

**Our ref: OXF7993**

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Date: 15 April 2024

Ms K Daniels  
Public Protection & Development Management  
Bodicote House  
Banbury  
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Emailed to: [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk)

Dear Ms Daniels

**Cotefield House, Oxford Road, Bodicote, Banbury, OX15 4AQ. Application 24/00830/F.  
Variation of Condition 4 (site access scheme) of 21/03947/F – change of wording.**

I am writing to you on behalf of my client, Mr Rowland Bratt, who is the owner of land affected by the above application, which seeks to amend condition 4 pertaining to a planning permission, which was granted by the council on 24<sup>th</sup> November 2021.

The applicant is seeking to change the wording of condition 4 from the following:

*No part of the development hereby approved shall commence until a detailed scheme for the access to the site from Oxford Road, at an appropriate scale which clearly defines its width, and which details how the full extent of the access to the site from the A4260 to the parking area shall be clearly constructed and delineation on the ground by lining, surfacing and/or signage, shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in strict accordance with the approved scheme prior to the commencement of any works to dwellings hereby permitted and shall be permanently retained and maintained in accordance with the approved scheme thereafter.*

To the following:

*No part of the development hereby approved shall commence until a detailed scheme for the access to the site from Oxford Road, at an appropriate scale which clearly defines its width, and which details how the full extent of the access to the site from the A4260 to the parking area shall be clearly constructed and delineation on the ground by lining, surfacing and/or signage, shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in strict accordance with the approved scheme prior to the **OCCUPATION of** commencement of any works to dwellings hereby permitted and shall be permanently retained and maintained in accordance with the approved scheme thereafter.*

I have highlighted the 2 words that have been added to the condition by the applicant. The proposed amendment appears to request a delay in the compliance period for this condition, which would enable the development to be almost completed before the condition would need to be discharged. This will mean that, rather than having the access arrangements provided prior to commencement of the development, it will be left to the end of the development programme.

As stated in relation to the concurrent application seeking to discharge pre-commencement conditions (24/00725/DISC) the applicant does not own the access to the site from the A4260 and he has not engaged with the owner to secure consent to carry out any of the proposed works, including white lining of the road width and removal of the metal gates at the access point.

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Although it states on the application form that the applicant served notice on the owner of the land, in fact, no such notice has been served and my client has heard nothing from the applicant regarding this matter.

As stated in the objection letter from Mr Smith of JS Fine Art, who is a tenant of my client, this applicant has a track record of ignoring the rules and regulations. He has unlawfully dug footings, which have been filled with concrete, before any pre-commencement conditions were discharged. His contractors, when accessing the site to carry out these works, have deposited mud on the road and blocked the accesses of other businesses. His blatant disregard for rules and regulations is obvious. We agree with Mr Smith that this application indicates that the applicant has no intention of complying with this condition.

We consider that this application, should be refused, because the applicant has not served notice on the owner of the access road; he has not secured the agreement of the owner to use the access road, let alone paint lines on it or remove the entrance gates and his request to amend condition 4, to make its requirements less onerous for him, will inevitably lead to greater nuisance and inconvenience for his neighbours.

This application should be refused.

Yours sincerely,  
for R P S Group Limited



**Jim Bailey**  
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