



**DESIGN STATEMENT PROOF OF EVIDENCE**

**Rob Jackson BArch MArch RIBA ARB**

**SITE: FORMER BUZZ BINGO SITE, BOLTON ROAD, BANBURY OX16 0TH**

**CHURCHILL RETIREMENT LIVING LTD.**

**CHURCHILL HOUSE**

**PARKSIDE**

**RINGWOOD**

**BH24 3SG**

**JUNE 2022**

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY CHURCHILL RETIREMENT LIVING LIMITED AGAINST THE FAILURE OF CHERWELL DISTRICT COUNCIL TO DETERMINE A PLANNING APPLICATION FOR REDEVELOPMENT OF THE BUZZ BINGO SITE AT THE JUNCTION OF BOLTON ROAD, CASTLE STREET AND NORTH BAR STREET IN BANBURY FOR 80 [NOW 78] RETIREMENT LIVING APARTMENTS INCLUDING COMMUNAL FACILITIES, CAR PARKING AND LANDSCAPING AND A SEPARATE LISTED BUILDING APPLICATION FOR REMEDIAL WORKS TO THE EXTERNAL ELEVATIONS OF TRELAWN HOUSE AT 34 NORTH BAR STREET FOLLOWING THE DEMOLITION OF THE BUZZ BINGO BUILDING.

SITE AT: FORMER BUZZ BINGO SITE, BOLTON ROAD, BANBURY OX16 0TH

LPA REF: 21/04202/F and 22/04179/LB

PLANNING INSPECTORATE REF: APP/C3105/W/22/3296229 and APP/C3105/W/22/3298661

PLANNING INQUIRY DATE: 09<sup>th</sup> AUGUST - 16<sup>th</sup> AUGUST 2022

PROOF OF EVIDENCE AUTHOR:

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Design Director, South West Design

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## 1.0. **Introduction**

### 1.1. **Qualifications and Experience**

- 1.1.1. I am Rob Jackson, Design Director of the South West Design Department of Planning Issues Ltd; Churchill House, Parkside, Ringwood, Hampshire, BH24 3SG.
- 1.1.2. I am a Chartered Architect, being a chartered member of the Royal Institute of British Architects (83360) and registered with the Architects Registration Board (070660D). I hold a Masters in Architecture (MArch) having qualified with Distinction in 2005 and a Bachelor Degree in Architecture (BArch) from the University of Nottingham, voted in the top 3 architecture schools in the UK by the Architect's Journal.
- 1.1.3. I have worked for Planning Issues since November 2019. Planning Issues is a subsidiary company of Churchill Retirement Living (Group) Limited (Appellant) and I have been engaged to provide professional evidence in respect of this Appeal.
- 1.1.4. In 2002 I graduated with a Diploma in Architecture (DipArch) from the University of Nottingham, England, having completed my Degree in Architecture (BArch) at the same University 3 years earlier. Following completion of my Diploma, I spent 3 years working in the office of Perkins Ogden Architects, an award winning private architectural practice specialising in education buildings.
- 1.1.5. In 2005 I qualified as a professional architect with a distinction in Professional Practice in Architecture (MArch).
- 1.1.6. In 2007, I commenced working at Design Engine Architects, another award winning private architectural practice. I remained there for 11 years, rising from Architect, via Site Architect and Associate roles to a Senior Associate position. Design work covered a number of typologies; education projects, private houses, flatted developments and pavilions. During my time at Design Engine the practice won a number of awards including shortlisting for BD Architect of the Year three times and my projects won a number of design awards.
- 1.1.7. Key projects included the £83 million / 24,000sqm John Henry Brookes Building for Oxford Brookes University which won an RIBA National Award, RIBA South Building of the Year, RIBA South Regional Award, RIBA South Sustainability Award, AJ Retrofit Award, Oxford Preservation Trust Award and the Education Estates Student Experience Award. It was also 'mid-listed' for

the Stirling Prize, the highest architectural award for the best building of the year, alongside the Shard by Renzo Piano and the London Aquatics Centre by Zaha Hadid.

- 1.1.8. Key retirement projects included design concept architect for a £15million extra care development at Chesil Lodge, Winchester (LABC South Awards: Best Inclusive Building and 2019 SPACES Civic Building of the Year award Highly Commended) described by the leader of Winchester City Council Cllr Caroline Horrill as “... *a top quality building that will benefit present and future generations...*”.
- 1.1.9. Other design projects included the £35 million, 7,500sqm West Downs Centre Building for University of Winchester which was designed to add state-of-the-art facilities to the University and be the first University building in the UK to be designed to the WELL standard and also to achieve Building Research Establishment Environmental Assessment Method (BREEAM) ‘Excellent’ rating. This won both a Civic Trust and RIBA South award in 2022.
- 1.1.10. In 2017 I was elected to sit on the Winchester and Eastleigh District Design Review Panel. As part of this body, I regularly review schemes at pre-planning and planning stages to advise the local authorities on the quality of design, providing an independent, expert assessment of significant proposals. The importance of the Design Review Panel is emphasised through the NPPF in Paragraph 133.
- 1.1.11. In 2019 I commenced working for Planning Issues on Churchill Retirement Living retirement housing schemes, providing in-house professional design services. I review and prepare feasibility studies for in excess of 70 sites per year and am responsible for developing detailed designs for approximately nine planning applications per year. My previous experience in designing and delivering award-winning projects, as well as reviewing schemes by others, have informed my ability to assess what achieves high design quality and success.
- 1.1.12. In February 2021 I started a feasibility study for the Site. An initial pre-application proposal and local authority feedback progressed by the vendor was shared with me. The application proposed design was developed with this in mind and through a further pre-application process with the local authority based on Churchill Retirement requirements. The proposal has been developed by my team to planning application stage and I have reviewed the scheme design at gateway stages during the design evolution.

## 1.2. **Scope of Evidence**

1.2.1. This proof of evidence has been prepared to respond to Cherwell District Council's criticism of the design contained within their 'Statement of Case'<sup>1</sup> and 'Officer's Committee Report'<sup>1</sup>. This Proof of Evidence is submitted on behalf of Churchill Retirement Living Limited (the Appellant) in support of its appeal against the Refusal of Planning Permission at Former Buzz Bingo Site, Bolton Road, Banbury OX16 0TH EX14 1QN ref: 21/04202/F and 22/04179/LB) for the:

**Redevelopment of the Buzz Bingo Site at the junction of Bolton Road, Castle Street and North Bar Street in Banbury for 80 [now 78] retirement living apartments including communal facilities, car parking and landscaping and a separate listed building application for remedial works to the external elevations of Trelawn House at 34 North Bar Street following the demolition of the Buzz Bingo building.**

1.2.2. My evidence deals solely with design issues, specifically those raised by Reason for Refusal 1, although these inevitably cross over with other issues. I defer to Mr M. Shellum on Policy issues, Mr P. White on Heritage issues and Mr. D. Scott on Masterplan issues. I do not deal with any issues relating to Reason for Refusal 2 (drainage) or 4 (contributions). My evidence touches on Reason for Refusal 3, although this is addressed primarily by Mr. Dominic Scott.

1.2.3. I have reviewed the existing Site and local context from an architectural and townscape point of view. I have reviewed the design development and current proposal which is subject to this application. I have assessed the proposed scheme and considered whether in my opinion the design amounts to a high quality design and locally distinctive design and would respect the key characteristics and special qualities of the area in which the development is proposed, as sought in planning policy ESD15<sup>2</sup>. I have also considered whether the proposal is in keeping with local character including scale, massing, density, height, fenestration and materials of buildings.

