

Case Officer: George Smith

Applicant: Bursar Bloxham School

Proposal: Change of Use to Exham House, from Class D1 to a mixed Class D1/A3 to allow public use of a cafe, and associated works.

Ward: Adderbury, Bloxham and Bodicote

Councillors: Cllr Mike Bishop, Cllr Chris Heath, Cllr Andrew McHugh

Reason for Referral: Called in by Councillor Heath for the following planning policy reasons: BL14 (6) and BL16 of the Bloxham Neighbourhood Plan, ESD15 of the CLP and C31 and C32 (saved policies).

Expiry Date: 19 November 2019

Committee Date: 14 November 2019

This application is subject to a Committee Members Site Visit, which is scheduled to take place on the day of committee.

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks planning consent for the conversion of an existing D1 use (non-residential institution) into a part D1 and C3 (café) use. There are no external alterations proposed, with the café being accessed from the west off High Street.

Consultations

No consultee has raised **objections** to the application

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

- Bloxham Parish Council, OCC Highways, CDC Conservation, CDC Environmental Health

Public comments

21 letters of objection have been received and 52 letters of support have been received. 2 further letters have been received which neither object nor support.

Planning Policy and Constraints

The site is located within the Bloxham Conservation Area.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Design, and impact on the character of the area

- Residential amenity
- Highway safety

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

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 Exham House, a characterful two-storey building constructed in cream render under a slate roof. The building is an end of terrace property with residential dwellings adjacent and village amenities, including a convenience store, takeaway and other retailers opposite the street to the west on High Street. The building faces westwards onto High Street, with an area of hardstanding to the front which separates the building from the pavement. The current lawful use of the building is as school teaching accommodation, with a staff flat.

2. CONSTRAINTS

- 2.1. The application site is within the designated Bloxham Conservation Area. There are several Grade II Listed Buildings located towards the centre of Bloxham, with the nearest to the site being The Old Bakery, approximately 26m to the southwest.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks planning consent for the partial conversion of an existing school building, into a café. The front part of the ground floor layout would be accessible to the public, whereas the rear part of the ground floor would serve as a sixth form common room. The total area subject to the change of use is 60sqm. There are no external changes proposed to Exham House.

Background information

- 3.2. During the application there was discussion between the applicant and officers regarding the suitability of an access ramp; one of the reasons behind this was the third-party comments relating to pedestrian access. Subsequently, plans showing a ramp were submitted to officers for review but do not form part of the current application and have therefore not been externally consulted on.
- 3.3. Officers advised the applicant that, if the ramp was to form part of the application, the planning application would be recommended for refusal by virtue of the harm that the ramp would cause to the character and appearance of the Conservation Area.
- 3.4. Whilst the Council, as the public authority, must have due regard to S149 of the Equalities Act 2010, in this case your officers consider that, given the nature and extent of the impact and the duty placed on the local planning authority to give great weight to the harm caused to heritage assets, the latter must take precedence. Officers also note that ease of access to buildings is covered under separate

building regulation requirements (Approved Document M: Volume 2 – buildings other than dwellings).

- 3.5. Officers have advised the applicant that they would be happy to discuss different proposals for access, but that these would need to be conducted in the context of a paid pre-application enquiry, that it is very unlikely that any planning application for a ramp to the front of the building will be supported, and that the applicant will need to give consideration to other solutions for public access, e.g. by restoring the cart horse entrance to the building that previously existed.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. CHN.359/91 - Change of use from public house to school teaching accommodation with staff flat – APPROVED 1991
- 4.3. 98/00500/F - Alterations to school building and first floor extension over existing single storey at rear – APPROVED 1998

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 been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **28 September 2019**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:

Support

- *Social / community benefit* – Would be positive addition to village there is currently no such provision; would diversify the village's service offer and would provide an alternative to a pub so would be more suitable for children / young families; would have all age appeal; would provide social amenity benefit for village residents; would help reduce social isolation and provide networking opportunities; would help integrate the school with the community
- *Economic benefit* – would support the existing businesses; would enhance Bloxham's economy; would provide for economic growth in the village; its location means visitors may be encouraged to visit the local shops and support other local businesses; those wanting to visit a café would not have to drive to Banbury or Adderbury for such a facility; sixth form students may gain work experience in the café
- *Location* – would be located central to other amenities and within good walking distancing from the rest of the village; Bloxham Mill café is not central to the village;

