

**The Hill
Dover Avenue
Banbury
OX16 0JE**

19/00194/DISC

Case Officer: Matthew Chadwick

Applicant: Cherwell District Council (Build Department)

Proposal: Discharge of Conditions 8 (lighting) & 9 (external plant installation) of 18/00952/CDC

Ward: Banbury Ruscote

Councillors: Cllr Barry Richards
Cllr Sean Woodcock
Cllr Mark Cherry

Reason for Referral: Application affects Council's own land and/or the Council is the applicant

Expiry Date: 23 July 2019

Committee Date: 18 July 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION

Proposal

This application seeks the clearance of conditions attached to the full planning approval ref. 18/00952/CDC.

Consultations

The following consultees have raised **no objections** to the application:

- CDC Environmental Health

No third party letters of objection or support have been received.

Planning Policy and constraints

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance. The ground in close proximity of the site has naturally elevated levels of arsenic though this is not relevant to the current discharge of condition application.

Conclusion

The key issues arising from this application is whether the submitted details are considered to be acceptable to discharge the conditions. The Environmental Health Officer has offered no objections and the report concludes that these details are acceptable.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of community land that is bounded by houses on all sides. The site is bounded to the south and west by Dover Avenue, to the north by Edmunds Road and to the east by Bretch Hill. The levels of the land drop to the north of the site and there is a play area to the north. The new community centre on the site is under construction.

2. CONSTRAINTS

- 2.1. The application site is not located within a conservation area and is not in close proximity to any listed buildings. The ground in close proximity of the site has naturally elevated levels of arsenic.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks the clearance of conditions attached to the full planning approval 18/00952/CDC. Approval is sought for details concerning:
- External lighting details (Condition 8)
 - External plant installation (Condition 9)

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/00952/CDC	Variation of Condition 2 (plans) of 17/00197/CDC - Minor amendments to design of scheme	Application Permitted
18/00277/DISC	Discharge of Conditions 3 (material samples) 4 (landscaping scheme) 5 (construction, layout and drainage of car parking area) and 6 (cycle parking) of 18/00952/CDC	Application Permitted
19/00014/NMA	Non-Material Amendment to 18/00952/CDC - Change of cladding manufacturer, louvres on east and west of building and swift boxes on south and north elevations	Application Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has not been publicised as the Regulations do not require such publicity or consultation.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. None.

CONSULTEES

- 7.3. CDC ENVIRONMENTAL HEALTH: **no objections.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 – Presumption in Favour of Sustainable Development
- BSC5 – Area Renewal
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD10 – Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- BAN10 – Bretch Hill Regeneration Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

- 8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the , and the following Policies of the Neighbourhood Plan are considered relevant:

- 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

8.5. Council Corporate Priorities

Cherwell District Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

- 9.1. Condition 8 requires that prior to the installation of any external lighting required in association with the approved development, full details of the siting, design and technical specification of the lighting shall be submitted to and approved in writing by the Local Planning Authority. A lighting specification document and lighting plan have been received with this application. The Environmental Health Officer has offered no objections to these details and considers the details to be acceptable. Officers have no reason to disagree with this assessment.
- 9.2. Condition 9 requires that prior to the installation of any external extraction or air conditioning equipment or any other fixed plant associated with the approved development, full details of the siting, design and technical specification of the plant and equipment shall be submitted and approved by the Local Planning Authority. Plans have been submitted providing these details; the Environmental Health Officer has offered no objections to these details and considers the details to be acceptable. Officers have no reason to disagree with this assessment.

10. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)