## 1.3. **Professional Endorsement**

The evidence which I have prepared and provided for this appeal in this proof of evidence is true and has been prepared and is given in accordance with guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

Rob Jackson BArch MArch ARB RIBA

Date: 15<sup>th</sup> June 2022

<sup>1</sup> Committee Report (19<sup>th</sup> May 2022 Committee)

<sup>2</sup> Cherwell Local Plan 2011-2031 Part 1

## 2.0. **Background**

### 2.1. **The Appeal Site**

- 2.1.1. The Site is located in a central location within the market town of Banbury situated on the River Cherwell in Oxfordshire.
- 2.1.2. The appellant has a 'Subject to Planning' contract with the owner.
- 2.1.3. The Site constitutes brownfield land of approximately 0.5 hectares. The Site measures approximately 58m in length north to south and 105m in length east to west.
- 2.1.4. The Site slopes down broadly from north up to south with a level change of approximately 3.25m (approx. +95.0m to +98.25m above Ordnance Survey Datum).
- 2.1.5. The Site addresses two main roads: Castle Street to the north and North Bar Street to the west. The east of the Site fronts an access road called Bolton Road and the southern boundary adjoins a vehicle repair shop and a pedestrian footpath running east-west between the Site and residential buildings.
- 2.1.6. Vehicle access to the Site car park is from the south via Bolton Road. Pedestrian access is possible via Bolton Road, steps from Castle Street and a small lane from North Bar Street between the south elevation of the Site and number 42 North Bar Street.
- 2.1.7. The Site consists of the former Buzz Bingo building and car park. The Site is currently vacant. The east side of the Site is occupied by an asphalt car park enclosed by a brick wall and railings, and the west side by a 1980s two storey building with brick faced ground floor and slate hung first floor. The building formerly housed a Bingo Hall and has some offices to the north and west sides at ground floor and also some offices at first floor.
- 2.1.8. The existing building envelops a Grade II listed building, Trelawn House, which is not part of the application Site but whose walls are currently Party Walls to the property. Trelawn House contains offices.

- 2.1.9. The existing buildings on the Site have no architectural merit. They do not currently offer a positive architectural contribution to the townscape. The building is identified as a 'Negative Landmark' and the Site has an 'Unsightly edge'<sup>3</sup>.
- 2.1.10. The Site partly comprises a large open car park with minimal sense of enclosure and minimal landscaping.
- 2.1.11. The Site is almost entirely hard surfaced and currently provides no significant landscaping, soft planting or biodiversity.
- 2.1.12. The Site has a number of physical constraints to development. The existing buildings adjoin Trelawn House (No.34 North Bar Street). The slope across the Site means level access needs to be carefully considered.
- 2.1.13. The Site adjoins North Bar Street, with the south-western part of the Site falling within the 'Main Route Corridor' conservation area character area.
- 2.1.14. The Site sits between the Medieval core of Banbury to the south east, the 'Main Route Corridor' to the west and the more modern suburban development to the north, beyond the Castle Street terrace immediately to the north.
- 2.1.15. The immediate locality comprises a mix of use types including residential, retail and commercial office uses.
- 2.1.16. *"Despite North Bar Street historically being associated with commercial and professional services, it has since been subject to a change towards a more residential character. The western side of North Bar Street was developed in the eighteenth century with high status housing for the merchant classes. A busy thoroughfare, it is today characterised by... the tight grain built form which forms a continuous frontage along the roadside. Gaps between buildings along North Bar Street are limited. The buildings along the northern extent of North Bar Street are typically three storeys in height, with the Church of St Mary an exception, and the majority are constructed of brick with continuous roof ridge lines (broken by different heights or gables).*

<sup>3</sup> Banbury Conservation Area Appraisal 2018 (Fig. 18 Visual Analysis – Main Route Corridor, page 41 and Fig. 30 Visual analysis – Neithrop, page 70).

*North Bar Street contains buildings of predominately eighteenth and nineteenth century date, although many have been subject to later alteration including the Grade II Listed Trelawn (NHLE: 1046925), and there are also later redevelopments including three to four storey development on the corner of North Bar Street and Warwick Road.”*

(Heritage Statement, Ecus, clause 3.2.8)

- 2.1.17. *“Castle Street is more fragmented in character, with recent redevelopment and expansion resulting in the presence of buildings with larger footprints in the grounds to the rear of terraced housing situated adjacent to the north of the road. Castle Street also leads west to Castle Quay Shopping Centre with built form of varying height. The frontage along this road is also broken up by large open sites (i.e., car parks) which also characterise the streetscape of Bolton Road.”*  
(Heritage Statement, Ecus, clause 3.2.9)

- 2.1.18. Reviews of historic mapping describing the previous known uses of the Site are covered in more detail in the Ecus Heritage Statement.

- 2.1.19. The key relevant characteristics and special qualities of the area in which the development is proposed, as identified within the DAS<sup>4</sup>, are;

- i. A Site adjacent to the junction of Castle Street, North Bar Street where the historic North Bar was located.
- ii. Setting of the conservation area.
- iii. Setting of the Grade II listed Trelawn House.
- iv. The character of the area is mixed. It contains older terraced buildings and dwellings, ranging from 2.5 to 3.5 stories in height, generally from the late Georgian or early Victorian period.
- v. Historically the layout was characterised by long terraced development and burgage plots.
- vi. Identified as suitable for redevelopment by Banbury Policy 8.
- vii. Strong building lines as important for the character of the Main Route corridor.
- viii. Brick, light render in white or pastel colours.
- ix. Continuous roofs with grey tile.
- x. Common features include chimneys, some feature gables, uPVC windows, stone headers and cills.
- xi. Limited landscaping to frontages.

<sup>4</sup> Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021

## 2.2. The Appellant

- 2.2.1. The appellant is a national specialist purpose-built retirement developer founded in 1994 and operating continuously for the last 28 years.
- 2.2.2. The appellant had completed 169 developments and over 6,798 units as of 31<sup>st</sup> October 2021. Churchill Retirement Living manages over 200 retirement developments across the UK and serves around 10,000 apartment Owners.
- 2.2.3. The appellant was the first ever retirement specialist to win the coveted *WhatHouse? 'Housebuilder of the Year'* award in 2016.
- 2.2.4. The appellant continues to regularly win awards for their developments, recently including Bronze for *'Best Medium Housebuilder'* at the 2021 *WhatHouse?* awards.
- 2.2.5. Of completed developments, which are necessarily near to the centre of towns, approximately 50% have heritage considerations as part of their design and planning approval process.
- 2.2.6. The appellant's development at Tavistock, in a prominent position within a UNESCO World Heritage Site, a Conservation Area and the setting of Listed Buildings recently won Bronze for the *'Best Retirement Development'* at the 2020 *WhatHouse?* awards.
- 2.2.7. Notable completed Churchill Retirement Living developments which either affected heritage assets or are within conservation areas and were approved through the planning process include developments in Salisbury, Farnham, Leamington Spa, Cheltenham, Bridport, Abingdon, Chippenham, Shaftesbury, Hythe, Malmsbury, Ringwood and Wells.
- 2.2.8. The appellant takes the responsibility of designing developments within historic built environments very seriously and carefully considers the local context to inform the proposed design. This particularly focuses on the appropriate scale, mass, design and materials. Each proposed development design is unique and bespoke to the location.

- 2.2.9. The appellant has some specific operational requirements which form a brief for the design. These are discussed in detail in Section 4.0 and 5.3 and described in the Design and Access Statement sections 1.6 and section 6.
- 2.2.10. The appellant, through a sister company 'Churchill Estates Management', continues to maintain developments through their lifetime. The average length of apartment ownership is 8 years. Apartment resales are part of the business, and it is therefore in the appellant's interest to build developments of high quality that will continue to look good and be well maintained. This is within the company's 'DNA'.

