

Case Officer: Sarfaraz Khan

Applicant: Build Team

Proposal: External and internal refurbishment to the flats

Ward: Banbury Ruscote

Councillors: Councillor Cherry, Councillor Richards, and Councillor Woodcock

Reason for Referral: The application affects Council's own land and/or the Council is the applicant

Expiry Date: 17 January 2022

Committee Date: 7 April 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located close to the roundabout linking Orchard Way and The Fairway, within the Bretch Hill residential area of Banbury. The site comprises a linear, two storey building forming nine flats, along with an area of hardstanding and part of a shopping precinct including a takeaway, a bookmakers and a hair salon.
- 1.2. One side of the flats faces south west towards The Fairway, while the rear of the flats looks towards the shopping precinct. The exterior of the flats is in buff and blue engineering brickwork and has a pitched roof in plain tiles. There are panels to some of the elevations in white uPVC, with windows and doors to match, also in white uPVC.

2. CONSTRAINTS

- 2.1. The application site is within an area of naturally occurring elevated levels of arsenic, and Swifts (a protected species) have been recorded in the vicinity.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks permission for external refurbishment to the building comprising of residential flats located between 137 – 153 The Fairway, Banbury. Internal alterations are also proposed but these do not require planning consent.
- 3.2. The intention behind the proposals is to improve the appearance and quality of the building, to reduce energy loss and to reduce energy consumption for the building and to contribute to the regeneration of the wider area.
- 3.3. The positions of all windows would remain as existing, as would the blue engineering brick pier features to the front elevation and the brickwork to the chimneys at roof level.

3.4. The proposed repair works to the external of the building would involve the following works:

- The majority of the exterior of the building would be refurbished and upgraded;
- All of the exterior walls, the main roof and windows would be upgraded;
- The walls at both ground and first floor would have new insulation applied externally;
- The walls at both ground and first floor would be clad in a combination of Fintry stone render and slate grey cedral panels;
- The exterior finish of the building would mostly be in render;
- The cedral cladding would be used as a feature, and would be seen on the front façade at first floor and would wrap slightly around the gable ends at each side;
- The existing external stores to the rear would be clad, also at first floor only, in the cedral cladding;
- The main pitched roof would have new insulation applied to a new roof structure and would be finished in modern concrete interlocking smooth grey tiles;
- The flat roof at the rear, over the upper level walkway and stair, would be replaced with a new dark grey roofing felt finish;
- All of the existing rainwater goods and fascias would be replaced, and be finished black;
- At the rear the balcony railings would be replaced with a new grey finish aluminium handrail, with red aluminium balustrade panels;
- The existing structural posts seen at the rear would remain and be painted in high quality external grey metallic paint, to ensure durability.
- The hard standing around the flats and the stairwell would be cleaned up to improve their appearance.
- The lights to the undercroft (outside the café) would be replaced so that they are in full working order following the refurbishment.

3.5. The proposed repair works to the internal flats would involve the following works:

- Full refurbishment and replacement of kitchens and bathrooms;
- All internal walls and surfaces would be fully redecorated with good quality finishes;
- The mechanical and electrical services would be replaced with new;
- New fire protection would be installed between the flats at first floor;
- All of the windows and doors throughout the flats would be replaced with new double glazed anthracite grey uPVC elements. These new windows and doors would all be within the existing openings, therefore they would be the same size and location as they are existing. They would have slim framing and little divisions;
- There would be openable lights in each flat as well as trickle vents to either side of the building, to allow natural ventilation. Bathrooms would have top lights for easy natural ventilation.

4. RELEVANT PLANNING HISTORY

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

05/01047/ADV – 1no. illuminated sign board (as amended by plans received 15/07/05) - Permitted - 11 August 2005

09/01776/F - Proposed mixed use development including 4 shops and 33 social housing units - Permitted - 4 August 2010

14/00072/PREAPP - Pre-Application enquiry - Demolition of asbestos garages/store and construction of 6 x 1 Bedroom flats - Detailed Pre-App response sent - 15 April 2014

17/00924/CDC - Improvements to the area in front of the shops - Permitted - 19 June 2017

16/02186/DEM - Demolition of garages - Application Withdrawn - 6 December 2016

17/00176/DEM - Demolition of garages - Prior Approval Not Required - 20 February 2017

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

21/02996/PREAPP - Upgrading of the existing flats as follows: Upgrade of the external envelope - insulated panels externally rendered and with cladding, New windows. New doors, New balcony railing to rear, New bathroom suites, New kitchens, New Mechanical and Electrical and Decorated throughout. The proposals would be supported.