- *Lack of impact on residents* – would not impede residents during non-business hours; would not cause “nuisance” concerns i.e. noise outside of business hours; would not making existing parking difficulties any worse
- *Other* – Would allow a former public house to be used again by the public

Object

- *Impact on character of area and heritage assets* – the proposed change of use would impact on the setting of the Old Bakery listed building and the character and appearance of the conservation area; would fundamentally change the use and appearance of the street; all of the village centre amenities are on the opposite side of the road – this would be the first on this side of the road where currently all properties are residential.
- *Impact on highway safety* – would conflict with Bloxham Neighbourhood Plan Policy BL9 in respect of parking, traffic and pedestrian safety, and with Policy ESD15 of the CLP 2031 in that it does not promote pedestrian movement or integrate different modes of transport and parking, instead exacerbating traffic and worsen parking congestion – the high street is already heavily congested through parking; the potential numbers to the café are significant; customers are likely to drive rather than walk esp. those at the edge of the village or from other villages; there would be nowhere for customers of the café to park.
- Parking on the High Street acts as traffic calming but causes a single file flow in either direction which extends traffic from the Bursars Office of Bloxham School to the Red Lion. Also leads to cars and lorries mounting the pavement. Exham House is located at the narrowest part of the road. A361 is 8th most dangerous road in the country, with 46% of accidents involving pedestrians or cyclists. This development would only worsen these statistics.
- *Impact on pedestrian safety* – the proposal would impede pedestrian movement; lights, signage and advertising at the café would result in increased pedestrian safety issues due to crossing A361. Crossing is 100m up the road so people would not use it and instead cross dangerously.
- *Lack of appropriate assessment* of existing traffic flow or parking issues or how the proposal would affect either; the applicant’s statements about parking lack accuracy, analysis, consistency or common sense.
- *Lack of social benefit* – Existing food facilities in the village are sufficient to service Bloxham’s needs; opposite Exham House there is post/office general store, a kitchen shop, a supermarket, a fish & chip shop, a pharmacy, a beauty salon and the Ex Serviceman’s Hall. The three existing pubs already provide a similar facility and are open in the day, all with off street parking; Bloxham Mill also provides a café facility; the small size of the proposed café means it would provide any significant benefit to local community
- *Impact on neighbours* – through music, pedestrian traffic, smoking, deliveries, waste collection and out of hours use. The steps would prevent less mobile elderly and disabled people accessing the facilities.
- *Impact on local businesses* – Businesses already lose custom due to lack of parking and this would make things worse. Most people now already avoid Bloxham, going to Deddington or other towns. Non-customers of businesses are already using their parking facilities. Impact on existing pubs (Joiners Arms and Red Lion).

- *Alternative locations* – Café should be elsewhere on school's grounds where there is more parking available.
- *Other* – Issues with contractors at the application site parking on the pavement causing pedestrian safety issues. Council has failed to consult many nearby properties. Consultation has taken place during school holidays, limiting the chance for public to voice concerns. Address of the property is labelled incorrectly so somewhat misleading.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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. BLOXHAM PARISH COUNCIL: **No objections**

CONSULTEES

7.3. CDC ENVIRONMENTAL PROTECTION: **No objections** – but if extractor fan is installed, details are required for its location, noise levels and odour suppression.

7.4. CDC CONSERVATION: **No objections** – to the change of use but would be interested to review the associated services in respect of the impact on the external appearance of the Conservation Area.

7.5. OCC HIGHWAYS: **No objections** – as the proposal is unlikely to result in significant harm to the local highways network for the following reasons;

- Café will most likely be used by village residents and passers-by.
- Primary use of the site is to remain in D1 use (sixth form facilities) leaving a relatively minor 60sqm as public café space.
- OCC promotes sustainable travel options and as such given the location of the proposal, is likely to encourage non-car modes such as walking and cycling.
- The number of sites and similar amenities in the area is expected to mitigate any potential large and sudden increase in traffic attempting to park near the site – particularly as locals are familiar with the traffic and congestion on the High Street thus making driving an unattractive option.
- Crash-mapping data shows no cause for concern regarding pedestrian safety on this stretch of road

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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 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 Bloxham Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

Bloxham Neighbourhood Plan (BNP 2016)

- BL3 – Connectivity
- BL5 – Parking standards for existing residential development
- BL9 – Residential amenity
- BL10 – Bloxham Conservation Area
- BL11 – Residential design
- BL13 – Protecting employment land
- BL14 – Encourage start-up and small business expansion

- 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Bloxham Conservation Area Appraisal (2007)

9. APPRAISAL

- 9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

Principle of Development

Policy context

- 9.2. The NPPF advises that the purpose of the planning system is the achievement of sustainable development including pursuing economic, social and environmental objectives in mutually supportive ways. Paragraph 83 of the NPPF states that planning development should enable: the expansion of all types of business in rural

areas including through conversion of existing buildings; and the retention and development of accessible local services and facilities.