### 3.0. **The Policy Context Relating to Design**

#### 3.1. **The Development Plan**

3.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and National Planning Policy Framework (NPPF) paras. 2 and 47 require that the appeal must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

3.1.2. The development plan for the appeal Site comprises:

- i. Cherwell Local Plan 2011-2031 Part 1
- ii. Cherwell Local Plan 1996 Saved Policies

3.1.3. The following development plan policies are most relevant to the design:

- i. ESD15 (Built and historic environment)
- ii. Policy Banbury 8 – Bolton Road
- iii. C28 (Design)
- iv. C30 (Design)

3.1.4. The following supplementary planning documents are most relevant to the design:

- i. Banbury Conservation Area Appraisal 2018
- ii. Cherwell District Council's Banbury Vision and Masterplan SPD
- iii. Cherwell District Council's Residential Design Guide SPD 2018

## 3.2. **Material Considerations**

- 3.2.1. Paragraph 2 of the NPPF states that the NPPF is a material consideration in planning decisions.
- 3.2.2. The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. Section 12 is about 'Achieving Well-Designed Places' and includes paragraphs 126 to 136.
- 3.2.3. Particularly relevant paragraphs to the proposed design are 126, 130, 132 and 134.
- 3.2.4. Other material considerations relating to design include:
  - i. Planning Practice Guidance (PPG)
  - ii. National Design Guide (NDG, October 2014)
  - iii. Building for a Healthy Life (BfHL, June 2020)

## 4.0. **The Proposal**

### 4.1. **Appeal Scheme Design**

- 4.1.1. The appeal seeks full planning permission for the redevelopment of the Buzz Bingo site for 78 retirement living apartments including communal facilities, car parking and landscaping and a separate listed building application for remedial works to the external elevations of Trelawn House at 34 North Bar Street following the demolition of the Buzz Bingo building.
- 4.1.2. As retirement apartments, owners must be at least 60 years of age or 55 years of age with a spouse over 60 years. The average age of Churchill Retirement apartment owners is 80 years old.
- 4.1.3. The Site is just to the north-west of Banbury town centre. Churchill Retirement Living developments need to be within 0.5 miles of a town centre with a level walk to allow owners easy pedestrian access to local facilities.
- 4.1.4. The proposed apartments consist of 55no. one bedroom apartments and 23no. two bedroom apartments. These are supported by communal facilities including a one bedroom guest suite, secure entrance lobby and Owners' Lounge. The development will be within Use Class C3 (Dwellinghouses).
- 4.1.5. A lodge manager will be employed during working hours, but there is no staff accommodation, and no specialist medical facilities are proposed. The development is for independent living and does not contain any extra care facilities.
- 4.1.6. The proposed development consists of a single three and four storey building. A single building is required so owners can all access the shared communal facilities without leaving the building. A single building with limited entry points provides a secure form of development, which is an important consideration for owners.
- 4.1.7. The ground finished floor level is set up from Castle Street at a mid-level on the Site. The main building entrance is on the south elevation to allow level access for owners and accord with the client's entrance sequence brief requirements as set out in section 1.6 of the DAS.

- 4.1.8. Entrances need to be secure and to provide safe level access.
- 4.1.9. The proposed design uses red stock multi brick and render for the external wall finishes. Detailing includes cast stone banding, heads and sills, white render detailing and red stock brick heads and cills.
- 4.1.10. The roof is proposed to be slate effect fibre cement roof tiles.
- 4.1.11. Windows, soffits and fascias are proposed to be white uPVC. Rainwater goods are proposed to be black uPVC.
- 4.1.12. Other design features include a cast stone canopy/portico to the main entrance and black painted steel Juliette and dark grey painted full balconies.
- 4.1.13. Vehicular access position remains unchanged from the current arrangement. The proposal provides 27no. car parking spaces at a ratio of 0.34 spaces per apartment. The amount of parking proposed is based on extensive experience of similar development types where a usual required ratio is 0.28 spaces per apartment.
- 4.1.14. The proposal includes on site renewable power generation in the form of PV panels which will be situated in the inner valley of the roof, hidden from view from surrounding ground level. The exact number and design of these will be subject to detailed design.
- 4.1.15. The proposal includes a design intent for the landscape scheme around the building including the boundaries of the Site. The main amenity space for owners includes a patio area outside the Owners' Lounge and landscaped garden within a central 'courtyard'. Ground floor flats have direct access into the garden which is available for the use of all owners.
- 4.1.16. The Castle Street frontage encompasses a banked landscape providing the significant green frontage required by Policy 8 and dealing with the level change across the site.
- 4.1.17. The design includes provision of a buggy and cycle store and refuse store. The sizes of the amenity space and stores are based on extensive client experience of operating retirement developments of this type with a specific end user demographic.

## 5. Reviewing the Proposed Design Against the Policy

### 5.0. Overview

5.0.1. Cherwell District Council have identified in their refusal the specific policies that they contend the appeal design does not accord with.

5.0.2. Reason for Refusal 1 to which my evidence relates is as follows:

*The development proposed, by virtue of its scale, form and design in relation to Trelawn House adjacent and the Banbury Conservation Area is considered to have a detrimental impact (less than substantial) upon the character and appearance, historical integrity and setting of this grade II Listed building and would fail to preserve and enhance the character and appearance of the Banbury Conservation Area. Furthermore, the development by virtue of its form and design fails to provide the bespoke landmark building as required by Policy Banbury 8 and the Banbury Vision and Masterplan SPD 2016. The benefit of bringing the site back into use and making efficient use of the land would not outweigh the harm caused to the heritage assets. The proposals are therefore contrary to saved Policy C18 of the adopted Cherwell Local Plan 1996, Policies Banbury 8 and ESD15 of the adopted Cherwell Local Plan 2015 and Government guidance within paragraphs 199, 202 and 206 of the National Planning Policy Framework.*

5.0.3. The Reason for Refusal is expanded on within the Cherwell District Council Rule 6 Statement of Case, (undated) and the Committee Report (19<sup>th</sup> May 2022 Committee). I have identified the following specific design issues from the reason for refusal (detailed commentary from the Committee Report and Statement of Case in brackets):

- i. Scale (3 and 4 storey development adjacent to Trelawn House)
- ii. Form (Open corner rather than built form to the NW corner of the site)
- iii. Form (Change in angle of the buildings)
- iv. Design (Stone banding and continuous roof, eaves details)
- v. Design (Juliette balconies, window & door proportions, door & porch details)
- vi. Design (Blank gable ends to North Bar Street and safe pedestrian link)
- vii. Design (Rear Gables)

I will review these identified issues in turn comparing the proposed design against the relevant policies. I will also consider what constitutes 'high quality design'.

## 5.1. High Quality Design

- 5.1.1. The NPPF states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.”* (para. 126)
- 5.1.2. Local Plan Policy ESD15 Design and Local Distinctiveness<sup>5</sup> states that *“All new development will be required to meet high design standards.”*
- 5.1.3. Banbury Policy 8<sup>6</sup> has as a key site specific design and place shaping principle of *“A high quality design, with the use of high quality materials in light of the adjoining historical setting.”*
- 5.1.4. In order to assess the quality of the proposed design we need to consider what constitutes *‘high quality design’* before we consider whether the proposed design meets these criteria.
- 5.1.5. The often quoted three pillars of design quality identified by first century Roman architect Vitruvius in his book *‘De architectura’*<sup>7</sup> are *‘firmitas’*, *‘utilitas’*, and *‘venustas’* or *‘firmness’*, *‘commodity’*, and *‘delight’*. These identify durability, being fit for purpose and delight as being the essential components of good design.
- 5.1.6. The National Design Guide<sup>8</sup> at paragraph 4 also refers to the three Vitruvian principles of Fit for Purpose, Durable and Delight as being *‘The long-standing, fundamental principles for good design’*.
- 5.1.7. The NPPF<sup>9</sup> sets out in paragraph 130 six criteria that developments should meet. Criteria (a) relates to *‘firmitas’* and *‘utilitas’* and (b) to *‘venustas’*:
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

<sup>5</sup> Cherwell Local Plan 2011-2031 Part 1, page 117

<sup>6</sup> Ibid.page 207

<sup>7</sup> Vitruvius. Ten Books on Architecture, Ed. Ingrid Rowland with illustrations by Thomas Noble Howe (Cambridge, Cambridge University Press: 1999)

<sup>8</sup> National Design Guide (Ministry of Housing, Communities & Local Government, 2021)

<sup>9</sup> National Planning Policy Framework (Ministry of Housing, Communities & Local Government, 2021)

5.1.8. Local Plan Policy ESD15 says new development should “*Be designed to deliver high quality safe, attractive, durable and healthy places...*”<sup>10</sup>. This directly relates to ‘firmitas’ (durable), ‘utilitas’ (safe and healthy) and to ‘venustas’ (attractive).

