therefore that they present. Reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 and therefore we must ensure that harm to them is avoided during any works.

As far as I can tell from the plans and GIS the land to be affected is largely areas of hard standing with maybe a small encroachment of the shared staff car park onto some of the scrubby grass area to the South? As such a small area of potential reptile habitat is involved a survey is not required as this can be dealt with by making any areas affected unsuitable for reptiles prior to any works. In addition care needs to be taken when moving any piles of rubble or debris on site in case they are being used as hibernaculum, therefore I suggest restricting the timing of these actions.

3.4 **Head of Economic Development:** No comments received

Oxfordshire County Council Consultees

3.5 **Highways Liaison Officer:** No comments received

3.6 **Archaeologist:** No archaeological constraints to the scheme.

3.7 **Rights of Way Officer:** Wardington Public Footpath 4 runs along the access to the site and then to the north of the existing buildings. Where the footpath runs to the north of the buildings it is uneven and it is not clear where it goes. In 2011 it was noted that there was a small building / lean to on the north side of the building which obstructed the definitive route of the path. This building is still there and a further one has now been erected which also obstructs the definitive line of the path. It is possible to walk around these structures but this needs to be addressed. These structures are not shown on the plans supplied with the application.

The uneven nature of the footpath should be addressed and the signage improved. It is particularly important for the path to be well defined while the development is underway to ensure that people are not put off from using it. The plans show that the foul water pipe from the new building will be installed along the line of the footpath. As this will be within the surface of a public highway the relevant NRSWA licence will need to be obtained. If it is not possible to keep the footpath open to the public while this is carried out the applicants will need to apply for a temporary closure.

Following on from the original application in 2011 the Applicant and the Architect met with my colleague Andy Sylvester to discuss the possibility of diverting the footpath although this was never pursued. This is something that they may wish to reconsider now.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

EMP4:	Employment in Rural Areas
C2:	Protected Species
C7:	Landscape Conservation
C13:	Area of High Landscape Value
C14:	Trees and Landscape
C28:	Layout, design and external appearance of new development
ENV1:	Pollution Control

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (January 2014)

Submission Local Plan (January 2014) (SLP) 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.

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Landscape impact
- Highway Impact
- Residential amenity
- Impact on heritage assets
- Ecology

Relevant Planning History

5.2 **10/01814/F:** 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. Application permitted; consent expired 25th February 2014.

5.3 The current application is an identical re-submission of the 2010 consent.

Principle of the development

- 5.4 Paragraph 28 Of the National Planning Policy Framework states: “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 of existing buildings and well designed new buildings;
- 5.5 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.
- 5.6 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 site but partly shares its vehicular access with the other two businesses.
- 5.11 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.

- 5.12 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 this aspect of the business amounts to ancillary sales associated with the operation of the business and does not constitute a retail sales element. However in order to control this element of the business a restrictive condition would be necessary.
- 5.13 The proposal represents economic development within a rural area and small scale redevelopment within an existing acceptable employment site and in that respect is in general accordance with Government guidance on supporting a prosperous rural economy contained within the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan. 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 conditioned. The development therefore complies with Policy EMP4 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Landscape Impact

- 5.14 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.
- 5.15 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. A tree survey was undertaken for the previous application (and has been re-submitted) and with the exception of 2no. trees, the buildings will fall outside the root protection area. However, the survey undertaken was not a full Arboricultural Survey as requested and whilst the trees are not protected by a TPO or in a Conservation Area; they do offer a good level of screening to the site and should not be unduly harmed. Therefore, the previously recommended tree protection condition has been included in the recommendation for the current proposal.
- 5.16 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. 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.

Highway Impact

- 5.17 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.
- 5.18 Comments have not been received from the Local Highways Authority with regards to the current application. The scheme is identical to the approved 2010 application (10/01814/F) and therefore, your officers have referred back to comments received

on the previous application.

- 5.19 An initial objection was raised and the application was recommended for refusal as the County's highway engineer 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 considered 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".
- 5.20 Following further negotiation with the applicant and the submission of further information in respect to access arrangements to the site and highway safety concerns, Oxfordshire County Council withdrew their objection and confirmed that there would not be any significant intensification of the access provided the existing occupiers remain on-site and that any permission be made personal to the businesses operating from the site.
- 5.21 Yours officers have concluded that there has been no change to the situation on site or the proposal, therefore the previous comments are still relevant and the previously recommended conditions have been carried forward to ensure the proposal is still acceptable.