- 9.3. Paragraph 84 of the NPPF adds that planning development should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent or beyond existing settlements, but that the use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.
- 9.4. Furthermore, Paragraph 91 of the NPPF states that planning development should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people that might not otherwise encounter one other, for example through strong neighbourhood centres. Policy 92 adds that development should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments.
- 9.5. Policy BL16 of the BNP 2016 provides support for additional retail units in Bloxham on the High Street and Church Street, providing the impact of any additional traffic likely to be generated has been satisfactorily mitigated and not adversely affecting the highway network and pedestrian safety. Whilst the proposed use as a café is not strictly retail, officers consider that the objective of Policy BL16 is relevant in that it supports enhancement to the service office at Bloxham village centre where appropriate.

Appraisal

- 9.6. The applicant's supporting letter and planning statement states that the proposed change of use would provide a benefit to the local community by being open to the public (as well as for students and members of staff of the school). Whilst there would be an internal division between the public space and school canteen, the applicant states that it provides an opportunity to enable better relationships forged with residents, to the benefit of the school and local community.
- 9.7. Bloxham has an established village centre along the High Street, which includes a village convenience store, takeaway restaurant and other retail units. Officers consider that the proposal would accord with the intentions of the NPPF in supporting village communities through providing new local facilities, particularly in a location that is physically well related to the existing neighbourhood centre.
- 9.8. Whilst officers consider the part change of use of the D1 facility to be acceptable in general sustainability terms, it is worth also noting a temporary 'fall-back' position available to the applicant. Schedule 2, Part 4, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides a temporary flexible permitted development right for (amongst other changes) the conversion of all or part of a D1 use to an A3 use. This temporary change is for a period of 3 years and is acceptable providing certain conditions and parameters are met; including that the change of use relates to no more than 150sqm of floor space.
- 9.9. In principle, therefore, there is policy support for development of this nature (including Policy BL16 of the BNP 2016). However, the overall acceptability of the development is also dependent on other material considerations, including visual amenity, residential amenity and highway safety. These matters are discussed in more detail below.

Design and impact on the character of the area, including designated heritage assets

Policy Context

- 9.10. Policy ESD15 of the CLP 2031 Part 1 states that *'new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.'*
- 9.11. The site is within the Bloxham Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Likewise, Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.12. Conservation Areas are designated heritage assets, and Paragraph 132 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Appraisal

- 9.13. Whilst located within the designated conservation area, there are no external changes proposed as part of this application and therefore there would be no impact on the appearance of the building and wider area. Whilst the building frontage is likely to be more active i.e. patrons coming and going from the facility, this is not considered to have any detrimental impact on the site or wider area.
- 9.14. Overall, the proposal is not considered to cause detrimental harm to the site or wider Conservation Area and therefore complies with Policy ESD15 of the CLP 2031 and relevant paragraphs of the NPPF.

Residential amenity

Policy Context

- 9.15. Policy ESD 15 of the CLP 2031 (Part 1) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural lighting and ventilation. Furthermore, Paragraph 127 of the Framework states that planning should create places *"with a high standard of amenity for existing and future users"*.
- 9.16. Policy BL9 of the BNP 2016 has regard for amenity of existing residents, to ensure that living conditions of neighbouring residents are not materially harmed.

- 9.17. Saved Policy ENV1 of the CLP 1996 seeks to protect against development proposals that are likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other environmental pollution.

Appraisal

- 9.18. The proposal does not seek to extend the building in any way nor introduce any new openings or windows. Officers therefore conclude that there is no impact on adjacent neighbours by way of loss of light, outlook, privacy or over-domination.
- 9.19. The Council's Environmental Protection Officer has commented on the proposal and raises no objections but has requested a condition be imposed in relation to extractor equipment should this be required. The applicant's agent has clarified that food preparation would not be undertaken within the property and as such, there are no requirements for extraction and that the fresh air vent would be continued to be used.
- 9.20. Overall, the change of use of the building from D1 to part D1/A3 is not considered to cause any significant disruption to surrounding residents, given its location towards the village centre and near other community facilities where the level of activity and pedestrian/vehicular movements are expected to be higher. The proposal is therefore considered to comply with Policy ESD15 of the CLP 2031, saved Policy ENV1 of the CLP 1996 and relevant paragraphs of the NPPF.