## 5.2. **‘Firmitas’**

5.2.1. The saleability of apartments relies on prospective owners’ desire to live in the development. Low quality construction is not attractive to prospective purchasers who are looking to make an investment in a new property, and therefore it is in the appellant’s interest, in order to be able to sell the apartments, that they be of high quality.

5.2.2. Churchill Retirement retains control of the build quality by having an in-house construction team who directly manage the on-site construction of all developments. By acting as specifier, designer, constructor and client in one, quality can be closely set and controlled.

5.2.3. Unlike mainstream house builders, Churchill Retirement Living maintains an interest in the long term success of projects through its sister company, Millstream Management. This company maintains the development and is responsible for the long term upkeep of the building and landscape. This is funded by a service charge. It is therefore important that the proposed building is of good quality to minimise the maintenance requirements, thus keeping the service charge affordable. Ensuring developments are fit for purpose and built for longevity is therefore in the appellant’s interest. Both buildings and landscape are designed from the outset to minimise future maintenance requirements and continue to look good and work well in the long term. As and when maintenance is required this is promptly carried out by the management company.

5.2.4. Materials are selected for their value and appropriateness. See section 5.7. Value is the balance between their longevity, periods of maintenance, initial cost, sustainability and aesthetic qualities. Construction is proposed to be traditional load bearing cavity wall

<sup>10</sup> Cherwell Local Plan 2011-2031 Part 1, page 117

with concrete slabs which have proven to be tried and tested robust forms of construction. Bricks have been selected to be appropriate for the local area. Render is proposed where appropriate. Windows are typically uPVC because of their durability, low maintenance and high Green Guide rating. At the end of their life most of the materials will be able to be reused or recycled.

5.2.5. Developments are owner-occupied. Owners contribute towards an annual service charge which ensures communal areas, the building fabric and the landscape are all well maintained. By contributing to the communal upkeep both apartment owners and the freeholder have an interest in maintaining the development to as high a standard as possible.

### 5.3. **'Utilitas'**

5.3.1. The client has a business model that requires a number of functional criteria (*'utilitas'*) to be met by the design of each development. These are outlined in sections 1.6 and 6 of the Design and Access Statement and include, for example:

- i. level access and thresholds;
- ii. Appropriately sized car parks;
- iii. Refuse stores and buggy stores of an appropriate size;
- iv. A specific mix of one and two bedroom apartments;
- v. Accommodation in a single building;
- vi. Specific flat, corridor, stair and lift designs;
- vii. Specific Owners' Lounge sizes based on the number of units;
- viii. Specific arrangement of the entrance sequence from main entrance past lodge manager's office and reception through Owners' Lounge in order to promote 'chance encounters' with other owners;
- ix. A maximum of 50% internal kitchens;
- x. A maximum straight corridor length of 30m; and
- xi. A mix of apartment sizes on each frontage.

5.3.2. Key functional criteria for the client were set out in the DAS<sup>11</sup> on page 8 to aid the LPA in understanding the functional requirements of the design, with examples illustrated on page 9.

5.4. **'Venustas'**

5.4.1. The context led design has been developed from a detailed review and understanding of the local context in order to develop an appropriate design response. The design also follows both the Policy 8<sup>12</sup> masterplan and SPD<sup>13</sup> and the more detailed masterplan prepared for the client by Barton Wilmore and submitted as part of the application.

5.4.2. The design 'releases' Trelawn House from the constriction of the current buildings and celebrates this Grade II listed building by making it the principal corner anchoring element of the proposal. The new proposed buildings enhance both the important view south along North Bar Street and the enclosure and building frontage to Castle Street.

5.4.3. The accompanying Verified Visual Montages<sup>14</sup> demonstrate that the proposed development will be attractive.

5.4.4. It is notable the contrast between the current structures and buildings on site, which have largely reached the end of their life, and the high quality proposed design which enhances the street scene from every angle.

<sup>11</sup> Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021

<sup>12</sup> Cherwell Local Plan 2011-2031 Part 1

<sup>13</sup> Cherwell DC's Banbury Vision and Masterplan SPD

<sup>14</sup> Verified Visual Montages prepared by Nicholas Pearson Associates (See 'Brochure')

## 5.5. Scale

- 5.5.1. An understanding of the Site context, its surroundings and local character is key to a high quality design response.
- 5.5.2. Cherwell District Council Local Plan (CLP 2031 Part 1) Policy ESD15 Built and historic environment states *“Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.”*
- 5.5.3. NPPF Paragraph 127 states that decisions should ensure that developments: *“(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); “*
- 5.5.4. NPPF Paragraph 127 states that decisions should ensure that developments: *“(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; “*
- 5.5.5. The site context of this specific site was analysed by the appellant within the Design and Access Statement<sup>15</sup> (DAS) on pages 11 to 24, with opportunities and constraints analysed on pages 21 and 22.
- 5.5.6. Policy Banbury 8<sup>16</sup> sets the scale of development expected for the Policy Area as a whole. This notes 200 dwellings in conjunction with a wider retail and leisure proposal. This also sets as a key principle: *“ Height and massing sensitive to the surroundings, ensuring there is no adverse effect on important views/vistas.”* The Policy concludes by noting that proposals will be expected to be in accordance with a Supplementary Planning Document (SPD) for the site.

<sup>15</sup> Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021

<sup>16</sup> Cherwell Local Plan 2011-2031 Part 1, page 207

- 5.5.7. The SPD<sup>17</sup>, which details the delivery of Policy 8, identifies the Site as area 1 of the Bolton Road urban framework plan<sup>18</sup>. Key Urban design/development principle 1 states “*area 1 on the west to provide three/four storey mixed use development for residential and town centre uses.*” (page 63 of Banbury Vision and Masterplan).
- 5.5.8. It is clear the authors of the SPD would be aware of both the conservation areas and Trelawn House when this was written, as identified in principle 5. They would also have been aware that the site is at a higher level than Castle Street. Three/four storey is therefore specifically identified for this site as the appropriate scale to develop to.
- 5.5.9. The proposed design is based on the brief identified in the DAS<sup>18</sup> of a single building. This is a client requirement to allow all owners to access communal facilities via internal circulation.
- 5.5.10. The client brief of a single building, understanding of the character of the area as historically being terraced developments, and taking the scale identified in the SPD, have all informed the final design solution.
- 5.5.11. The existing Bingo Hall building on the Site is 57m long along Castle Street and 47m long north-south along the car park. It is 54m long (including Trelawn House) along North Bar Street.
- 5.5.12. The proposed building is approximately split into three sections of 31m, 10m and 47m along Castle Street and 28m along North Bar Street.
- 5.5.13. The terrace (No.5 to 43 Castle Street) on the opposite side of Castle Street is 82m long.
- 5.5.14. The proposed length of the building is not uncharacteristic compared to adjacent terraces.
- 5.5.15. The scale of the proposed building is 3 storeys typically facing the streets with an element of 4 storey at the junction of Bolton Road and Castle Street and four storeys to the inner south elevation. The closest four storey element is set 27m east from Trelawn House as shown on plan 10116BB-PA05. This is not “*4-storey development immediately*

<sup>17</sup> Cherwell District Council’s Banbury Vision and Masterplan Supplementary Planning Document, December 2016, page 62

<sup>18</sup> Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021, page 11

*adjacent to and behind the 2-storey listed building*<sup>19</sup>. Three storeys is in line with the SPD and is not uncommon in the character area. This is the typical height of both the terrace opposite to the north, the flatted development opposite on North Bar Street and many historic buildings along North Bar Street and the Main Route Character Area within the conservation area.

