

**Case Officer:** Nicola Wheatcroft

**Applicant:** Stepper Point

**Proposal:** Change of Use from serviced apartments (Use Class C1) to their original use (Use Class C3) and as specialist supported accommodation

**Ward:** Banbury Cross And Neithrop

**Councillors:** Councillors Fiaz Ahmed, Becky Clarke, Chukwudi Okeke

**Reason for** Major development

**Referral:**

**Expiry Date:** 4 March 2026

**Committee Date:** 19 March 2026

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site consists of two relatively modern blocks of three storey flats located to the south of Dashwood Road. The buildings are sited back from the highway behind Rachel House Supported living accommodation. The rear elevation of the buildings abuts St Johns Road. The site slopes down to Dashwood Road.
- 1.2. The units currently operate as serviced apartments. With parking available around the buildings.

**2. CONSTRAINTS**

- 2.1. The application site is located within Banbury Conservation Area with a number of listed buildings located to the south and west.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Planning permission is sought to change the use from serviced apartments (Use Class C1) to supported living accommodation (Use Class C3b). One block will be adapted for tenants with Learning Disabilities, with 1no. 1-bed flat used as staff sleeping support with shower room and lounge and kitchen for communal use. The other building will be used as accommodation for residents with mental health needs and will also have a staff flat for waking support with shower room, along with a small studio flat with kitchen/lounge/bedroom and shower room for emergency referrals.
- 3.2. No external changes are proposed to the buildings. The number of parking spaces will be reduced to allow for amenity space to be introduced for the residents to use. Eleven car parking spaces will be provided, resulting in a loss of 5 spaces.

3.3. A bike shed with space for up to 6 bikes is proposed adjacent to the parking area and amenity space.

#### 4. RELEVANT PLANNING HISTORY

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

Application no	Proposal	Decision
03/01836/F	Erection of 2 No. two/three storey blocks of flats. 16 No. flats in total (as amended by plans received 09/12/03).	Approved January 2004
05/00040/F	Change Of Use - From 16 No. 1 and 2 bedroom flats to serviced apartments	Approved, March 2005
14/00272/F	Variation of condition 2 of 05/00040/F - That the apartments shall be used as self-catering apartments and for no other purposes within Class C1	Approved April 2014

#### 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 February 2026**, 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.

7.2. BANBURY TOWN COUNCIL: **no objection**, support this form of needed accommodation.

7.3. OCC EDUCATION: **no observations**.

7.4. CDC ENVIRONMENTAL PROTECTION: **no observations**.

7.5. CDC BUILDING CONTROL: **no objections**.

7.6. CDC STRATEGIC HOUSING: no response received.

## **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 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)

- PSD1: Presumption in favour of Sustainable Development
- BSC 2: The Effective and Efficient Use of Land - Brownfield Land and Housing Density
- BSC 3: Affordable Housing
- BSC 4: Housing Mix
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 15: 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

### DRAFT CHERWELL LOCAL PLAN (DCLP 2042)

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM 26 Historic Environment.

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)

- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

## 9. APPRAISAL

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

- Principle of development
- Design, impact on the character of the area and residential amenity
- Heritage impact
- Parking impact
- Affordable Housing

### Principle of Development

#### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (‘CLP 2015’) and the saved policies of the Cherwell Local Plan 1996 (‘CLP 1996’).
- 9.3. Policy PSD1 of the CLP 2015 emphasises the importance of sustainable development. The provision of a mix of homes to meet current and expected future requirements in order to meet housing need and creating socially mixed and inclusive communities is one of the requirements of Policy BSC4 of CLP 2015. The policy goes on to state that specialist housing for people with a range of issues including those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities.
- 9.4. The introduction of fourteen flats (plus two for support workers) for supported living for residents with learning difficulties and mental health needs would provide specialist accommodation for people with identified needs. The accommodation would allow residents to live with some independence but with support available if necessary.
- 9.5. The site is in a sustainable location within proximity to public transport, shops, medical facilities and services without the need for car use. Overall, the proposal would provide accommodation for an identified housing need in a sustainable location in line with Policy BSC4 of CLP 2015.

### Design, impact on the character of the area and residential amenity

- 9.6. Policy ESD15 of the CLP 2015 states that new development should complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.

- 9.7. The proposal involves primarily a change of use of the two buildings; there would be no alterations to the external appearance of the buildings. Changes are, however, proposed to the parking area with a reduction in the number of spaces. The introduction of additional amenity space in the form of grass and planting would provide outside areas for the residents to use and enjoy. It would also help to improve the appearance of the built environment by introducing greenery and 'softening' the rather stark external areas. This would help to improve the appearance of the site and enhance the Conservation Area.
- 9.8. With regard to residential amenity, the proposal would not result in any significant changes and thus no significant or adverse impact; the authorised use is residential and the proposed use would too albeit as supported living. The most noticeable change would be that the flats would be occupied by specific groups of residents probably on a longer term basis, rather than the generally shorter term serviced flats. At least two support workers would be at the premises at all times and would be able to give help to the residents if required.
- 9.9. The impact on the character of the area would not be significant as a result of the proposed development; the external changes to the appearance of the car park would enhance the appearance of the area; the proposal is therefore in line with policy ESD15 of CLP2015.

#### Heritage Impact

- 9.10. The site is within a Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.11. Conservation Areas are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.12. As discussed above, the proposed external changes are limited with no alterations to the buildings. However, the introduction of grass and planting to provide an amenity space would provide a more attractive setting to the buildings by breaking up the hardstanding. This is an improvement to the appearance of the site and would enhance the appearance of the Conservation Area in line with Policy ESD15 of the CLP 2015.

#### Highway Matters

- 9.13. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.14. The serviced apartments currently have on-site parking, which would be reduced as a result of this proposal to 11 spaces. Car ownership is likely to be low amongst the

residents' groups, but the provision of 11 spaces would provide parking for any car owners plus the support staff and visitors. Furthermore, the site is in a sustainable location with access to public transport and facilities. Therefore, it is considered that the proposal would provide adequate parking for use proposed in a sustainable location in line with Policy ESD15.

### Affordable Housing

- 9.15. Policy BSC3 of CLP 2015 requires that schemes of 11 or more new dwellings in Banbury should provide 30% affordable housing. In this case, the proposal does not involve the creation of new dwellings the units are already in a residential use. Furthermore, the proposal would provide specialist residential accommodation on behalf of the Council.

## **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**

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO 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 in accordance with the application form and the following plans and documents:

Site Location Plan: Ra 3546 s3 001

Existing Site Plan Ra 3546 s3 002

Existing Floor Plans – Block 1 Ra 3546 s3 040

Existing Floor Plans – Block 2 Ra 3546 s3 045

Proposed Site Plan Ra 3546 s3 200

Proposed Floor Plans – Block 1 Ra 3546 s3 400

Proposed Floor Plans – Block 2 Ra 3546 s3 450

Existing and Proposed Elevations Ra 3546 s3 300

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.

## **Use**

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the apartments shall be used as supported living accommodation falling within Class C3(b) and for no other purpose.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of residential amenity, heritage and highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2015.

## **Landscaping**

4. No development shall commence until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and 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.

## **Cycle Parking**

5. 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 have first been submitted to and approved in writing by the Local planning authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in

accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Nicola Wheatcroft