

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE- 2 JULY 2026**

WRITTEN UPDATES

Agenda Item 9

Application No.: 26/01243/CLUE

Site Name: 1 Heathcote Avenue Banbury OX16 9TP

Paragraph 9.9 should be amended to read:

“9.9. Overall, while the 2010 solicitor’s letter is noted, the applicant’s evidence is considered to be light and insufficient on its own to allow a clear understanding of the use of the land over the years.”

In paragraph 9.18, “side” should read “site”

Agenda Item 10

Application No.: 26/01634/F

Site Name: 1 Heathcote Avenue Banbury OX16 9TP

Additional representations

Summary of additional representations received:

- Make a formal complaint regarding persistent early morning construction noise, in which they refer to construction work starting before 8am and as early as 7am. They say this happens most mornings.
- making a formal request for Cherwell District Council to issue an Article 4 Direction to remove the permitted development rights for 1 Heathcote Avenue, to address “repeated non-compliance with planning controls and consistent disregard for regulatory processes”.
- Leaving permitted development rights in place would allow further unauthorised works, limit proper planning oversight, worsen existing amenity and safety issues, reduce confidence in the planning process, and enable further intensification out of keeping with the character of Heathcote Avenue and the immediate surrounding area.
- As an alternative to the Article 4 Direction that permitted development rights be removed by condition of planning permission to preclude development under Parts 1 and 2 of the GPDO.

Officer response

In relation to the noise complaint, Officers have responded in a Planning Enforcement capacity to confirm there are no planning controls that apply to restrict the hours of operation in relation to this site and that therefore no further action can be taken from a Planning Enforcement standpoint, but that the planning officers have forwarded the residents' complaint to the Council's Environmental Protection team to investigate under noise nuisance related regulations.

In relation to the request Article 4 Direction, officers' comments as follows:

The nature and extent of the proposals as a wrap-around extension and a large dormer means that it is unlikely that any further extension could be carried out under Classes A or B of the property's permitted development rights.

The officer recommendation includes a condition relating to car parking provision, which has the effect of precluding any extension to the front elevation under Class D (porches).

The only development possible under Classes E and F is in / to the rear garden and it is not clear why permitted development schemes under these classes would be more harmful here than at other properties in the area.

It is not clear what the justification is for withdrawing PD rights for rooflights (Class C), chimneys/flues (Class G) or microwave antennae (Class H).

It is not clear what the justification is for withdrawing PD rights for exterior painting and EV charging outlets (Part 2).

Overall, officers consider the request to be unnecessary and disproportionate.

Amended recommendation

In the recommendation, Conditions 9 to 13 replicate Conditions 4 to 8 and are deleted. Also, Condition 5 should refer to drawing 00-ST-01 Rev 03. As such, the recommendation is amended to the following:

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)

CONDITION

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 conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the drawings numbered 00-ST-01 P03, 00-PR-EL-01 P03, 00-PR-FP-01 P03, and 00-PR-RF-01 P02.

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.

3. Notwithstanding the details submitted, within three months of the date of this decision a method statement for biodiversity enhancement, to full details of bee bricks and the type and location of at least one bird box or owl box or bat box shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to the first use or occupation of the development and shall thereafter be retained in full accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

4. The external materials to be used for the walls and roof of the development hereby permitted shall match in terms of colour, type, and texture those used on the existing building and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

5. The parking area for two vehicles shown in the drawing numbered 00-ST-01 Rev 03 (Site & Location Plan) shall be laid out and completed prior to the first use or occupation of the development hereby permitted and the car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby approved the first floor dormer windows in the north-eastern side elevation of the development shown on drawing no. 00-PR-EL-01 P02 to serve 1x bathroom and 2x bedrooms shall be obscurely glazed using manufactured obscure glass that is impenetrable to sight (Level 3 or above and not an applied adhesive film) and shall be

permanently retained as such thereafter. The said openings shall also be fixed shut and non-opening unless (a) those parts which can be opened are more than 1.7 metres above the floor of the room in which it is/they are installed or (b) an alternative means of restricted opening has first been submitted to and approved in writing by the local planning authority and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjacent properties and to comply with Policy ESD15 of the Cherwell Local Plan 2011/2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the details submitted, the existing hedgerow/planting along the site's boundary with Elton Road shall be retained and maintained in perpetuity and shall be maintained at a maximum height of one metre above adjacent ground level. Any trees and/or 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 next planting season with others of similar size and species.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and in the interests of local highway safety and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as 1 Heathcote Avenue, Banbury, OX16 9TP and as such shall not be sold, leased, let, or sub-let as a separate unit of accommodation.

Reason: To safeguard the character and appearance of the area and the living conditions of existing and future occupiers and because of the basis on which the current application has been submitted, and in order to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and comply with Government guidance contained within the National Planning Policy Framework.

Agenda Item 11

Application No.: 26/01423/CLUP

Site Name: Spiceball Leisure Centre Cherwell Drive Banbury OX16 2BW

No update.