- 5.5.16. The footprint of the building is in keeping with the urban grain of the town in this location. A linear building is appropriate both when compared to the historical context where terraces existed along the south side of Castle Street and in the current condition where a defined frontage to Castle Street is required to create the sense of enclosure for a primary street in Banbury.
- 5.5.17. The design is criticised<sup>20</sup> both for being too high adjacent to the listed Trelawn House and for its scale failing to preserve or enhance the conservation area.
- 5.5.18. At pre-application stage the scale of the building adjacent to Trelawn House along North Bar Street was 2.5 storeys with dormered accommodation. It was recommended by the council's conservation officer that this could be three storey and the dormers removed (See DAS<sup>21</sup> page 41). This would allow a 'stepping down' to Trelawn House common along North Bar Street with buildings stepping both in storey heights and as the topography changes.
- 5.5.19. The Castle Street elevation has been reduced from four storey to three storey for all but the east corner element as shown on drawing 10116BB-PA07 rev B. All dormer accommodation has been removed. In addition, the proposed building footprint is set 1.5m away from Trelawn House. The roof is hipped away from the listed building.
- 5.5.20. The proposed design allows the two storey listed building to become the key landmark at the corner with the proposed building set away from it and in massing terms 'leaning away' from the listed building. This provides a respectful and appropriate relationship whilst achieving the necessary density on the Site to make efficient use of the land and following the storey heights identified in the SPD.

<sup>19</sup> **Cherwell District Council Rule 6 Statement of Case, undated para 4.15 / Committee Report (19<sup>th</sup> May 2022 Committee) para 9.26**

<sup>20</sup> **Committee Report (19<sup>th</sup> May 2022 Committee) para. 9.30 and 10.2**

<sup>21</sup> **Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021, page 41**

- 5.5.21. The proposed design is modelled in the Verified Visual Montages<sup>22</sup>. Views 03 and 04 show that whilst the proposed buildings are higher than the listed building, they in no way dominate or overbear Trelawn House. To say that the existing building “*currently sits behind Trelawn House and is not visible behind it*”<sup>23</sup> is incorrect as demonstrated by the Verified Visual Montages. In fact, compared to the existing condition, there is a clear enhancement to the setting of the listed building. The relationship is similar to the character of stepping buildings elsewhere in the conservation area.
- 5.5.22. Comparing the roof heights of the existing and proposed we can see that the proposed roof is marginally higher than the existing building, but no longer obscures the frontage or the north elevation. The size of the roof on the 2D elevation has been criticised<sup>24</sup>, but of course will not be read in this way as demonstrated by the Verified Visual Montage<sup>24</sup> views 01 and 03. The concept of ‘stepping up’ from the listed building to the corner of Bolton Road requires a change in the heights of the buildings as they progress from west to east and this roof helps with this differentiation. A lower block on the corner of Bolton Road is also suggested<sup>25</sup>, but this would also be contrary to the SPD<sup>25</sup> masterplan where an “*Increase in building height*” is identified on this corner. This is envisaged to act as a gateway to Bolton Road with the similar increase in building height identified on the opposite corner. The proposed four storeys are entirely appropriate at this point in the plan, in accordance with the SPD and at the furthest point from the listed building.
- 5.5.23. The design does not interrupt key views of St. Mary’s Church, which will continue to be the primary focus of views to the south from North Bar, nor does it interrupt key views of the conservation area. In my opinion the proposed design improves the setting of these heritage assets by providing a higher architectural quality of buildings on the Site, which at the present time are, in my professional opinion, of low architectural quality.
- 5.5.24. Considering the scale and mass of adjacent buildings, overall the proposed scale and massing is appropriate for this site.

<sup>22</sup> Nicholas Pearson Associates, Visually Verified Montages, 11208-009-NPA-XX-XX-RP-Y-4600, Feb 2022

<sup>23</sup> Cherwell District Council Rule 6 Statement of Case, undated para 4.34/ Committee Report (19<sup>th</sup> May 2022 Committee) para 9.45

<sup>24</sup> Cherwell District Council Rule 6 Statement of Case, undated para 4.18

<sup>25</sup> Cherwell District Council’s Banbury Vision and Masterplan Supplementary Planning Document, December 2016, page 62

## 5.6. **Form**

- 5.6.1. The proposed form has been carefully considered in relation to the existing context.
- 5.6.2. One of the key design decisions is the opening up of the corner at the junction of Castle Street and North Bar Street with a landscaped public space rather than building on this corner.
- 5.6.3. The current corner has office accommodation with door access up eight steps in order to deal with the levels across the Site. This is not an accessible situation. Any proposal will also need to resolve the change of levels across the Site.
- 5.6.4. There are a number of advantages of not building on the corner including: better revealing Trelawn House; enhanced setting for Trelawn House; ability to vary the angle of the development along Castle Street, reducing the perceived length of building; creating an area of public open space with the potential for a high quality sculpture; and additional landscape area.
- 5.6.5. The design options of either building or not building at the corner of Castle Street and North Bar Street were discussed during design development. Both options were acknowledged as valid design responses by both the appellant and LPA.
- 5.6.6. The criticism of this relates to the north façade of Trelawn House not being designed to be seen<sup>26</sup>. Whilst this may be true, a review of the historic mapping from 1882 and 1966<sup>27</sup> shows that this north façade was left visible and exposed at these times, with an access road running alongside the house.
- 5.6.7. The proposed angle of the buildings responds to the subtle change of road angle along Castle Street. Rather than a rigid linear terrace, this helps break the building into discreet components which step up towards the east. The listed building provides the anchor at the west end and the four storey element with a parapet bookends the building at the east end. The two terraces of three storeys crank about the more recessive central node which is set back in plan and down in height and expressed with a contrasting material.

<sup>26</sup> **Committee Report (19<sup>th</sup> May 2022 Committee) para. 9.27**

<sup>27</sup> **Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021, page 13**

This concept was described in the DAS in section 4.1 (page 37). The success of this can be clearly seen in VVM<sup>28</sup> view 03.

- 5.6.8. The angled form of the building along Castle Street means that from the east looking back towards North Bar, only half of the proposed building frontage is visible. This is shown by VVM<sup>29</sup> view 01.
- 5.6.9. The angled form means that future owners of the apartments are further from the road with greater landscape separation.
- 5.6.10. Of the four corners to the intersection, only the Three Pigeons provides a square corner to the junction, and this was responding to an older road layout. The northwest corner is open with landscaping and the southwest corner is splayed. The current building on the Site does come to the corner in a series of steps in the façade along Castle Street, but I don't read the intersection between the four roads as being more defined because of this. In my opinion the proposed design solution is appropriate.
- 5.6.11. The creation of built form on this corner is not required in order to create a landmark development. The better appreciation of Trelawn House allows this building to be read as a high quality landmark to the street.
- 5.6.12. The size of the landscaping to Castle Street is criticised<sup>30</sup> as not in accordance with Policy Banbury 8 or the SPD and reducing down to only "4m at the Bolton Road end". The masterplan<sup>31</sup> notes "*Strategic Landscape Edge to Castle Street with minimum 7m setback for building frontage line.*" In plan, the proposed layout provides 6.5m from the back of pavement edge to the building face at the Bolton Road end and this widens to 13.5m adjacent to Trelawn House, well in excess of the total area required. With the change of level of 1.75m taken into account, as shown on the section drawing<sup>32</sup>, the distance from back of pavement edge to face of building is greater than 7m both in linear distance and landscape ground length.

