

**Case Officer:** James Kirkham

**Applicant:** Cherwell District Council

**Proposal:** Discharge of Conditions 4 (sustainable construction), 5 (architectural details), 9 (boundary treatment) and 10 (external lighting) of 18/01591/CDC

**Ward:** Banbury Ruscote

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

**Reason for Referral:** Application affects Council's own land

**Expiry Date:** 30 July 2019

**Committee Date:** 18<sup>th</sup> July 2019

---

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

### **RECOMMENDATION: GRANT PERMISSION**

#### **Proposal**

This application seek permission to agree the details attached to full planning approval attached to 18/01591/CDC which allowed for the demolition of the former Admiral Holland and the erection of new dwellings and flats.

#### **Consultations**

The following consultees have raised **no objections** to the application:

- CDC Environmental Health, CDC Building Control

No third party letters of objection or support have been received.

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

The application site lies within the built up limits of Banbury and is also situated in the area identified by Banbury 10 as Bretch Hill Regeneration Area.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

#### **Conclusion**

The key issues arising from the application details are:

- Acceptability of details submitted in relation to each condition

**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 the site of the former Admiral Holland public house in Banbury. It is situated to the south of The Fairway and to the west of Woodgreen Avenue adjacent to the roundabout. A small group of commercial uses including a shop and takeaway exist to the north of the site. A number of residential apartments exist to the west of the site.

### **2. CONSTRAINTS**

- 2.1. The site lies in the Bretch Hill Regeneration Area as identified by Policy Banbury 10 of the Cherwell Local Plan Part 1 2015. The site contains a number of trees, in the northern and south-west areas of the site. The site is located on approximately 1 metre higher ground than The Fairway.

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

- 3.1. This application seek permission to agree the details attached to full planning approval attached to 18/01591/CDC which allowed for the demolition of the former Admiral Holland and the erection of new dwellings and flats. Approval is sought for details concerning:
- Carbon reductions (condition 4)
  - Architectural details (condition 5)
  - Boundary treatment (condition 9)
  - External lighting (condition 10)

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

- 4.1. Other than the planning permission to which this current application relates, there is no relevant planning history.

### **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. 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.

## **CONSULTEES**

7.2. CDC ENVIRONMENTAL PROTECTION: **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 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)

- 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. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8.4. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. 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 district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District 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 Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

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. Condition 4 (sustainable construction) requires that the dwelling be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations. The applicant has submitted an energy statement which outlines a number of measures to improve the performance of the dwellings. This is supported by SAP calculations for the proposed dwellings which demonstrate that the proposed Dwelling Emission Rate for the units will be in excess of 19% below the Target Emission Rate (which is Building Regulations requirement). This is therefore considered to be acceptable.
- 9.2. Condition 5 (architectural detailing) requires full details of the architectural detailing of the development. These show the provision of grey framed windows and doors with a brick depth reveal and the use of brick slip reveals and lintels of the opening and recessed brick panels. These details are considered to be acceptable and will provide some depth to the elevations. Further clarification is being sought on the verge details from the applicant.
- 9.3. Condition 9 (boundary treatment) requires details of the boundary treatment. This shows the provision of brick walls with trellis to the rear parking area and the use of the existing metal palisade fencing to the rear of the site. Brick walls have been used in the most prominent positions and the use of close boarded fence is restricted to less prominent areas (i.e. to separate the rear gardens from each other). The access gate to the rear parking area has been removed. However, the apartments and dwellings will provide surveillance over this area and this is therefore considered to be acceptable. Hedge planting is proposed to the front of the site. The proposed boundary treatments are therefore considered acceptable.
- 9.4. Condition 10 (external lighting) requires the submission of external lighting to be provided. This shows the provision of 3 column lights and a number of bollard lights to the rear parking area. The Environmental Protection Officer has examined these and considers them to be acceptable.

## **10. RECOMMENDATION**

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO **APPROVE THE DETAILS.**

CASE OFFICER: James Kirkham

TEL: 01295 221896