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 was **30 December 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.

7.2. BANBURY TOWN COUNCIL: **No objection**

7.3. OCC HIGHWAYS: **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 ('CLP 2015') was formally adopted by Cherwell District Council in 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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)

- Banbury 10: Bretch Hill Regeneration Area
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- 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
- C30: Design of new residential development

- 8.3. Other Material Planning Considerations

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

9. APPRAISAL

- 9.1. In view of their nature and extent, the proposals have no implications for ecology, drainage or highway safety. The key issues for consideration in this case are:

- Principle of Development;
- Impact on Visual Amenity;
- Impact on Neighbour Amenity;
- Sustainable Construction Matters

Principle of Development

- 9.2. The proposals are largely being made in order to bring the insulation forwards in-line with modern standard, which would reduce the amount of energy used by the future occupants and would therefore reduce the carbon footprint of the flats. This would be supported by the policies focussed on environmental sustainability in the local plan, namely ESD2 and ESD3. There is also a strong support for minor re-development to improve the housing stock under policy Banbury 10, which washes over the site.
- 9.3. As such, in line with the provisions and aims of the development plan policies identified above, the principle of the proposal is therefore considered acceptable in general sustainability terms. However, the acceptability of the proposed development in this case is also clearly dependent on it not having adverse effects on the character and appearance of the area, impact on neighbour amenity, impact on public and highway safety, ecological impacts, flooding impacts and environmental and other sustainability issues. These issues are discussed below.

Impact on Visual Amenity

- 9.4. Policy ESD15 of the CLP 2015 states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.
- 9.5. Saved Policy C28 of the CLP 1996 states that control over all new development will be exercised to ensure that standards the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.
- 9.6. These policies reflect government guidance contained within the NPPF requiring good design, which 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. Developments should respond to local character and reflect the identity of local surroundings and materials. It is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.
- 9.7. The existing flats are very much of their time but are not architecturally significant. Two of the opposing 'corners' which front the roundabout have been recently re-developed to provide additional housing and increase the density of residential use. These developments have used modern designs and materials to give a more contemporary feel to the wider street scene against which the present site forms a modest but not insignificant part.
- 9.8. The redesigned exteriors of the flats would have balanced and contemporary look and feel, yet not starkly so, with elements such as the cedar lap being reflected back in the design of the housing diagonally opposite across the roundabout in the buildings along Spring Gardens. This redesigned exterior would result in enhancement to the character and of the area and bringing a degree of visual balance to the other nearby developments.
- 9.9. Overall, for the reasons set out above, it is considered that the proposals would be acceptable in regard the character and appearance of the area. The development would therefore comply with Policies ESD15 of the CLP 2015, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF

Impact on Neighbour Amenity

- 9.10. Saved Policy C30 of the CLP 1996 requires that new developments provide standards of amenity and privacy acceptable to the local planning authority. Policy ESD15 of the CLP 2015 states that new development should consider the amenity of both existing and future development.
- 9.11. The proposals would not adversely affect the living conditions of the occupiers of the flats or any neighbours to the site and therefore accord with the aforesaid policies in this regard.

Sustainable Construction Matters

- 9.12. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development within the District on climate change. This policy further encourages new developments to incorporate suitable adaptation measures to ensure that new developments are resilient to climate change. Policy ESD2 of the CLP 2015 states that in seeking to achieve emissions reductions Cherwell District Council will promote

an energy hierarchy by seeking to reduce energy use through the use of sustainable design and construction, the supply of efficient and renewable energy and moving away from decentralised energy supply. Policy ESD3 of the CLP 2015 further states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods.

- 9.13. The proposed works seek to improve energy loss and to reduce energy consumption for the existing flats with sustainability as a guiding principle of the development and therefore accord with the general spirit of the principles outlined above.

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

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:
- Drawing Title: Measured Survey Drawing Number: 001
 - Drawing Title: Proposed Plans and Elevations Drawing Number: 002A
 - Drawing Title: Site and Location Plan Drawing Number: 003A
 - Drawing Title: 3D Visuals Drawing Number: 004

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.