

Banbury Rugby Union Football Club, Oxford Road, Bodicote

13/01898/F

Ward: Bloxham and Bodicote

District Councillor(s): Cllrs Heath and Thirzie Smart

Case Officer: Laura Bailey

Recommendation: Approval

Applicant: TSH Architects

Application Description: Demolition of existing clubhouse and erection of new clubhouse.

Committee Referral: Council owned site

Committee date: 6 March 2014

1. Site Description and Proposed Development

- 1.1 The site is located on the southern edge of Bodicote, accessed directly from the Oxford Road. The site is located within an Area of High Landscape Value (AHLV) and glimpse views of the site are possible from the main road, through the access and the boundary hedge. Part of the site is occupied by Bannatynes Health Club and the remainder is occupied by Banbury Rugby Club, which is leased to them by Cherwell District Council. A large car park serving the site is located to the north west of the existing health club building and access to both sites is obtained from the Oxford Road.
- 1.2 The proposal involves the removal of the existing clubhouse portakabin building and its replacement with a new clubhouse, including increased areas of hardstanding to the front of the building and children's play area to the south of the clubhouse.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour notification letters. The consultation period expired on the 13th February. No representations have been received.

3. Consultations

- 3.1 **Bodicote Parish Council:** No objection, but concerned about the massing of buildings in this part of the village and the ensuing traffic problems on an already busy main road.

Cherwell District Council Consultees:

- 3.2 **Anti Social Behaviour Manager:** The additional information contained within the design and access statement presents a much clearer picture of the way the building is to be used and the inference that a Premises License will be sought gives us greater scope for noise control should it be needed. In terms of the planning

application this means that we can concentrate on the suitability of the proposed site and the building for its intended use.

As the footprint of the building occupies an identical footprint to the building it is intended to replace its relationship in distance terms to the nearby dwellings will remain unaltered. On this basis I would not now have an objection to the proposed development. Equally I anticipate that an application for a Premises License will follow the construction of the building and the desired level of noise control can be achieved through conditions attached to that license, if necessary.

Oxfordshire County Council Consultees

3.8 **Highways:** The requested TA relies significantly on the agreement to use the parking area, part of the parking provision for the health club, and includes an extract from the agreement document and plans showing the relevant areas.

However this raises questions as to how long the agreement lasts, does it extend only to the Rugby Club or does it include the communal uses referred to?

Reference is also made to the use of areas to the side of the pitches at certain times and again shows the said areas on a plan.

There is no reference to the provision of cycle parking facilities, which ought to be included.

There is also the question of control. The redline area for the submission does not include either the parking which is the subject of an agreement nor that shown to the side of the pitches. Both are relied upon in the submission and therefore ought they to be included in said redline area?

It would appear that the parking provision as regards the rugby club use is satisfactory in all but this control element.

The use of the facility for communal uses does not appear to be a significant part of the formal submission and is only mentioned in the D and A statement initially. Might it be feasible therefore to require separate submissions when specific users are identified?

Other Consultees: None.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Standards of occupant amenity

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (January 2014)

The Submission Cherwell Local Plan was formally submitted to the Planning Inspectorate for examination on the 31st January 2014. The Submission Plan supersedes previous stages of the emerging Local Plan.

At the present time the emerging Plan carries limited weight, as it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council (anticipated mid 2014).

The following policies are considered to be material to the determination of this application and are not replicated by saved Development Plan policy:

- PSD1: Presumption in favour of sustainable development
- ESD16: The character of the built and historic environment
- BSC10: Open space, outdoor sport and recreation provision

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Impacts on the character and appearance of the area
- Residential amenity
- Highway safety

Relevant planning history

- 5.2 This site has a very long and complex planning history, spanning back to 2002 when the site was originally granted planning permission for the erection of a sports pavilion, sports pitch layout, new access road and parking (02/01574/F refers).
- 5.3 The health and fitness club (Bannatynes) and the new pavilion proposals were considered as separate but inter-related developments, which formed a package of sporting and recreational enhancements on the site. It was originally envisaged and recommended that the capital receipt generated from the health and fitness development would be secured via the Section 106 agreement to fund the new pavilion and related development proposed under 02/01574/F.
- 5.4 Owing to various factors, the pavilion was not delivered in accordance with the S106 and following a protracted period of legal intervention and mediation, the Council acquired the site.
- 5.5 In 2007, planning permission was renewed for the temporary building currently on site, in lieu of the permanent structure required by the S106 (07/01651/F refers).
- 5.6 This application is therefore made pursuant to the requirements of the 2002 application, which requires the construction of a new sports pavilion.

- 5.7 The changing area will still be within the main Bannatynes building, until funding is secured for a separate building to accommodate changing facilities.

