

**Case Officer:** Lewis Knox

**Applicant:** Mr Stephen Reynolds

**Proposal:** Discharge of condition 3 (windows) of 20/00693/LB

**Ward:** Banbury Cross and Neithrop

**Councillors:** Councillor Banfield, Councillor Dhesi and Councillor Perry

**Reason for**

**Referral:** Application submitted by a member of staff of CDC acting as agent

**Expiry Date:** 30 September 2020

**Committee Date:** 8 October 2020

**1. APPLICATION SITE AND LOCALITY**

1.1. The application property is a large two storey brick building, the majority of which dates back to around 1840. The building has entrances on both the east and west side elevations and large traditional timber sash windows on all elevations. The rear section of the building is a later addition in matching brick with smaller timber sash windows.

**2. CONSTRAINTS**

2.1. The application property is a grade II listed building and is located within the Banbury Conservation Area.

**3. CONDITIONS PROPOSED TO BE DISCHARGED**

3.1. The application seeks to discharge Condition 3 (Window details) of 20/00693/LB. The information submitted in conjunction with the application includes sections and plans of the proposed windows at 1:20 Scale as required by the condition.

**4. RELEVANT PLANNING HISTORY**

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

Application: 20/00693/LB      Permitted      22 June 2020

To replace 2 No. timber windows. Window 1 on the east facing elevation is a traditional boxed sash window and window 2 on the south facing elevation is a modern fixed light casement window circa 1970-80.

**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 and by advertisement in the local newspaper. The final date for comments is the **12 October 2020**.

- 6.2. No comments have been raised by third parties at the time of writing. Any comments received prior to Committee will be reported as an update.

## **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. **Cherwell District Council Conservation** – Window details considered to be acceptable
- 7.3. **Cherwell District Council Building Control** – Building Control Application Required

## **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)

- ESD15 - The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
- The Setting of Heritage Assets: Historic England Good Practice (2015)
- Banbury Conservation Area Appraisal (Sept 2018)

## **9. APPRAISAL**

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

- Heritage impact

### Heritage Impact

- 9.2. The site is within the Banbury Conservation Area and is a Grade II listed building
- 9.3. 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.*
- 9.4. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.5. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 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 2031 Part 1 echoes this guidance.
- 9.6. The condition requires full details of the two windows to be replaced at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish to be submitted to the Local Planning Authority for approval prior to the commencement of the approved works. Sufficient detail was submitted for the Council's Conservation Officer to make an assessment. It was subsequently concluded that the proposed wooden casement and sash windows were of an acceptable quality and would enhance the appearance of the building.
- 9.7. As the proposed windows would be a positive addition to the listed building, the approved drawings therefore comply with the heritage test set out in the NPPF as well as according with Policy ESD15 of the CLP 2031 and Policy C18 of the CLP 1996.

## **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 appropriate development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted

## **11. RECOMMENDATION**

That, subject to no issues arising prior to the competition of the consultation period, Planning Condition 3 of 20/00693/LB be discharged based upon the following:

### **Condition 3 – Window Details**

In accordance with drawings entitled "Proposed replacement sash window ground floor East Elevation" and "Proposed Replacement Window South Elevation"