

Case Officer: Lewis Knox

Applicant: Cherwell District Council

Proposal: Insertion of two new window openings

Ward: Banbury Cross And Neithrop

Councillors: Cllr Becky Clarke MBE, Cllr Matt Hodgson, Cllr Dr Chukwudi Okeke

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

Expiry Date: 16 February 2024

Committee Date: 15 February 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is part of the Castle Quay shopping centre, specifically the first floor Unit formally occupied by British Home Stores, above Lock 29.
- 1.2. The Castle Quay Shopping Centre is located within Banbury Town Centre.

2. CONSTRAINTS

- 2.1. The application site is within the setting of the Oxford Canal Conservation Area and Public Right of Way Ref: 120/103/40 runs adjacent to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks planning permission for the insertion of two additional window openings into the north-eastern elevation of the building to match those existing.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

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.
- 6.2. The final date for comments was **6th January 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.3. 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.

TOWN COUNCIL

- 7.2. BANBURY TOWN COUNCIL: **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 several 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)

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

- 8.3. Other Material Planning Considerations:

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

- 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 fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Design, and impact on the character of the area; and
- Residential amenity.

Design, and impact on the character of the area

Assessment

- 9.2. The proposed new window openings would be located on the north-eastern side of Castle Quay and would be readily visible from the public domain and within the setting of the Oxford Canal Conservation Area.
- 9.3. Both proposed windows would match the two designs of existing fenestration on the building in terms of size, scale, design and materials and as such would retain the established character and appearance of the building and would not introduce new features or materials detrimental to the setting of the Oxford Canal Conservation Area. As such, they would be compliant with the requirement to preserve or enhance, as stipulated in Development Plan and NPPF policy.
- 9.4. The first floor window proposed to the west of the entrance to Castle Quay would be positioned within a bricked up faux window, which already benefits from a matching sill to the rest of the windows to this side. Given this, it is considered that this is an appropriate position for a new window and respects the linearity of the windows to this elevation.
- 9.5. The proposed smaller window to the east of the entrance to Castle Quay would impact somewhat on the symmetry of the fenestration to this side and would remove the gap between two pairs of windows. Whilst this loss of symmetry would be unfortunate, it is not considered that it would result in significant harm to the overall character of the area, or the setting of the conservation area due to the small scale of the window in the context of the wider shopping centre, particularly as it would be of matching design.
- 9.6. It is noted that the windows to the ground floor below the proposed window do not follow a symmetrical pattern and as such the impact of a loss of symmetry above is not considered to be harmful and would retain the prevailing nature of fenestration on this side of the building.

- 9.7. Overall, it is considered that the proposed insertion of two extra windows to the north-eastern elevation of the shopping centre would not result in significant harm to the character and appearance of the area or the setting of the Oxford Canal Conservation Area. As such, it would accord with Policies ESD15 and of the CLP 2031 and C28 of the CLP 1996 in this respect, as well as the NPPF.

Residential Amenity

Assessment

- 9.8. The site is not located in close proximity to any residential building and as such the insertion of the two windows in this location would not result in any impact on the amenities of the locality and would thus accord with Policy ESD15 of the CLP 2031 in this respect.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and NPPF 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 strictly in accordance with the following plans and documents: Drawing No. 7165-GBS-XX-XX-DR-A-100-P01, 7165-GBS-XX-XX-DR-A-101-P01 and 7165-GBS-XX-XX-DR-A-103-P01.

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.

CASE OFFICER: Lewis Knox

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