

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

**19/00014/NMA**

**Case Officer:** Matthew Chadwick

**Applicant:** Cherwell District Council (Build! Department)

**Proposal:** Change of cladding manufacturer, louvres on east and west of building and swift boxes on south and north elevations (Proposed as Non-Material Amendment to 18/00952/CDC)

**Ward:** Banbury Ruscote

**Councillors:** Cllr Barry Richards  
Cllr Sean Woodcock  
Cllr Mark Cherry

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

**Expiry Date:** 11 March 2019                      **Committee Date:** 14 March 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION FOR THE NON MATERIAL AMENDMENT**

#### **Proposal**

The application seeks to change the type of cladding, to add ventilation louvres on the east and west elevations and swift boxes on the north and south elevations

#### **Consultations**

No consultations have been undertaken with regard to this proposal

#### **Planning Policy and Constraints**

The application site is located in an area of naturally elevated levels of arsenic. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

#### **Conclusion**

The key issue arising from this proposal is whether the change proposed amounts to a non-material amendment to the elevational details of the approved building.

The report concludes that the change can be accepted as a non-material change and would not cause a materially harmful impact to visual amenity

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **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.

### **2. CONSTRAINTS**

- 2.1. The application 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.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks to make minor changes to the design of the building
- 3.2. The specific changes for which permission is sought are:
- Change to the approved cladding from StoSilco render in grey to Cedral Lap in pearl;
  - The introduction of two 1.2m x 1.5m ventilation louvres on the east and west elevations;
  - The installation of swift boxes on the north and south elevations.

### **4. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
17/00197/CDC	To demolish the existing community centre accessed off Dover Avenue and rebuild a new community centre, 'The Hill', in Bretch Hill, Banbury	Application Permitted
18/00952/CDC	Variation of Condition 2 (plans) of 17/00197/CDC - Minor amendments to design of scheme	Application Permitted
18/00277/DISC	Discharge of Conditions 3 (material samples) 4 (landscaping scheme) 5 (construction, layout and drainage of car parking area) and 6 (cycle parking) of 18/00952/CDC	Application Permitted

### **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 not been publicised as the Regulations do not require such publicity or consultation

## **7. RESPONSE TO CONSULTATION**

- 7.1. This application has not been publicised as the Regulations do not require such publicity or consultation

## **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 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

- 8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the , and the following Policies of the Neighbourhood Plan are considered relevant:

#### **8.4. Other Material Planning Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

#### **8.5. Council Corporate Priorities**

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## **9. APPRAISAL**

- 9.1. The changes to the render would be minor and would appear similar to that of the approved render product. The louvres are a minor addition required for the natural ventilation of the building and the swift boxes are of a small scale at a high level.
- 9.2. The changes proposed through this application are minor and would not change the appearance of the building in any significant way, or raise any new issues requiring further assessment or re-consultation.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal is considered to be non-material due to its marginal increase in height, thereby having no harmful or material impact on neighbouring residents or the character of the area.

## **11. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION FOR THE PROPOSED CHANGE AS A NON-MATERIAL AMENDMENT IN ACCORDANCE WITH DRAWING NUMBERS WG673-013 REV D AND WG673-014 REV D AND THE SUBMITTED RENDER SAMPLE.**