

Case Officer: Michael Sackey

Applicant: Cherwell District Council

Proposal: New/enlarged shop front windows

Ward: Banbury Cross And Neithrop

Councillors: Cllr Becky Clarke, Cllr Matt Hodgson, Cllr Dr Chukwudi Okeke

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

Expiry Date: 12 June 2024

Committee Date: 06 June 2024

SUMMARY RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is part of the Castle Quay shopping centre, specifically the first floor Unit formally occupied by British Home Stores, above Lock 29. The Castle Quay Shopping Centre is located within Banbury Town Centre.

2. CONSTRAINTS

2.1. The application site is within the setting of the Oxford Canal Conservation Area and Public Right of Way Ref: 120/103/40 runs adjacent to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission for the enlargement and alterations to two existing windows and insertion of three additional window openings into the north-eastern elevation of the building to match those of the existing and proposed.

3.2. The current application is a resubmission of application reference (23/03103/CDC) which related to two of the three new windows proposed here.

4. RELEVANT PLANNING HISTORY

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

Application: 23/03103/CDC Permitted 16 February 2024

Insertion of two new window openings

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, 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. The final date for comments was **2 April 2024**, 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.

BANBURY TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. No objections

OTHER CONSULTEES

- 7.3. CDC Conservation - No objections

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 several 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

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. Given its nature, the proposal has no implications for highway safety or ecology or archaeology. The key issues for consideration in this case are:

- Design, and impact on the character of the area and on heritage assets; and
- Residential amenity

Design, and impact on the character of the area

Assessment

- 9.2. The proposed new window openings and alterations would be located on the north-eastern side of Castle Quay and would be readily visible from the public domain and within the setting of the Oxford Canal Conservation Area.
- 9.3. The first floor windows proposed to the west of the entrance to Castle Quay would partly replace a bricked up faux window, which already benefits from a matching sill to the rest of the windows to this side. Given this, it is considered that this is an appropriate position for a new window. The other proposed window also respects the linearity of the windows to this elevation.
- 9.4. Both proposed windows to the west of the entrance to Castle Quay would match the designs of existing fenestration on the building in terms of size, scale, design and materials and as such would be in keeping with the established character and appearance of the building.
- 9.5. The proposed arched window along with the downwards enlargement of the two existing arched windows to the east of the entrance to Castle Quay would impact the form and symmetry of the fenestration to this side of the existing building. However, given their design and location, it is not considered that they would result in significant harm to the overall character of the area, or the setting of the conservation area, due to this element of the proposal retaining the arched form of the existing windows and its relative scale in the context of the wider shopping centre building.
- 9.6. The proposal would also interrupt the canopy roof below the existing arch windows relating to the downward extension of the existing arched windows and new arched window. However, given its scale and extent and impact of the alterations to the existing canopy roof, it is considered that this element of the proposal would not result in significant harm to the character of the area or the setting of the conservation area.
- 9.7. It is also noted that the windows to the ground floor below the proposed window and enlargement do not follow a symmetrical pattern and as such the impact on the symmetry above is not considered to result in an adverse impact.
- 9.8. The building is a modern building and the proposed changes to the windows are considered to be complementary to the character of the building and the area.
- 9.9. Overall, it is considered that the proposed development would not result in significant harm to the character and appearance of the area or the setting of the Oxford Canal Conservation Area. As such, it would accord with Policies ESD15 and of the CLP 2031 and C28 of the CLP 1996 in this respect, as well as the NPPF.

Residential Amenity

- 9.10. The site is not located in close proximity to any residential building and as such the proposed windows would not result in any impact on the amenities of the locality and would thus accord with Policy ESD15 of the CLP 2015 in this respect.

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposal complies with the relevant Development Plan policies and NPPF 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

TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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 application form and the following plans and documents: Drawing No. 7165-GBS-XX-XX-DR-A-101-P02, 7165-GBS-XX-XX-DR-A-101-P03 and 7165-GBS-XX-XX-DR-A-103-P02.

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.

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