

Case Officer: Michael Sackey

Recommendation: Approval

Applicant: Kerry Wilce

Proposal: Variation of condition 2 (plans) of 19/01170/F - change the proposed bus garage drawing in order to change the approved material for the wall cladding to the bus garage

Expiry Date: 14 September 2020

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application site, which relates to the Wendlebury Village Hall is located within the village of Wendlebury. The site is accessed from Main street and is bounded by residential neighbours to the east, west and south and a playground to the north of the site. There is a public right of way to the south of the site. The existing building is not listed or within a Conservation area but the site is within Flood Zones 2 and 3.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application is a revised scheme of planning permission (ref.19/01170/F) for the improvement of community facilities at Wendlebury Village Hall comprising of a disabled toilet, garage for the community mini-bus, installation of bi-fold doors to rear of hall.

2.2. This application seeks to vary conditions 2 (plans), specifically to change the approved material of stained timber cladding for the bus garage walls to Green metal sheet cladding.

2.3. The current application relates to email received on (12.08.2020) at 08.57hrs with the submission of amended plans illustrating the measurements of the Flood void grills on proposed plans in response to the Environment Agency flood risk mitigation requirement.

3. RELEVANT PLANNING HISTORY

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

Application: 06/02209/F Permitted 12 February 2007

Provision of a new storage facility for and to the rear of the existing village hall

Application: 18/01363/F Application 15 October 2018
Withdrawn

Improvement of community facilities comprising construction of disabled toilet, garage for community minibus, bi-fold door and patio

Application: 19/01170/F Permitted 19 August 2019

Improvement of community facilities at Wendlebury Village Hall comprising erection of an extension to provide disabled toilet, erection of garage for community mini-bus, installation of bi-fold doors to rear of Hall (Re-submission of 18/01363/F)

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. 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 **15 September 2020**, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

6.1. 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.

WENDLEBURY PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Consulted on (05.07.2020); no comments received

OTHER CONSULTEES

6.3. Local Highway Authority – No objections

6.4. Environment Agency (06.08.2020) – I can confirm that we have no issues regarding the changes in the approved material for the wall cladding to the bus garage. However, the submitted amended drawing is missing measurements for the proposed voids.

6.5. Environment Agency (20.08.2020) – No objections subject to condition

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. 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)

- ESD1: Mitigating and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems (SuDS)
- 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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- National Design Guide (2019)

8. APPRAISAL

8.1. The National Planning Policy Practice Guidance (PPG) advises:

In deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under Section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20180615)

- 8.2. As such, the assessment in this case is limited to considering the merits of the applicant's request for the revision of Condition 2 of 19/01170/F (approved plans condition) to be varied to allow for changes to the proposals' design specifically its external materials for the bus garage, as set out in the description of development.
- 8.3. Given the context of the site and nature of the proposed amendment to the approved scheme, it is considered that the only impacts would be those on the overall appearance of the building and the visual amenities of the surrounding area.
- 8.4. The development has already been assessed as being acceptable under the original planning application reference (19/01170/F), the permission for which remains extant. The current proposal does not alter the scale or character of the development and therefore the acceptability of the development. The proposed change of the external material previously approved would not have any effect on the residential amenities of neighbouring occupiers.

Impact upon the Character and Appearance of the Area

- 8.5. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. Saved Policies C28 and C30 seek to ensure the layout, scale and design of development is sympathetic to its context.
- 8.6. The proposed changes of the materials for the external walls of the bus garage would affect the design and appearance of the building but are considered minor and would still be in keeping with the general character and appearance of the area in which the building would be located. The proposed amendments do not change the conclusion of the previous officer report that the proposal's visual impact would be acceptable, i.e. that it would not result in significant or demonstrable harm to the character or appearance of the area.

Flood Risk

- 8.7. The site is partly within Flood Risk Zones 2 and 3 and following amended plans reflecting the measurements of the proposed voids, the Environment Agency (EA) raises no objections to the application. The EA has indicated that the proposed development will only meet the National Planning Policy Framework's requirement in relation to flood risk subject to a condition relating to mitigation measures. Given the EA's response and subject to the imposition of the recommended condition, the proposal is considered acceptable with regards to flood risk.

Other matters

- 8.8. There are not considered to be any other matters that would lead to a different conclusion being reached since the earlier permission was granted.
- 8.9. The development has not commenced, and therefore a time limit condition is considered necessary and will be imposed. The time limit condition will be amended to reflect the expiry date of the original permission.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out above, the proposed development is considered to comply with the Development Plan, and it is recommended that planning permission be granted.

10. RECOMMENDATION

That permission is granted, 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 the original planning permission, that is 19th August 2019.

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 not be carried out otherwise than in complete accordance with the approved plans: BW006/02 REV B.

Reason: To clarify the permission and for the avoidance of doubt and in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

3. The development shall not be carried out other than in strict accordance with the submitted Flood Risk Assessment, prepared by Flood Risk and Drainage Solutions, reference 2019-027 dated 2 April 2019 and the Proposed Plans and Elevations drawing, reference BW006/02 REV B, and the following mitigation measures it details:

- There shall be no raising of existing ground levels on the site.
- Void openings will be designed to be open all the way down to existing ground levels to allow for the free flow of water during a flood event.
- The soffit level of the proposed voids will be set no lower than 63.000m AOD (0.762m high) and be a minimum width of 1m.

- The applicant will sign up to Environment Agency flood alerts and flood warnings for the site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to:

- To reduce the risk of flooding to the proposed development and future occupants.
- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

PLANNING NOTES

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Case Officer: Michael Sackey

DATE: 11.09.2020

Checked By: Nathanael Stock

DATE: 15.09.2020
