

<b>Application</b> 11/00820/F	<b>No:</b>	<b>Ward:</b> Calthorpe	<b>Banbury</b>	<b>Date</b> 23/05/2011	<b>Valid:</b>
<b>Applicant:</b>	Kingerlee Homes				
<b>Site Address:</b>	Penrose House, 67 Hightown Road, Banbury				

**Proposal:** Construction of 14 no. apartments including associated landscaping

## 1. Site Description and Proposal

- 1.1 The application site is land attached to Penrose House; a large Edwardian building, on the corner of Hightown Road and Oxford Road, with Hightown Gardens to the rear/side. There is an extant consent for the conversion of Penrose House to twelve flats, and consent for twelve new-build flats on this site (04/01395/F refers). The new-build element of that earlier scheme was the subject of an application to extend the time-limit for implementation earlier this year (10/01087/F refers).
- 1.2 This application is a new approach to the new-build element of the extant scheme; it proposes two additional flats within a slightly amended design and form. The amended design, form and materials are a response to the changing size of the protected tree within the site and to the desire of the developer to incorporate high standards of sustainable design and to minimise the energy demand of the building.
- 1.3 The site is within the Banbury Conservation Area, identified as being within the 'Southern Villa Suburb' area. The Conservation Area boundary surrounds this site, with the Oxford Road and Hightown Leyes lying outside the Conservation Area.
- 1.4 Penrose House is locally, but not statutorily listed; one of the buildings on the hospital site, opposite the entrance to Hightown Leyes is Grade II listed.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notices. The final date for comments was 30 June 2011.
- 2.2 No third party comments were received.

## 3. Consultations

- 3.1 Banbury Town Council – no objections.
- 3.2 County Highways Liaison Officer – no objections, subject to the re-imposition of appropriate conditions.
- 3.3 Thames Water – no objections, notes that a build-over agreement is not required.
- 3.4 Building Control – no comments.

- 3.5 Head of Safer Communities – no objections.
- 3.6 Private Sector Housing – no objections.
- 3.7 Planning Policy – no objections, but did note that the site is included in the current 5-year supply housing figures.
- 3.8 Thames Valley Police – no objections, request note regarding Secured by Design.
- 3.9 Oxfordshire County Council Development Funding Officer – no objections, seeks the re-imposition of previous conditions and the securing of contributions to mitigate the impact of the proposals on education, museums and waste provision within the County.
- 3.10 Head of Recreation and Health – no objections, requests provision of funding to secure improvements to off-site sports provision.
- 3.11 Conservation Officer – no comments received.
- 3.12 Ecology Officer – no objections, but wishes to remind the applicant of their responsibility towards protected species.
- 3.13 Urban Design – no comments received, but commented at pre-application stage that design principles were explored prior to the 2004 scheme.

## **4. Relevant Planning Policies**

- 4.1 National Policy Guidance:
  - PPS1: Delivering Sustainable Development
  - Climate Change Supplement to PPS1
  - PPS3: Housing
  - PPS5: Planning for the Historic Environment
  - PPG13: Transport
- 4.2 Regional Policy in the South East Plan 2009:
  - CC1 – Sustainable Development
  - BE1 – Management for an Urban Renaissance
  - BE6 – Management of the Historic Environment
  - T4 - Parking
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
  - C23 – Retention of features contributing to character or appearance of a conservation area
  - C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal
  - C30 – Design of new residential development
  - C31 – Compatibility of proposals in residential areas

## **5. Appraisal**

- 5.1 The main issues for consideration in this application are;
  - policy context
  - principle of development

- design, layout and amenity
- impact on the heritage assets
- sustainability

## 5.2 Policy Context

5.3 As applications must be determined in line with the development plan unless other material considerations are indicated otherwise, the main policy considerations for an application of this sort are to be found in the adopted Cherwell Local Plan 1996. The relevant policies in that plan, set out in Section 4 above, seek to ensure that layout, design and external appearance of new development are of a high quality and appropriate for the character of an area. Furthermore, the policies in the local plan seek to retain features which make a positive contribution to the character of a Conservation Area.

