

**The Hill
Dover Avenue
Banbury
OX16 0JE**

17/00197/CDC

Case Officer: Matthew Chadwick **Contact Tel:** 01295 753754

Applicant: Cherwell District Council (Build Department)

Proposal: To demolish the existing community centre accessed off Dover Avenue and rebuild a new community centre, 'The Hill', in Bretch Hill, Banbury

Expiry Date: 23/03/2017

Ward: Banbury Ruscote **Committee Date:** 16/03/2017

Ward Councillors: Councillor Cherry, Councillor Richards and Councillor Woodcock

Reason for Referral: Application has been made by the District Council

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of community land that is bound by houses on all sides. The site currently accommodates a community centre and some small grassed areas. The site is bound to the south and west by Dover Avenue, to the north by Edmunds Road and to the east by Bretch Hill. The levels of the land drop to the north of the site and there is a play area to the north.
- 1.2. The site is not located in a conservation area and is not in close proximity to any listed buildings. The ground in close proximity of the site has naturally elevated levels of arsenic.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought to demolish the existing community centre and to rebuild a new community centre on approximately the same site. The new community centre would be constructed from render, timber effect cladding and red brick. There would be a significant amount of glazing proposed on the building. The roof would be finished with a single ply membrane and the roof would have large overhangs to provide shade to the windows. External doors, windows, rooflights, gutters and downpipes would be finished in a dark grey.
- 2.2. Access would remain as existing, off Dover Avenue. A new parking and drop-off area would be created to the south-west

3. RELEVANT PLANNING HISTORY

- 3.1. None directly relevant to this proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. 16/00289/PREAPP: The pre-application proposal was for the construction of a new community centre to replace the existing building. The principle of redevelopment was considered to be acceptable. With regards to design, it was considered that the replacement building should be an improvement on the existing building and it was recognised that a modern design approach would be appropriate given the area was not architecturally sensitive. A reconfiguration of the layout was encouraged, as it was considered that the building as proposed would have a detrimental impact on the living amenity of the occupiers of the dwellings to the east, on Bretch Hill. The report was issued on 2nd November 2016.

5. RESPONSE TO PUBLICITY

- 5.1. 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.
- 5.2. One letter of objection has been received as part of the consultation process. Concerns were raised over anti-social behavioural issues in the playing area, contamination issues from the asbestos roof of the existing community centre and disruption caused by the construction phase of development.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. 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

- 6.2. BANBURY TOWN COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions relating to a Construction Traffic Management Plan to be submitted and approved by the Local Planning Authority, details of cycle parking and full specification details of the turning area and parking spaces within the curtilage of the site.

NON-STATUTORY CONSULTEES

- 6.4. BUILDING CONTROL: No comments received.
- 6.5. ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions relating to a Construction Environmental Management Plan, details of external lighting and details of extraction, air conditioning or any other fixed plant to be submitted to the local planning authority. Conditions should also be included regarding land contamination.
- 6.6. RECREATION AND LEISURE: **No objections.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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
- BSC5 – Area Renewal
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD10 – Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- BAN10 – Bretch Hill Regeneration Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extensions Guidance (2007)

8. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety
- Environmental protection

Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

- 8.3. Policy BSC10 of the Cherwell Local Plan 2011 – 2031 Part 1 states that the council will protect existing recreation sites.
- 8.4. Policy BSC12 of the Cherwell Local Plan 2011 – 2031 Part 1 states that the council will protect and enhance the quality of existing community facilities and improve access to existing facilities.
- 8.5. The proposal seeks to replace the existing community facility on the site with a new building. The existing building on the site is aged and its replacement with a modern, purpose-built facility would result in a significant enhancement for the community with regard to community facility provision. The building would provide a hall which would accommodate a badminton court and a smaller hall to accommodate community events and offices, which would benefit the local community. Access to the site would also be improved through the provision of a new car park.
- 8.6. The principle of development is therefore considered to be acceptable, subject to the other material considerations to be discussed below.

Design and impact on the character of the area

- 8.7. 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 of the development.
- 8.8. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development should complement and enhance the character of its context through sensitive siting, layout and high quality design. Furthermore, new development should be designed to improve the quality and appearance of an area and contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.9. The site is located in an area that is surrounded by dwellings constructed from a variety of materials, including red brick, buff brick and render. The existing community centre is constructed from buff brick and has a number of pitched roof elements that have been attached to form one building. The existing community building now looks aged and is not of high architectural quality.
- 8.10. The proposed building would be larger in scale than the existing building, both in terms of its footprint and its height. The building would have a maximum height to ridge of 9.5m, which the applicants have stated is to accommodate a badminton court. However the building would sit comfortably within the site and would not be significantly larger in height than the dwellings which it would be located in close proximity to.
- 8.11. The proposed building has a contemporary design, with pitched roofs and flat roofs and a number of different materials. The proposed building would be constructed from red brick, timber-effect cladding and render. Given the variety of materials used in close proximity of the site, it is considered that the materials proposed are acceptable. The contemporary design is considered to be acceptable and would be a significant improvement upon the existing building. The design of the building has also been informed by the results of a public consultation exercise, undertaken in September 2016.
- 8.12. The design of the proposed building is considered to be acceptable and would result in an enhancement of the visual appearance of the community centre on the site. It would be of a scale and siting that would appropriate in its context and would not appear unduly dominant or out of keeping with the scale of neighbouring housing,

and the contemporary design approach is considered to be acceptable and the materials used would not cause harm to the visual amenities of the locality.

