

Case Officer: Emma Whitley

Applicant: Cherwell District Council

Proposal: Removal of existing biomass equipment, installation of air source heat pump and car port PV panels

Ward: Bicester West

Councillors: Cllr Broad, Cllr Sibley and Cllr Webster

Reason for Referral: Council is the applicant

Expiry Date: 12 November 2021 **Committee Date:** 4 November 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is centrally sited and is adjacent to Bicester Community College, St Mary's Catholic Primary School, Brookside Primary School and associated playing fields. The Sports Centre is accessed off a road some 200 metres from the main entrance off Queens Avenue on its north east side. This vehicular access road is also a public footpath. The sports centre is constructed from brick and steel cladding.

2. CONSTRAINTS

2.1. The building is not listed, and no listed buildings are in close proximity to the site. The site is not within a conservation area. There are no other site constraints considered directly relevant to this proposal.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the erection of car ports within the rear area of the existing car park which will incorporate solar photovoltaics on the roof. Planning permission is also sought for the installation of an air source heat pump and extension to boundary fencing to surround the pump.

4. RELEVANT PLANNING HISTORY

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

15/00021/CDC

Material Amendment to 13/01598/CDC - Extension of the chimney flue by 600mm.
Application Permitted 20 March 2015.

13/01598/CDC

Construction of biomass boiler house and fuel silo.

Application Permitted 10 January 2014.

12/00012/F

Installation of roof mounted solar panels.

Application Permitted 24 February 2012.

09/00517/ADV

Retrospective - Fascia signage to leisure centre and bowling alley.

Application Permitted 1 June 2009.

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 and by advertisement in the local newspaper. The final date for comments was **15 October 2021**.

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.

- Bicester Town Council – In support of the application but comments that works should not interfere with opening times and that community assets be honoured.
- Environmental Protection (CDC) – No comments.
- Local Highways Authority (OCC) – No objections.
- Ecology (CDC) – No objections.
- Arboriculture (CDC) – No objections, subject to tree replacement scheme.

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)

- PSD1 – Presumption in Favour of Sustainable Development

- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- 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
- C31 – Compatibility of proposals in residential areas

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

9. APPRAISAL

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

- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Renewable energy
- Trees and ecology
- Other matters

Design, and impact on the character of the area

9.2. The proposed car ports would not be directly visible within the public realm but would be visible behind the fencing surrounding the astro-pitches from the adjacent footpath south of the site. The structures would be constructed from galvanised steel, with photovoltaics to form the roof of the structures. Whilst this element would result in a change in appearance of the car park, there would be limited harm given the context of the site as a car park. The dark grey cantilevered canopy adds a bold defining element to the site and would align with the commercial appearance of the sports centre and school structures within the vicinity.

9.3. The air source heat pump would be largely obscured from view within the site and from the public realm by a fenced enclosure. It would have no greater impact on the built environment than the existing heating system.

9.4. The proposed development would tie in with the existing building and would have a neutral impact on visual amenity. The car ports are of a size, scale and design that would look acceptable against the backdrop of the existing building. The proposals are therefore considered to comply with Policy ESD15 of the CLP 2031 Part 1, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential amenity

9.5. The car ports would be situated a substantial distance from residential properties (over 50m). The immediate surroundings with regard to the car ports and air source heat pump are not residential in nature. The proposals are therefore considered to comply with Policy ESD15 of the CLP 2031 Part 1, saved Policy C31 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.6. The Local Highway Authority raised no objections to the proposals. The applicant has confirmed that no parking spaces would be lost as a result of the development (currently 179 no. car parking spaces and 4 no. accessible parking spaces are provided within the site). The proposals are therefore considered to comply with Policy ESD15 of the CLP 2031 Part 1 and Government guidance contained within the NPPF.

Renewable energy

- 9.7. In accordance with Policy ESD5 of the CLP 2031 Part 1 which promotes the use of renewable energy, the application incorporates sustainable technology within the scheme through photovoltaics above the car ports.
- 9.8. The applicant has confirmed that car charging ports cannot be provided as part of this application given that the funding for the proposals is provided as a grant to decarbonise the building and electrical vehicle charging points would be outside the scope of the grant. However, the applicant has confirmed that a provision would be made to ensure that electrical vehicle charging points can be accommodated here in the future.

Trees and ecology

- 9.9. Although the proposal would not impact on the buffer of trees along the edge of the site between the leisure centre site and Brookside Primary School, a total of 5 no. trees would be lost in the parking area as a result of the installation of the car ports. The Council's Arboricultural Officer has accepted that the loss of the trees could however be justified if an acceptable replacement scheme, secured by condition, were to be agreed.
- 9.10. The removal of the trees is not considered to result in any significant ecological issue, particularly as the trees are not mature enough to house bat roosts. The applicant is nonetheless advised that the removal of trees should not take place during the nesting season.
- 9.11. The proposals are therefore considered to comply with Policy ESD10 of the CLP 2031 Part 1 and Government guidance contained within the NPPF.

Other matters

- 9.12. Bicester Town Council wanted a reassurance that the works would not adversely affect the opening times of the centre. The applicant confirmed that all the relevant interested parties were working closely together to ensure that any closures or partial closures resulting from the replacement of the heating system were kept to an absolute minimum.

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.
- 10.2. The proposal would have a positive impact in promoting and reducing the carbon footprint of the leisure centre and its users whilst having a limited visual impact on the surrounding area. It is acknowledged that the proposal would result in some limited harm through the loss of 5 no. trees within the existing car park. Whilst unfortunate, the applicant has agreed to mitigate their loss by planting additional trees elsewhere on the site. On balance, therefore, the significant benefits of the

proposal are considered to outweigh its limited adverse impacts and it is therefore recommended that planning permission be granted.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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 and drawing numbers 104 Rev A (Air Source Heat Pump Proposed Plans), 106 (Air Source Heat Pump Proposed Elevations), 107 (Air Source Heat Pump Site Plan), 109 Rev A (Car Ports – Proposed Site Plan), 110 (car port plans/ elevations).

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.

Tree Planting

3. During the first planting season (mid-November to end of March) following the removal of the trees; as labelled on the site plan submitted with the application, replacement trees shall be planted. Full details of the replacement trees, including siting/species/girth, and their location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and if, within a period of five years from being planted the replacement tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the current/next planting season in accordance with the approved details.

Reason - In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government guidance contained within the National Planning Policy Framework.

INFORMATIVE

Nesting Birds

Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.