5.4 Similarly, the proposals must be considered against the requirements of regional policy as set out in the South East Plan 2009. Like the local plan, these policies seek to ensure design and development appropriate to the historic context of the site (the Conservation Area in this case) and ensure that all development contributes to the delivery of sustainable development.

5.5 Relevant national policy is expressed through the planning policy statements set out above; the most important to this case, taking into account the planning history of the site is PPS3, which seeks to deliver the most efficient use of housing land, where it can be delivered in a sustainable manner. The emphasis on sustainable development, set out in PPS1 and the Climate Change Supplement is also important in this case, when considering the differences between the consented and approved schemes.

## 5.6 Principle of development

5.7 As mentioned in the introduction, the principle of this development has already been established through a series of applications dating back to 2004. Whilst the original applications pre-dated the Conservation Area designation, the principle of development was re-established with that in mind in early 2011 (application 10/01087/F refers). Although the extant scheme is for twelve apartments and the proposed scheme is now for fourteen, the fundamental principles are considered to remain the same, and the increase in the scale of the development is so relatively minor as to not affect the underlying acceptability of the proposal.

5.8 As PPS3 encourages efficient use of housing land, and as this proposal sets out delivery of an additional two units in a sustainable location, the principle is considered to remain acceptable. The further acceptability of the principle is also informed by the detailing of the scheme; the landscaping, highway safety issues, materials and relationship to the character of the context of the site.

## 5.9 Design, layout and amenity

5.10 The design of the proposal is a response to a number of factors; the constraints on the site (most notably the large, protected Copper Beech tree in the centre of the site) and the design of the previously approved scheme. As such, this proposal is essentially a refinement of the original scheme, with the form and layout amended to suit the requirements of the client and better suit the construction method chosen.

5.11 The mass of the building, dictated by the trees and scale of the overall scheme has

been broken up in a style which reflects a contemporary interpretation of the 'Queen-Anne' style of Penrose House. The elevations are characterised by a series of feature elements (windows, glazed elements, entrance-framing) whilst the string coursing and render colours, atop a red-brick plinth provide further references to Penrose House. The flat-roofs and broken parapets are intended to add to the clearly contemporary design, which takes its cues from the important features of Penrose House and the surrounding area.

- 5.12 The layout of the flats has been considered by the Council's Private Sector Housing Officer and they have no comments to make on the scheme. The proposal provides for more generous floor space than the previous scheme, and provides 14 two-bedroom, two-bathroom units. Of the fourteen units, only two are single-aspect, but these are both South-facing.
- 5.13 Penrose House is still currently use for office accommodation, but there is (subject to the signing of the Section 106 agreement) an extant consent for its conversion to flats. As a result, when considering the amenity of the occupiers of this building, regard must be paid to the compatibility of the proposed residential use with the current office use, and the consented residential use. Both are considered to be acceptable; the office use is not considered likely to cause an unacceptable impact on the amenity of the occupiers of this site, and the relationship between the new build flats and the converted flats is also acceptable in terms of any overlooking, loss of privacy and over-dominance.
- 5.14 The proposal is considered acceptable in terms of impact on the surrounding properties, including those on the Oxford Road and Hightown Leyes. The relationship of the site to these properties is acceptable in terms of any overlooking, loss of privacy and over-dominance.
- 5.15 With regard to views of the proposal from the public domain, it is clear that a building of this size and scale in this location will be visible from the public domain. However, given the relative scale of this building to Penrose House (600mm lower than the main ridge, and 1300mm below the uppermost ridge) the appearance of the development is not considered unacceptable, but is instead considered to offer a well-designed attractive addition to the street-scene which will complement the existing historic environment and wider context. A landscaping scheme is also proposed to soften the appearance of the proposal.
- 5.16 As a result, the proposal provides for above average standards of amenity and privacy which are acceptable to, and welcomed by, this Council.
- 5.17 Impact on the heritage assets
- 5.18 As the site is within the Banbury Conservation Area and Penrose House is locally listed, the proposal must be considered in terms of its impact on these heritage assets.
- 5.19 With regard to the Conservation Area, the proposal must either preserve or enhance the character or appearance of the Conservation Area. It is considered that the proposal preserves the character of the Conservation Area through the use of design, materials and layout which respect and reference the existing high-quality development which has given the area a character considered worthy of special protection. Furthermore, it is considered that the proposal, by virtue of its contemporary design, contextually appropriate materials and subservient scale, enhances the appearance of the Conservation Area through the addition of high