<sup>28</sup> Nicholas Pearson Associates, Visually Verified Montages, 11208-009-NPA-XX-XX-RP-Y-4600, Feb 2022

<sup>29</sup> Ibid

<sup>30</sup> Cherwell District Council Rule 6 Statement of Case, undated, para 4.38

<sup>31</sup> Cherwell District Council's Banbury Vision and Masterplan Supplementary Planning Document, December 2016, page 62

<sup>32</sup> Application Drawing 10116BB – PA10 Proposed Site Sections

## 5.7. Design

- 5.7.1. The design has been carefully developed to follow the appearance and materiality observed in the surrounding area and particularly the conservation area.
- 5.7.2. The DAS<sup>33</sup> shows a number of precedent buildings of nearby similar typology (C3 flatted developments) or scale which have informed the design and material choice.
- 5.7.3. Facing onto Castle Street, the design has particularly drawn on the terrace opposite at No.s 5 to 43 Castle Street, speculative mid-19<sup>th</sup> century working class housing. The terrace comprises narrow fronted, red brick houses of 3 storeys with minimal flat arch detailing over the ground and first floor openings. The terrace is 'bookended' with pairs of two storey houses. A central section is rendered with a different eaves level to the rest of the terrace. Window sizes are similar on ground and first floor, with smaller windows to the top floor. The eaves sit directly above the top floor windows. The terrace has a continuous roof, broken only by functional chimneys expressing the way the buildings are heated.
- 5.7.4. Local traditional vernacular are simple flat fronted buildings with minimal detail.<sup>34</sup>
- 5.7.5. The proposed design draws on all of these details.<sup>35</sup> This includes the vertical window proportions at ground and first floor, the window hierarchy, the eaves level, the rendered element with change of roof height and the bookending of the terrace with contrasting storey heights.
- 5.7.6. The regularly spaced downpipes divide the terrace into predominantly two bay plot widths reflecting the typical narrow frontages of the terraced housing. This is reflected by the doors to apartments at ground floor.
- 5.7.7. The design has been criticised<sup>36</sup> for the stone band detail separating second and third floor, combined with a lack of chimneys and doors means that no plot width of

<sup>33</sup> Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021, section 2.6

<sup>34</sup> Cherwell District Council Rule 6 Statement of Case, undated para 4.36

<sup>35</sup> Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021 section 4.4, page 40

<sup>36</sup> Cherwell District Council Rule 6 Statement of Case, undated, para 4.18

traditional terraces is readable. I do not agree with this. The proposed design, whilst not directly following, clearly draws on the context and will be readable as a terrace subtly divided into elements of traditional width. I don't believe it is appropriate to further add faux chimneys or faux porches at every second bay to make this articulation more pronounced.

5.7.8. Juliet balconies have been designed to give the first floor more visual weight. This is traditionally the principal floor (or '*piano nobile*') and they provide differentiation to the ground floor openings. I believe their inclusion adds subtle depth to the design and the building would be poorer without them, but they could be removed by condition if this was judged to be necessary.

5.7.9. The proportions of the window and door widths being too wide has been criticised<sup>37</sup>. The ground and first floor windows have responded to pre-application advice to make them more vertical. They are full standard height of 2.1m. The upper floor windows need to follow the same width and are reduced in height to create the window hierarchy seen on the terrace opposite. The windows cannot be vertical sliding sash opening, as most traditional windows, as our research and experience has shown that these are difficult for elderly owners to operate. As side hung casement windows for ease of use, they need to be slightly wider than a sliding sash would need to be in order to get the necessary ventilation area and daylight. It should also be noted that a number of buildings close to the Site on North Bar Street have 'square' or more squat proportion windows including No.15 (Grade II Listed), No.42 (Grade II Listed), and No.45 (Grade II Listed). The use of windows with this proportion is therefore not uncharacteristic of the immediate context.

5.7.10. It has been noted that in the opinion of the council the band of masonry between ground and first floor is too thin<sup>38</sup> (Committee Report para. 9.29). Floor-to-floor heights are 2.7m and the window openings 2.1m high. The heads to the ground floor, which are proposed to be cast stone, are 225mm high (three brick courses). This leaves four full brick courses as the band of masonry between the cast stone heads and the window openings above. This is similar to the historic terrace opposite. If a thicker brick band

<sup>37</sup> Committee Report (19<sup>th</sup> May 2022 Committee), para. 9.29

were required, we could amend the ground floor heads to be brick soldiers. This could be controlled by condition.

- 5.7.11. The central ‘knuckle’ element which allows the two terraces to change angles has been criticised for the proportions being too squat<sup>38</sup>. This element is deliberately recessive in both plan and elevation, with the façade stepping back and the roof setting down. This allows the ‘knuckle’ element to be subservient to the two ‘terraces’.
- 5.7.12. North Bar Street materials, eaves, window proportions and door/porch details are noted as a concern for the conservation officer<sup>39</sup>. The materials proposed are typically brick with one bay as render. This follows the materials proposed for Castle Street and creates a consistency of architectural language for the building. The eaves level has been raised as discussed at pre-application stage and provides a step to Trelawn House, emphasising the change of level in the ground and difference between the two buildings. The window proportions are required to be slightly wider as noted above. The door and porch details have been used to create the rhythm of individual dwellings along the street in two-bay sections to create the impression of individual dwellings. The vertical rainwater goods and chimneys also help with this.
- 5.7.13. Blank gable ends at ground floor to south elevation to North Bar Street have been criticised<sup>40</sup> for not providing passive surveillance of the footpath through to Bolton Road. The change in levels means that standard ground floor windows can’t be used here as half the window would be underground. A reduced height window would look odd and not provide any benefit to the room behind, other than allowing people on the street to look directly in creating a privacy issue. It is likely that these would therefore be covered by occupants anyway. Therefore, the decision was taken not to provide any windows on the south side at ground floor to North Bar Street. The space is still overlooked by apartments at first and second floor level and the area is also overlooked by many other existing buildings. The pathway will be improved and made safer by removing the Bingo Hall building which creates a very narrow and enclosed path. The new path will be wider – now 3.7m wide as opposed to 3m wide. The new path will also only have a short section of new building immediately adjacent to it. This will be 6m of south façade

<sup>38</sup> Committee Report (19<sup>th</sup> May 2022 Committee), para. 9.29

<sup>39</sup> Ibid para. 9.30

<sup>40</sup> Cherwell District Council Rule 6 Statement of Case, undated para. 4.33

before opening out, as opposed to the existing condition of 42m long of the existing building south façade along the narrower path. The proposed building will overlook this path, which is set up from the adjacent parking through the use of a retaining wall with visually open railings on the top. The proposal is therefore a very significant improvement to the experience of walking along the path.

- 5.7.14. The projecting rear gables on the south and east elevations have been criticised<sup>41</sup> for not respecting the local traditional vernacular. The paragraph states “*Local traditional vernacular are simple flat fronted buildings with minimal detail*”. The proposed design is in accordance with this, with the building frontages facing Castle Street and North Bar Street being simple flat fronted arrangements. This results in most apartments on these sides having internal kitchens. The client has found that whilst this is acceptable to many, some people prefer the choice of having a kitchen with a window. These apartments are designed to have the kitchen to the front as a projecting bay. These bays are kept to the rear of the building and project, in a similar way to a traditional terrace where kitchens project to the rear with a side return. Therefore, an understanding of the front and more private back of the proposed design has informed the location of gables.
- 5.7.15. Dormer windows are now not proposed as part of the design and have been omitted entirely.
- 5.7.16. The choice of materials is red brick, off-white render, and roofing tiles in slate effect. These are conventional material choices chosen for their longevity and to fit into the local context.
- 5.7.17. The variety of material helps articulate the different elements of the building, so that the proposed design is not read as a single mass.
- 5.7.18. The independently prepared Visually Verified Montages<sup>42</sup> show the proposed materials sit comfortably within the townscape.
- 5.7.19. The final material selection and colours could if necessary be controlled by condition.

<sup>41</sup> Cherwell District Council Rule 6 Statement of Case, undated, para. 4.36

<sup>42</sup> Nicholas Pearson Associates, Visually Verified Montages, 11208-009-NPA-XX-XX-RP-Y-4600, February 2022

5.7.20. The proposed photovoltaic panel locations are shown on the roof plan. The proposed photovoltaic panels are required to achieve a sustainable design. The proposed photovoltaic panels will not be seen from ground level. Final design of the layout and type of photovoltaic panels could if necessary be controlled by condition.