Highway safety

Policy Context

- 9.21. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. This is consistent with Paragraph 110 of the NPPF which states that: developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 9.22. Policy BL9 of the BNP 2016 states that the impact of any additional traffic likely to be generated by a development shall be satisfactorily mitigated and will not adversely affect the highway. Similarly, Policy BL16 of the BNP 2016 gives support for retail units in this area subject to satisfactory mitigation and not adversely impacting the highway network or pedestrian safety.

Appraisal

- 9.23. Several third parties have objected to the proposals on the grounds of highway safety, for reasons relating to congestion, parking issues and pedestrian safety.
- 9.24. The Local Highways Authority (LHA) has not raised any objections to the proposal, on the basis that the proposal is small scale and likely to be used mostly by village residents or passers-by. The LHA also has regard for the likelihood of increased vehicle travel to the site and notes that it is well located within the village, that it would encourage other travel options given its central location within the village and the already congested centre of the village would make driving an unattractive option. Finally, the LHA considers that pedestrian safety is not a cause for concern. Officers have no reason to disagree with the LHA's assessment.
- 9.25. In light of the above, and whilst officers acknowledge the third-party comments in objection to the application on highway grounds, it is not considered that a reason

for refusal could be sustained in relation to highway safety matters. In any case, officers recognise the relatively small-scale nature of the café, its relationship to surrounding businesses where multi-trips may be encouraged, its location adjacent to a bus station and its accessibility in walking routes from within Bloxham. Therefore, officers consider that the proposal is acceptable regarding highway safety matters.

- 9.26. Third-party comments have referenced the dangerous nature of the A361, citing that it is the 8th most dangerous road in the country. Officers would clarify that the A361 is some 195 miles in length and the LHA confirms that this stretch of road within Bloxham is not a cause for concern when reviewing accident statistics.
- 9.27. Overall, the proposal is considered acceptable in relation to highway safety, compliant with Policy ESD15 of the CLP 2031, Policies BL9 and BL16 of the BNP 2016 and relevant paragraphs of the NPPF.

Other matters

- 9.28. Whilst Policy BL14 of the BNP 2016 has been put forward as a reason for the application call-in, this relates to the support for start-up and small business expansion. The proposed development does not relate to a combined living and small-scale employment space and officers therefore consider this not to be a relevant policy.
- 9.29. Several third-party comments have raised that the café could impact on other businesses as a result of a loss of trade. Competition is not a material planning consideration to which a planning application can be refused on. Where a loss of trade could be potentially resulted from increased parking/congestion as suggested by third-parties, it is clarified that the LHA have raised no objections in this regard.
- 9.30. Third-party comments related to construction work are noted. However, this is not a material planning consideration for this scale of development. Officers also note that internal works do not require planning permission in their own right.
- 9.31. Officers note comments regarding the consultation process, including neighbours not being consulted and the consultation period taking place during school holidays. An application for planning permission must be publicised, by the LPA to whom the application is made, by giving requisite notice by site display at in at least one place on or near the land for not less than 21 days, or by serving notice on any adjoining land owner or occupier. As set out in section 6 of this report, this duty has been completed.
- 9.32. Comments regarding the address within the application form have been noted, however the 'red-line' site plan submitted to accompany this application is clear and unambiguous.

Human Rights and Equalities

- 9.33. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.34. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to

respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

- 9.35. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these would not be affected by the application given that the application has been publicised by way of neighbour letter and site notice giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application.
- 9.36. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak. Furthermore, should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

- 9.37. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.
- 9.38. Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours.

Duty under The Equalities Act 2010

- 9.39. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.40. Officers have considered the application and resolved that protected characteristics are potentially affected by the application, but that officers have had due regard to the act in the recommendation, balancing its duties under Equalities Act 2010 against its duties under the Planning Act 1990 and the requirement to give great weight to any harm caused to designated heritage assets.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR

PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS/REASONS FOR REFUSAL

Time Limit

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- Application form
- Site Location Plan
- Ground Floor Proposed Layout – 0GPL Rev B.
- First Floor Proposed Layout – 01PL 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 comply with Government guidance contained within the National Planning Policy Framework.

Details of extraction

3. Prior to the installation of any ventilation required for the proposed A3 unit, full details of the method of mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any mechanical ventilation shall be installed and brought into use in accordance with the approved details and shall be maintained as such thereafter.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.