

Case Officer: Lewis Knox

Applicant: Mr Stephen Reynolds

Proposal: To replace 2 No. timber windows.

Ward: Banbury Cross and Neithrop

Councillors: Cllr Hannah Banfield, Cllr Surinder Dhesi, Cllr Cassi Perry

Reason for Referral: Application submitted by a member of staff of CDC acting as agent

Expiry Date: 30 April 2020

Committee Date: 18 June 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for the replacement of two timber windows on a Grade II Listed building. The first window is a traditional boxed sash window, and window 2 in on the south facing elevation and is a modern fixed light casement window.

Consultations

No consultees have raised **objections** to the application:

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

- Banbury Town Council, CDC Building Control, CDC Conservation

No letters of objection have been received and no letters of support have been received.

Planning Policy and Constraints

The application building is Grade II Listed
The site is located within the Banbury 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:

- Impact on the heritage asset

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

Court and external landscaping.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following informal pre-application discussions have taken place with regard to this proposal:
- 5.2. Window A - The traditional box sash window would need to be replaced with an exact like for like replacement with single glazing and all component sections and ironmongery to match existing.
- 5.3. Window B - The replacement direct glazed casement window (1960's-70's) should be replaced with a traditional style casement window in keeping with the period of the property.

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 (amend as appropriate). The final date for comments was **3 April 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

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. BANBURY TOWN COUNCIL: **Raised no objections**

CONSULTEES

- 7.3. Banbury Civic Society – **No comments received at time of writing the report**
- 7.4. Banbury Historical Association – **No comments received at time of writing the report**
- 7.5. CDC CONSERVATION – **Raised no objections subject to condition**
- 7.6. CDC BUILDING CONTROL – **Raised no objection**

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)

- C18 – Development proposals affecting a listed building

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
- The Setting of Heritage Assets: Historic England Good Practice (2015)
- Banbury Conservation Area Appraisal (Sept 2018)

9. APPRAISAL

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

- Heritage impact

Heritage Impact

Legislative and policy context

9.2. The site is within Banbury Conservation Area and is a Grade II listed building.

9.3. 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.*

9.4. 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.

9.5. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.6. Window A in the east facing elevation is a historic window which has had replacement glass in the past. It is accepted that this window is now in a very poor condition and is beyond practical repair. The proposed like for like replacement is therefore considered acceptable.
- 9.7. Window B, in the south facing elevation, is a poor quality modern window and therefore its removal would not result in the loss of any historic fabric. The proposed replacement, a more traditional single pane window, would be an obvious improvement to the character and appearance of the building.
- 9.8. The replacement windows would not cause any harm when assessed against paragraph 190 of the NPPF as they would not have any adverse impact on the identified significance of the building. With the imposition of a condition, they would also adhere to paragraph 193 of the NPPF whereby the character of the listed building would be preserved. The proposed development would also accord with Policy ESD15 of the CLP 2031 Part 1 and saved Policy C18 of the CLP 1996.

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 appropriate 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: Indicative Existing Window Refurbishment, Elevation Drawings, Block Plan, Site Location Plan and Application Form

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.

Window Details

3. Prior to the commencement of the development, full details of the windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and

recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the windows shall be installed within the building in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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