

Case Officer: Lewis Knox

Applicant: Cherwell District Council

Proposal: Installation of solar thermal water heating system to the roof of the building.

Ward: Banbury Ruscote

Councillors: Cllr Cherry, Cllr Richards and Cllr Woodcock

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 12 October 2021

Committee Date: 13 January 2022

**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION
SUBJECT TO CONDITIONS FOLLOWING EXPIRY OF CONSULATION PERIOD**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is Woodgreen Leisure Centre which provides the following facilities: outdoor pool; indoor bowls hall; gym; and exercise studio. It is accessed from a roundabout on Woodgreen Avenue and has car parking situated to the north and west of the building.
- 1.2. The building is a mix of architectural styles including a main two storey pitched building with flat roof and mono-pitched extensions around the building. It is constructed with a mix of materials including brick and render.
- 1.3. The Banbury Early Intervention Hub is to the north of the site and is a modern building with a mix of mono-pitched roofs. This building is predominantly finished in a blue and cream render.

2. CONSTRAINTS

- 2.1. There are no significant planning constraints to the application site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks permission for the installation of a solar thermal water heating system to the roof of the building.
- 3.2. The solar thermal system would predominately be set on the northern roofslope of the main building with some added next to the existing solar PV panels to the southern roofslope.
- 3.3. The solar thermal system would also be added to the southern roofslope of the outdoor pool building and plant room.
- 3.4. This is a change from the originally submitted scheme which proposed the installation of a shipping container within the leisure centre car park to house a battery system for the existing solar PV panels to the roof of the building. It was considered that the

shipping container storage would only be appropriate for a 3-year temporary permission, the applicants decided that they could not proceed on this basis and amended the proposals.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history directly relevant to the proposal.

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 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 is **15 January 2022**.

6.2. No comments have been raised by third parties at the time of writing this report; however, it is noted that the consultation period is due to end after the committee date and any comments submitted up to this date will still be considered.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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: No comments on the revised scheme at the time of writing

CONSULTEES

7.3. CDC ENVIRONMENTAL HEALTH: No objections

7.4. CDC BUILDING CONTROL: No comments to make

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 in 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 2015)

- ESD15 – The Character of the Built and Historic Environment
- PSD1 – Presumption in Favour of Sustainable Development
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

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

Design, and impact on the character of the area

Policy Context

- 9.2. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.3. Saved Policy C28 of the adopted Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.4. Policy ESD15 of the CLP 2015 states that development should '*Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*'.

Assessment

- 9.5. The proposed solar thermal heating system would be positioned on the northern roof slope of the leisure centre and would face onto the car park surrounding the building. Though it is noted that it would be visible from the public domain from Spring Gardens to the west and from the roundabout which connects Woodgreen Avenue to Orchard Way.
- 9.6. Aside from the fact that a large proportion of the system would be on a flat roofed section of the leisure centre, the building is set significantly back from the main public highway and roundabout at the entrance of the site and so the impact of the solar panels, which are a common feature on municipal buildings, would be minimal and any harm to the character and appearance of the streetscene would be negligible.

- 9.7. The solar thermal heating system would be similar in appearance to the existing solar PV panels already affixed to the southern roofslope of the main leisure centre building and as such would not appear alien within the context of the site.
- 9.8. Further panels of the solar thermal heating system would be affixed to the smaller outdoor pool building and plant room to the rear of the main leisure centre building and as such would not be readily visible from outside of the application site and would not have any impact on the character and appearance of the locality.
- 9.9. Renewable energy systems such as this are becoming more typical of larger public buildings such as this as we move towards a more sustainable energy source, and as such the system would not be against the character of this building.

Conclusion

- 9.10. The proposals are considered to have a neutral visual impact on both the leisure centre and the wider streetscene. The proposals are therefore considered to comply with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential Amenity

Policy context

- 9.11. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 Part 1 which states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.12. Part of the solar thermal system would be fitted to the main roof of the leisure centre roof which is in close proximity to neighbouring dwellings within Spring Gardens to the west of the site.
- 9.13. Despite this relationship, the panels would not add any significant massing to the building. It is therefore considered that there would not be any notable impact on the amenity of neighbouring occupants in terms of loss of light, loss of outlook or by being overbearing.
- 9.14. The element of the solar thermal system which would be fitted to the plant room and pool building would not be located in close proximity to any residential properties and as such would not have any impact on the amenity of the locality.

Conclusion

- 9.15. The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and Government guidance contained in the NPPF.

Renewable energy

- 9.16. 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 a solar thermal water heating system.
- 9.17. The proposed heating system would reduce the building's reliance on fossil fuels and the existing water heating system and as such would reduce the carbon footprint of

the leisure centre and thereby support the Council's commitment to address the climate change emergency.

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, permission should therefore be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- i. THE EXPIRY OF THE PUBLIC CONSULTATION PERIOD, IF THERE ARE NO FURTHER COMMENTS RECEIVED WHICH RAISE NEW ISSUES NOT BEFORE THE COMMITTEE IN THEIR DECISION MAKING; AND**
- ii. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

CONDITIONS

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: NTBS3540 T15/WLC/108

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.