Impact on the character and appearance of the area

- 5.8 Policies C28 and C30 seek to control all new development to ensure layout, design and external appearance are sympathetic to the character of the area and that they should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity with acceptable standards of amenity and privacy.
- 5.9 The building is of a fairly modern design, which is to be clad in Larch timber boarding, with coated steel roof tiles. The upper section of the building is mono pitched, enclosed by a glass infill balcony to the front elevation. Internally, the building provides a large hall, with bar, kitchen, store areas and WC's.
- 5.10 Whilst the building is of a larger footprint than the existing temporary structure, it is not out of scale with the much larger Bannatynes building directly behind it. The site is well screened from the Oxford Road by mature hedgerows and a buffer between the road and edge of the site will be maintained.
- 5.11 It is Officer's view that the proposal is of a scale, design and appearance which is compatible with the wider site and surrounding area. Accordingly, it is considered that the proposal complies with the requirements of Policy C28 of the ACLP and Government guidance contained within the NPPF.

Residential amenity

- 5.12 The nearest residential properties are those located directly opposite the site (Victoria Cottages and Cotefield Cottages), approximately 60 metres away. The properties are separated from the site by the Oxford Road and in part, by hedgerows, save for the access
- 5.13 As is noted within the ASB Manager comments above, it is likely that an application for a Premises License will follow the construction of the building and the desired level of noise control can be achieved through conditions attached to that license, if necessary. The ASB refers to the new building being 'of the same footprint' as the existing building. However, this is incorrect as the proposed building has an approximately 50 per cent larger footprint than the existing structure on site. Development will therefore come closer to the residential properties mentioned above, but a distance of over 60 metres would still be retained between the two sites.
- 5.14 Therefore, subject to the aforementioned condition and given the distance between the site and residential properties, intervening highway and boundary screening, it is considered that the proposal would not have a detrimental impact on residential amenity. The development is therefore considered to comply with Policy C30 of the adopted Cherwell Local Plan and guidance in the NPPF.

Highway safety

- 5.15 The applicants have provided an amended site location plan, which shows 105 car parking spaces which are leased to the Rugby Club from the Health Club. The Rugby Club have stated that it is their intention to provide a permanent parking area on land directly to the south of the pavilion in the future, which will

accommodate their needs in perpetuity. However, until this time, the spaces demarked in blue will be conditioned to remain principally for the use of the rugby club.

- 5.16 The comments from the LHA are noted, however as noted above, the shared parking area within the Bannatynes club is included in the blue line and can be controlled by condition. When the lease expires (~15 years), the site would be bound by the condition to ensure that sufficient parking existed to serve the pavilion. In any case, it is very likely that an application for the formal parking area would have been received and dealt with by the time the lease expires.
- 5.17 The Transport Statement explains how allocated spaces at the southern end of the Bannatyne's car park are sufficient to cover weekday and Saturday parking demand and that on Sundays, the southern edge of the field is used for overflow parking and that the system works well.
- 5.18 The provision of cycle facilities can be dealt with by planning condition, which will require the submission and approval of details of their location and design, prior to the first use of the building.
- 5.19 The 'community uses' will be conditioned to remain ancillary to the use of the pavilion. Therefore any increase in use over and above that would therefore require planning permission. As such, it is considered that subject to appropriate conditions to retain the leased car parking areas, provision of cycle parking and control the use of the pavilion, the proposal would not be detrimental to highway safety and therefore complies with the requirements of the National Planning Policy Framework.

Engagement

- 5.20 A 2012 amendment to the Town and Country Planning (Development Management Procedure) Order and the NPPF requires that Local Planning Authority's demonstrate that they have worked with the applicant/agent in a positive and proactive way. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application and dialogue with the applicants throughout the course of the application.

Conclusion

- 5.21 In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal represents sustainable development, as it will not cause harm to occupant amenity, will preserve the character and appearance of the surrounding area and will not be detrimental to highway safety. For these reasons, the application is recommended for approval, subject to the conditions and recommendations set out below.

6. Recommendation

Approval, subject to the following conditions:

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.

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 listed below:

Drawings: 01A, 02A and 04A

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

4. The parking and manoeuvring areas shall be retained for parking and manoeuvring in association with the development hereby permitted and in accordance with Appendix D and E of the Transport Statement dated February 2014 by Hannah Reed.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

5. The development hereby approved shall be used only for the purpose of a rugby clubhouse and activities ancillary to this use, in accordance with paragraphs 1.6.3 to 1.6.10 (inclusive) of the Transport Statement dated February 2014 by Hannah Reed and for no other purpose whatsoever, including any other purpose the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - In the interests of highway safety and to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and

proactive way as set out in the application report.

CONTACT OFFICER: Laura Bailey TELEPHONE NO: 01295 221824