Residential amenity

- 8.13. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.
- 8.14. The application site is surrounded by residential properties, with Dover Avenue to the south and west, Edmunds Road to the north and Bretch Hill to the east. The southern part of the building would be of a similar scale to the existing building. The proposed building would be located in closer proximity to the eastern boundary shared with properties on Bretch Hill than the existing building, however due to the single storey scale of the building and its orientation it is considered that this would not have a significant detrimental impact with regards to being overbearing.
- 8.15. Of more concern is the hall accommodating the badminton court, which would have a maximum height of 9.5m. This would be significantly greater in scale than the existing building. This part of the building would be located in closest proximity to 335 and 337 Bretch Hill. This pair of dwellings are orientated facing towards the northwest and therefore the rear of the dwellings would not be facing directly towards the community building. Due to this orientation away from the proposed building, and the intervening distance of about 13.5 metres, it is considered that the development would not appear overbearing to these dwellings.

Highway safety

- 8.16. The existing accesses to the site remain unchanged, but a new car park is proposed to the south-west corner of the site with level access provided from the car park to the entrance to the new building. The Highways Liaison Officer has offered no objections to the scheme, subject to conditions requiring a Construction Traffic Management Plan, cycle parking details and details of the parking and turning area within the curtilage of the site.
- 8.17. No cycle parking facilities have been shown on the plans, however it is considered that there would be sufficient space to accommodate this provision within the site. It is considered that a Construction Traffic Management Plan would be required, given the scale of development and the layout of the local highway network and this shall be included as a condition. Further details would be required about the parking and turning area to ensure that the provision would be an acceptable standard to serve the development.

Environmental protection

- 8.18. The site lies within an area where there are naturally elevated levels of arsenic within the ground. The applicant has submitted a land contamination report that identifies an area where lead has been found.
- 8.19. The Environmental Protection Officer has offered no objections to this element of the proposal, subject to conditions. These conditions would relate to an intrusive investigation to characterise the type, nature and extent of lead contamination present. If contamination is found by this investigation, then the applicants would need to submit a remediation scheme and carry out this remediation.

- 8.20. The Environmental Protection Officer has stated that a Construction Environmental Management Plan would be required to ensure that the works do not adversely impact upon the occupiers of the nearby residential properties. As the site is surrounded by houses, this condition is deemed to be necessary. Details of external lighting and extraction, air conditioning or any other fixed plant shall be sought, in order to ensure that the development does not create a nuisance for neighbouring dwellings.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The principle of development is considered to be acceptable given that the new building would be replacing an existing community centre on the site. The creation of a purpose-built community centre would result in a benefit for the local population with regard to community centre provision. The design and scale of the development proposed is considered to be appropriate and has been informed by a local public consultation exercise. The buildings would sit comfortably within the site and the wider context of the area and subject to conditions, would not have a detrimental impact upon the local highway network or the amenity of the occupiers of neighbouring properties.

10. RECOMMENDATION

That permission is granted, 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: Application forms, Design and Access Statement, 2016045 – A – D – 01 – 040 Rev A, 2016045 – A – D – 01 – 060 Rev A, 2016045 – A – P – 01 – 100, 2016045 – A – P – 01 – 120, 2016045 – A – P – 01 – 121, 2016045 – A – P – 01 – 122 and 2016045 – A – P – 01 – 123.

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.

3. Prior to the commencement of the development hereby approved, samples of the brick, render and timber effect cladding to be used for the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and car parking spaces to be provided within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. 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 and to ensure a satisfactory form of development in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted CMP shall include the following:

- Details of the routing of construction traffic and delivery vehicles and associated signage.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle

- Details of the parking of site related vehicles (construction workers, traffic and delivery vehicles etc.) to be accommodated within the site.
- Details of the arrangements for keeping local residents informed of site deliveries and other highway related impacts of the construction phase of development.

Thereafter, the CMP shall be implemented in accordance with the approved details and shall be adhered to throughout the construction phase of development.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework

8. Prior to the installation of any external lighting required in association with the approved development, full details of the siting, design and technical specification of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the installation of any external extraction or air conditioning equipment or any other fixed plant associated with the approved development, full details of the siting, design and technical specification of the plant and equipment shall be submitted and approved by the Local Planning Authority. Thereafter, the plant and equipment shall be installed and retained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of lead contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. If remedial works have been identified in condition 11 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.