

Case Officer: Iwona Gogut

Applicant: Cherwell District Council

Proposal: Retrospective - Installation of guard rail around roof of Town Centre House

Ward: Banbury Cross and Neithrop

Councillors: Councillors Fiaz Ahmed, Becky Clarke MBE, Yvonne Greene

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

Expiry Date: 8 June 2026

Committee Date: 4 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a large, detached building extending to three storeys in height, accommodating residential flats. It is constructed of brick with uPVC fenestrations and a flat roof. The building occupies a prominent position at a main junction within the centre of Banbury and fronts onto both Southam Road and Warwick Road.

2. CONSTRAINTS

2.1. The site lies immediately outside the Banbury Conservation Area, which adjoins the western, eastern and the southern boundaries of the application site. There are several Grade II listed buildings in close proximity, located to the east and south. Additionally, a locally listed building (The Magistrates Court) is situated immediately to the west.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks retrospective consent for the installation of guard rails around the roof of the flat roofed building. The fall-protection system comprises tubular galvanised steel railings running around the perimeter of the roof.

3.2. During the course of the application, following the case officer's site visit, it was identified that the aforementioned guard rails had already been installed. Consequently, the applicant (Cherwell District Council – Property & Investment Department) was contacted and confirmed via email dated 19 May 2026 at 13:46 hours to the Local Planning Authority that the works had been undertaken. The description of development was therefore amended to reflect the retrospective nature of the application.

4. RELEVANT PLANNING HISTORY

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

00/00583/F. Alterations to the building including new externally mounted rainwater pipes, renew existing zinc cladding to the mansards and rooftop plant housing with zinc or lead equivalent, installation of downlighter type lighting. Permitted

06/02096/F. Change of Use and extension of existing office building into hotel use (as amended by revised plans received 9 January 2007). Permitted

06/02097/F. Change of use and extension of existing office building into care home accommodation (as amended by plans received on 09.01.07). Permitted

14/01805/PAJ. Conversion of existing building from its current use (B1 offices) to a residential use comprising multiple apartments (use class C3). Prior Approval Not Required

15/01192/O56. Conversion of existing building from its current use (Class B1 offices) to a residential use comprising multiple apartments (Class C3). Application Withdrawn

15/00581/PAJ. Conversion of existing building from its current use (Class B1 offices) to a residential use comprising multiple apartments (Class C3). Prior Approval Not Required

15/00113/F. Proposed second floor extension to create 3 no. additional dwellings. Proposed external alterations to building. Permitted

17/00745/F. Provision of safety railing to south elevation. 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 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 **01 June 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: Comment that the fencing perimeter should be set further back to reduce visual impact.

7.3. CDC BULDING CONTROL: No adverse comments.

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)

- 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)
- Cherwell Design Guide (2018)
- Banbury Conservation Area Appraisal

9. APPRAISAL

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

- Design, and impact on the character of the area
- Impact on heritage assets
- Residential amenity

Design, and impact on the character of the area

- 9.2. Whilst the guard rails represent a relatively minor addition in the context of the scale of the original building, their prominent siting and reflective finish introduce a more noticeable feature at roof level.
- 9.3. However, it is noted that their grey-toned appearance provides some visual alignment with the existing roof space, thereby reducing contrast to a degree when viewed against the existing materials/building itself. It is also acknowledged that comparable railing features are present at the nearby police station to the west of the site, which provide some context for such additions within the surrounding locality. Furthermore, regard must be had to the host building itself, which is not considered to be a positive contributor to the character of the street scene in design terms.
- 9.4. In addition, some weight should also be afforded to the functional requirements of the building, which is in use as a block of flats, and therefore the provision of guard rails at this height is likely necessary in the interest of safety. This requirement has been confirmed in an email correspondence from Peter Meadows of Cherwell District Council dated 19/05/2026 at 13:46 to the Local Planning Authority that states: *‘The guardrail is required under H&S legislation which requires the building owner, in this case Cherwell District Council, to make the building as safe as possible for tradesmen to be able to carry our repairs in the future, in as safe a manner as possible’*. As such, the feature is considered reasonable and justified.

- 9.5. Overall, in light of the above, and on balance, while the guard rail is not entirely sympathetic in terms of its design and appearance, it does not adversely affect the character and appearance of the area and is therefore considered acceptable in this regard.

Impact on heritage assets

- 9.6. The site is located outside but in close proximity to an adjacent Conservation Area and nearby Listed Buildings. As such, the proposal has the potential to affect the setting of these heritage assets. However, in this instance, given the nature and limited scale of the development, together with the intervening junction and its prevailing urban character between the application site and Grade II Listed buildings to the east (The Three Pigeons, 4-8 Southam Road), it is considered that the development does not materially alter or harm the way in which these heritage assets are experienced or viewed.
- 9.7. The development as built may have a limited effect on the setting of the non-designated heritage asset (Magistrates Court) located to the west of the application site. However, it is not considered that it substantially alters the way in which the asset is experienced or appreciated, and therefore no harm is identified. Notwithstanding this, even if this impact were to be considered to amount to harm, it would be at the very low end of the less than substantial harm. If that was the conclusion, then in such circumstances some weight would need to be given to the identified harm, which would then be weighed against the public benefits of the proposal.
- 9.8. Having regard to all of the above and given its scale, siting and nature, it is considered that the proposed development does not cause harm to the significance of heritage assets through change to their setting, and is therefore considered acceptable in this regard, and accords with Policies ESD15 of the CLP 2015 and C28 of the CLP 1996 in this respect, as well as the NPPF.

Residential amenity

- 9.9. Having regard to its nature, scale, and siting, it is considered that the proposed development does not adversely affect the living conditions of any neighbouring properties in terms of loss of outlook, loss of light or privacy and therefore accords with Policy ESD15 of the CLP 2015 in this respect.

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 - PLANNING TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

Compliance with Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, Site Location Plan (NTBS3853-GLE-TCH-XX-DR-B-01 Rev 0) and following

approved plans and documents: Block Plan (NTBS3853-GLE-TCH-XX-DR-B-02 Rev A), Proposed Roof Plan (NTBS3853-GLE-TCH-XX-DR-B-04 Rev 0) and Proposed Elevations (NTBS3853-GLE-TCH-XX-DR-B-06 Rev A).

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: Iwona Gogut