Residential Amenity

- 5.22 Notwithstanding the fact that no letters of representation have been received from any neighbouring property, impact of the buildings has been assessed and it is concluded that they 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 the core principles of the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan.

Impact on heritage assets

- 5.23 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 proposed development will have no detriment to the significance of the Heritage Assets settings and therefore accords with government guidance on conserving and enhancing the historic environment contained within the National Planning Policy Framework.

Ecology

- 5.24 National Planning Policy Framework – Conserving and enhancing the natural environment requires that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressure" (para 109).
- 5.25 Paragraphs 192 and 193 further add that "The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the

nature and scale of the development proposals. Local planning authorities should only request supporting information that is relevant, necessary, and material to the application in question". One of these requirements is the submission of appropriate protected species surveys which shall 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. 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. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.

- 5.26 Paragraph 18 states that "when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"
- 5.27 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 on to 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;
- 5.29 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"
- 5.30 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 records of reptiles (specifically grass snakes) at and around this site and it is likely therefore that they present. Reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 and therefore we must ensure that harm to them is avoided during any works.

As far as I can tell from the plans and GIS the land to be affected is largely areas of hard standing with maybe a small encroachment of the shared staff car park onto some of the scrubby grass area to the South? As such a small area of potential reptile habitat is involved a survey is not required as this can be dealt with by making any areas affected unsuitable for reptiles prior to any works. In addition care needs to be taken when moving any piles of rubble or debris on site in case they are being used as hibernaculum, therefore I suggest restricting the timing of these actions".

- 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 the National Planning Policy Framework and Policy C2 of the adopted Cherwell Local Plan.

Other matters

- 5.33 Oxfordshire County Council Rights of Way Officer has raised concerns about existing containers that are blocking the public right of way. This is an existing problem and the proposal would improve this by removing the containers. The existing problem is a matter for the County Council to enforce against.
- 5.34 The submitted proposal, as detailed in the drawings would not impact on the public right of way. A condition has been included to ensure the removal of the containers following the completion of the development.

Conclusion

- 5.35 Your officers consider 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.

Engagement

- 5.36 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Approval, subject to the following conditions:

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, Supporting Statement and drawings numbered: 4170.104 rev A and 4170.105 rev A.

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, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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. The buildings and structures to be demolished on the site at the date of this permission shall be demolished and the debris and materials removed from the site before the proposed buildings hereby approved are first occupied.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.

- b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. 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 occupation of the development, 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

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

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

10. This permission shall enure for the benefit of Francis Tuthill Limited and Omlet Ltd only and no other persons/company whatsoever, and shall not enure for the benefit of the land.

Reason – In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework and also in order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan.

11. The operational use of the premises shall be restricted to the following times:-

Monday-Friday – 8.00am to 6.00pm

Saturday – 8.30am to 5.00pm

Sunday and Public Holidays – No time

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. No goods or materials shall be stored at a height greater than 3 metres on the site.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. That with the exception of ancillary vehicle part sales operated by Francis Tuthill Ltd, no retail sales shall be made to the general public direct by Omlet Ltd, from the site and business premises.

Reason - The use of the premises for retailing purposes would be inappropriate, detrimental to the amenities of the area and in conflict with Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, full details of the external lighting 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.

15. That within 4 months of the development hereby approved being first occupied, all existing external storage containers and the existing paint store building positioned on the north elevation of the existing Francis Tuthill building shall be removed from the site.

Reason – To safeguard the amenities of the area and Public Footpath and to sustain a satisfactory overall level of parking provision in the general interests of highway safety, in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of the development hereby approved, including any works of site clearance, all vegetation to be affected by the works should be cut to a height approximately 6 inches (15cm) on the first cut and thereafter maintained at a height of approximately three inches (7cm) up until the commencement of building works. All piles of rubble or debris should not be removed between 1ST November and 31ST March and thereafter removed carefully to allow any reptiles to escape.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. 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.

2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

3. 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 01635 268881.

4. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

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 and timely way.