5.8. **Review of Proposed Design compared to requirements of NPPF Paragraph 130**

- 5.8.1. ***(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*** The design is based on the appellant's 28 years of experience of similar developments and the location and arrangement proposed in the appellant's experience will function well over the lifetime of the development. The existing Site offers a poor quality building and external landscaping to the area and the proposed design will add to the overall quality. The proposed highly insulated apartments and high-quality external landscaping will add to both the overall quality and biodiversity of the context. The careful selection of appropriate durable materials which will weather well and require minimal maintenance means that this quality will be appreciated for the long term. The proposed service charge also covers ongoing maintenance of the landscaping.
- 5.8.2. ***(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*** High quality design of the architecture and landscaping responds to the criteria identified in 5.1, responding to site and brief constraints and opportunities. The landscaping will be effective for both owners' needs and contribute to biodiversity and visual amenity to passers-by. The architecture is visually attractive as demonstrated in the elevations and Visually Verifiable Montages prepared for this appeal. The architecture is in keeping with the character areas within which it sits and is adjacent to. The proposal is an enhancement compared to the current disused buildings on the Site.
- 5.8.3. ***(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*** The proposal increases the density of the Site by taking the opportunity to efficiently use a brownfield site to provide much needed specialist retirement housing. The design responds to the detailed context analysis as set out in the DAS. The design is entirely appropriate to the mixed and transitional character of the context. In my opinion the design is sympathetic to the local character.
- 5.8.4. ***(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*** The appellant's contextual analysis identified this site as

being between two character conservation areas, one tighter historic burgage plots and back-of-pavement condition associated with North Bar Street and the other terraced along Castle Street. The high quality design creates a sense of place that mediates between the two. The building type and materials proposed are entirely appropriate in the Site context and interpret the local character enhancing the sense of place.

- 5.8.5. ***(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;*** The density of the Site has been increased by the proposed accommodation which is optimised to fit in with the context in scale, whilst maximising the efficient use of this brown field site. The single use mix is necessary for this type of accommodation and a contribution to offsite affordable housing will be made. The proposal will provide a number of new owners to support local facilities and businesses, and the location close to town means it is inherently close to local transport networks. It also includes green space and public space as part of the offer.
- 5.8.6. ***(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience;*** The proposal is designed to be safe for owners and minimise the opportunity for crime and disorder. The proposed development building access will be limited via a secure main entrance for owners and visitors. The provision of apartments with multiple windows provides passive surveillance in all directions which is a deterrent to crime. The access to the building is controlled by security systems and passively monitored by the lodge manager with their office and reception close to the main entrance. The proposed design provides a high standard of appropriate amenity space for future end users including a patio and communal garden. The design is for an older demographic and inclusive and accessible design is therefore at the heart of all design decisions. All access is level, and a central lift is provided for circulation. Apartments are designed with generous circulation spaces, and all have a central communication system for getting help if required. Churchill Lodges offer significant opportunities to enable owners to be as independent as possible in a safe and warm environment. Retirement housing helps to reduce anxieties and worries experienced by many older people living in housing which does not best suit their needs by providing safety, security and reducing management and maintenance concerns. The ‘Healthier

and Happier' Report<sup>43</sup> shows that on a selection of wellbeing criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing into housing specifically designed for Retirement Living<sup>44</sup>. Each person living in a home for Retirement Living enjoys a reduced risk of health challenges, contributing fiscal savings to the NHS and social care services of approximately £3,500 per year<sup>45</sup>. With 57 units proposed, at a ratio of 1.3 people per apartment, there will be around 74 occupants. At a saving of £3,500 each per year, this equates to a saving of £259,000 per year in local NHS and social care costs, in comparison to mainstream housing.

5.8.7. The proposed design therefore positively responds to all aspects of paragraph 130 of the NPPF.

5.9. **Review of Proposed Design compared to requirements of NPPF Paragraph 132**

5.9.1. The NPPF says that "*Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot*" (paragraph 132).

5.9.2. Prior to application a public consultation was held online between 1<sup>st</sup> and 8<sup>th</sup> November 2021. Planning Issues invited neighbouring residents, owners, local councillors and interest groups to comment. 42 people viewed the proposal and there was one comment. The responder was undecided about the principle of retirement housing on the site but felt that redevelopment would bring positive benefits and improvements to the area.

<sup>43</sup> **Healthier and Happier, An analysis of the fiscal and wellbeing benefits of building more homes for later living, Homes for Later Living, Sept 2019**

<sup>44</sup> **Ibid, page 6**

<sup>45</sup> **Ibid, page 6**

5.10. **Review of Proposed Design compared to requirements of Cherwell District Council Local Plan Policy ESD15<sup>46</sup>**

- 5.10.1. ***Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions;*** The proposed design makes best use of a brown field site to replace a largely vacant and certainly underused building which has a negative impact on the conservation areas to provide a high quality and attractive building. Safety is at the core of the design for the potentially vulnerable future owner's and the provisions for this are explained in section 6.3 of the DAS (page 59).
- 5.10.2. ***Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions;*** The construction method for the building is traditional load bearing construction which is very much 'industry standard' and could be easily adapted in the future. As an apartment building the provision of services are from a central point, and therefore a number of dwellings can be easily adapted from a central point as upgrades are required.
- 5.10.3. ***Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity;*** The development quantum proposed follows the Supplementary Planning Document for the Banbury Policy 8 area of three to four storeys and also provides part of the 200 residential units required by the policy without compromising any future development on adjacent sites as demonstrated by the accompanying masterplan by Barton Willmore.
- 5.10.4. ***Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.;*** In my opinion the proposal offers an enhancement both to the conservation area and Trelawn House when compared to the existing condition.
- 5.10.5. ***Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance.;*** This was provided as part of the Heritage Statement.

<sup>46</sup> Cherwell Local Plan 2011-2031 Part 1, Adopted July 2015, page 117

- 5.10.6. ***Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages;*** The proposal creates clear building frontages to the main roads of North Bar Street and Castle Street with multiple apartments providing active frontages. The provision of active frontage by this typology was agreed with in the Fleet appeal decision [APP/N1730/W/20/3261194].
- 5.10.7. ***Reflect ..... local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette;*** The proposal interprets the local terrace at Castle Street and uses the same simple flat fronted building arrangement for the street facing elements proposed. Mass, scale, materials and colour palette all follow the local context. Windows are designed to work for owners' needs as discussed in paragraph 5.7.9.
- 5.10.8. ***Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features;*** The proposal opens up, widens and will resurface the pedestrian path along the southern side of the Site, connecting North Bar Street with Bolton Road. This is identified as an important route in the masterplan. Further permeability across the site is not identified in the Policy 8 masterplan and is not appropriate in providing a secure and safe development for owners. The corners of the development are designed to stand out as the key landmarks- these being Trelawn House to the west and the four storey element with a parapet roof to the corner of Bolton Road and Castle Street.
- 5.10.9. ***Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed;*** No new streets are proposed to the development, but the public realm to existing streets will be improved as described above to promote pedestrian movement and allow efficient parking and servicing for the development.
- 5.10.10. ***Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space;*** No amenity issues have been identified in respect of the proposal.

- 5.10.11. **Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation;** External artificial lighting will be provided for safety only and kept to a minimum.
- 5.10.12. **Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation;** The DAS appendix contains a table referencing the BfL criteria and how the development has met these.
- 5.10.13. **Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout;** The building responds to the streets, and this creates a relatively secluded south facing amenity space for owners. Whilst a number of apartments are necessarily north facing in order to address Castle Street, all owners have the option of using the south facing Owners' Lounge and associated patio and garden.
- 5.10.14. **Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy);** The committee report at para. 9.84 confirms that officers are satisfied that the proposed development would comply with the requirements of these policies.
- 5.10.15. **Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality;** A well designed landscape strategy is included as part of the application, and this could be further controlled by condition if necessary.
- 5.10.16. **Use locally sourced sustainable materials where possible;** Materials respond to the local context and will where possible be sourced locally. The specific materials can be controlled by a suitably worded condition.

5.11. **Review of Proposed Design compared to requirements of CDC Local Plan Policy C28 Design**<sup>47</sup>

5.11.1. *Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas ..... development will be required to be of a high standard and the use of traditional local building materials will normally be required.;* As identified in the DAS an understanding of the character of the area has been carried out. The proposed layout, design and materials follow from our understanding of the appropriate character of the area. The proposed design is of a high standard.

5.12. **Review of Proposed Design compared to requirements of CDC Local Plan Policy C30 Design**<sup>45</sup>

5.12.1. *That new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity;* As identified in the DAS an understanding of the character of the area has been carried out. The proposed layout, design and materials follow from our understanding of the appropriate character of the area. The proposed design is of a high standard.

5.12.2. *That new housing development ..... provides standards of amenity and privacy acceptable to the local planning authority;* No concerns with amenity or privacy have been identified.

<sup>47</sup> Cherwell Local Plan 1996 Saved Policies

5.13. **Review of Proposed Design compared to requirements of CDC Banbury Plan Policy 8<sup>48</sup>**

- 5.13.1. 'Policy Banbury 8: Bolton Road Development Area' covers the whole development area of 2 hectares. The application subject to this appeal is for approximately 0.5 hectares. The policy notes that it would prefer a comprehensive approach to site planning and delivery, but that "*A phased approach may be permitted provided that they clearly demonstrate that proposals will contribute towards the creation a [sic] single integrated community and coherent development*". A small scale piecemeal approach is not considered appropriate.
- 5.13.2. Since the Policy was formally adopted on 20<sup>th</sup> July 2015 nothing has happened on the site, which has remained the same for the last seven years. No previous applications have been made in this time. It is highly unlikely given the various ownerships that a comprehensive development could forward in the foreseeable future.
- 5.13.3. The Bolton Street development areas is split into three development areas (1,2 and 3)<sup>49</sup>. The application proposal covers the majority of area 1. The remaining area of development area 1, as well as areas 2 and 3, has been suitably masterplanned by Barton Wilmore in line with the aspirations of Policy 8.
- 5.13.4. The application follows the SPD and further masterplan by Barton Wilmore and does not compromise the future delivery of any part of the masterplan. Indeed, it may well provide the 'kick start' to prompt the delivery of Policy 8.
- 5.13.5. The application residential design is of 'very high quality' considering the impact on the conservation area, whilst providing the landmark required for the new development.
- 5.13.6. Public realm connections and improvements between Bolton Road and North Bar Street will be provided as part of this application.
- 5.13.7. The proposed design uses high quality materials in light of the adjacent historical setting. The exact materials could be controlled by condition.

<sup>48</sup> Cherwell Local Plan 2011-2031 Part 1, Adopted July 2015, page 207

<sup>49</sup> Cherwell District Council's Banbury Vision and Masterplan Supplementary Planning Document, December 2016, page 62-63

- 5.13.8. The design respects and enhances the conservation area and the historical grain of the adjoining areas especially the Grade II listed building to the west of the site
- 5.13.9. The design will create a high quality public realm, having had careful consideration of street frontages and elevation treatment to ensure an active and vibrant public realm
- 5.13.10. Height and massing are sensitive to the surroundings, ensuring there is no adverse effect on important views/vistas
- 5.13.11. Provision of public art to enhance the quality of the place, legibility and identity will be provided in the public landscaped area at the northwest corner of the site.
- 5.13.12. The proposals take account of the Council's Strategic Flood Risk Assessment for the site.
- 5.13.13. Compliance with the requirements of policies ESD 1 – 5 is acknowledged.
- 5.13.14. An archaeological field evaluation to assess the impact of the development on archaeological features could be required by condition.

## 6.0. **Executive Summary and Conclusion**

- 6.1. Paragraph 126 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 6.2. Paragraph 134 of the NPPF states that permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design (National Design Guide).
- 6.3. The existing site and buildings are of a poor quality and do not contribute favourably to the context.
- 6.4. The Site has been identified as appropriate for redevelopment by Cherwell District Council.
- 6.5. A careful site analysis has identified the mixed and varied character of the Site context in terms of style, age and use and identified local themes of building layout, scale, mass, materials and landscape. It has also identified opportunities for the Site.
- 6.6. The proposed design has taken Banbury Policy 8 and the supplementary planning document as its starting point for developing the design. This has then been assessed against the context of the townscape and responds to this with an appropriate proposal to meet the requirements of the appellant's brief and sit comfortably in the local context of with a simple, durable design.
- 6.7. In terms of mass and scale the proposed design is a densification of the Site which represents an efficient use of brownfield land as required by National Design Guide paragraph 65 and NPPF section 11. The mass, scale and layout have all been carefully considered in relation to the context and the proposed design is in accordance with the characteristics of the area.
- 6.8. The proposal's scale can be accommodated on the Site without harm as demonstrated by the Verified Visual Montages.
- 6.9. The proposal's mass is in line with the Banbury 8 SPD and entirely in keeping with the area. It sits well on both North Bar Street and Castle Street. A key requirement for Churchill's owners is that the Site be developed as a single building – it provides security and easy socialisation

for owners. The massing is broken up by intelligent and careful design, using a variety of different set-backs, materials, eaves levels and ridge levels.

- 6.10. The design has been developed in accordance with what constitutes 'High Quality Design' in terms of policy and guidance.
- 6.11. The building layout and form follow the function of the proposed building. This has been honed over a period of 28 years by the appellant's experience in developments of this type. The general knowledge gained in what works and does not work for the end user for these types of developments has fed into The Site specific design of the appeal proposal. This is the 'functional' or '*utilitas*' part of a high quality design.
- 6.12. The proposed scheme takes the opportunity to follow the pattern of development in this area and, with the use of appropriate materials, form and scale to strengthen and improve the character and quality of the area. The carefully considered traditional architecture would add delight; '*venustas*'.
- 6.13. The materials chosen for the building and the landscape are both appropriate for the context and also durable for the future. The appellant continues to have an interest in the development in the long term and therefore it is important that materials last and are easy to maintain. The design is durable or '*fimitas*'.
- 6.14. In terms of views of the development, the three and four storeys are not out of the ordinary given surrounding development. The key views identified in the conservation area appraisal to the church of St. Mary's are unaffected by the proposal. In fact, as demonstrated in the VVMs, these views are enhanced by the removal of the negative Bingo Hall and development of a new high quality building.
- 6.15. Taking into consideration the detailed assessment in Section 5 of this document, in my opinion the proposed design of building and landscaping would make a positive contribution to the townscape, enhancing positive qualities and improving existing negative ones. The National Design Guide defines the three pillars of high quality design as Fit for Purpose, Durable and Delight (para. 4). In my opinion the proposal is a high quality design that meets these criteria,

sits well within and positively contributes towards its context and meets the needs of its future occupiers.

- 6.16. Taking into consideration the relevant design policy documentation reviewed in Section 3, it is my opinion that the proposal complies with the intent of these to ensure high quality building and place design that would enhance the character of the area. This applies to local policies, the NPPF and National Design Guide.
- 6.17. When compared with the existing site condition, I cannot conclude that the proposal can be judged to harm the townscape.
- 6.18. For all of the above reasons I believe the proposal is a 'high quality design' and I would therefore respectfully ask the Inspector to dismiss Reason for Refusal 1 and give appropriate weight to the quality of the design in the planning balance.

## **Bibliography**

1. **National Planning Policy Framework, February 2019 (NPPF)**
2. **Cherwell District Council Rule 6 Statement of Case, undated**
3. **Committee Report (19<sup>th</sup> May 2022 Committee)**
4. **Churchill Retirement Living Ltd. & Planning Issues, Design and Access Statement, December 2021**
5. **Cherwell Local Plan 2011-2031 Part 1**
6. **Cherwell Local Plan 1996 Saved Policies**
7. **National Design Guide (NDG, October 2014)**
8. **Building for a Healthy Life (BfHL, June 2020)**
9. **Banbury Conservation Area Appraisal 2018**
10. **Cherwell DC's Banbury Vision and Masterplan SPD**
11. **Cherwell DC's Residential Design Guide SPD 2018**
12. **Oxfordshire CC's Street Design Guide 2021**
13. **Nicholas Pearson Assoc., Visually Verified Montages, 11208-009-NPA-XX-XX-RP-Y-4600, Feb. 2022**