quality new development. The limited colour palette proposed, and the vertical emphasis to the elevations further improves the careful relationship between this new development and the sensitive context.

5.20 As Penrose House is locally listed consideration must be given to the impact of this proposal on the significance of Penrose House as a heritage asset. It is considered that whilst this proposal (and indeed, the previously consented schemes) does have an impact on the setting of Penrose House, this is not so severe as to cause unacceptable harm to the setting or significance of Penrose House. Given the distance from the site to the statutorily listed building to the North and the intervening screening and buildings, it is considered that the proposal does not harm the setting of that listed building.

#### 5.21 Sustainability

5.22 PPS1 seeks the delivery of development which is not only of a high-quality in design terms, but also places a strong emphasis on sustainable development. This is reinforced by the Climate Change Supplement to PPS1.

5.33 The developer of this scheme is committed to the sustainable design, construction and use of this building. Kingerlee Homes aspire to deliver a truly sustainable form of development; making the most use of passive gains, incorporating innovative thinking, innovative design and construction techniques to provide highly insulated and air-tight buildings, which can significantly reduce the environmental impact of the construction and use of the building as well as offer materially reduced energy consumption in-use.

5.34 Evidence of this sustainable approach to the design is shown in the orientation of the building, the arrangement of the glazing, the walling materials and the coatings proposed (rendered 'thermoplan' block-work). It is considered therefore that the proposal accords with the intention of the government with regards to sustainable development and provides an opportunity to demonstrate sustainable, modern development in a sensitive historic context.

#### 5.35 Developer contributions

5.36 As the application is a major development in an urban area the scheme is liable for developer contributions to mitigate the impact of the proposal on the infrastructure of the town; contributions to the District Council are required for the provision and maintenance of outdoor sports facilities. Contributions to the County Council are required for the improvement of education, library, community and waste facilities. It should be noted that this application was submitted before the coming into effect of the latest draft supplementary planning document on planning obligations which lowered the threshold for the provision of affordable housing, and therefore no provision has been sought.

#### 5.37 Conclusions

5.38 Taking the above consideration into account as well as the development plan, the proposal is considered to be an acceptable type, form and scale of development which is appropriate for the character and context of the site. It is fundamentally a revision to a previously approved and implementable scheme. Notwithstanding that, the proposal responds well to the constraints of the site; it will not cause harm to the protected tree in the site and should offer an improved setting to it over the extant scheme. Furthermore, the scheme is acceptable in terms of its impact on the

heritage assets. It will not cause unacceptable harm to the amenity of neighbouring properties or occupiers of the site nor will it have an undue effect on highway safety and convenience. In addition, the proposal demonstrates the way in which contemporary development can be delivered in a sustainable manner in a sensitive environment.

## **6. Recommendation**

### **Approval, subject to**

**i) the applicants entering into a Section 106 obligation with the District and County Councils to secure financial contributions towards;**

- a) the provision and maintenance of outdoor sports facilities in the locality/town**
- b) the improvement of education, library, community and waste facilities in the locality/town**

**ii) the imposition of the following conditions;**

1) SC 1\_4A (Time limit for implementation)

2) That the development hereby permitted shall be constructed in accordance with a full schedule of materials and finishes (including samples where appropriate) which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

3) That full design details of the fenestration to be used on the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

5) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps. Reason - In the interests of the visual amenities of the area and

to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

6) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation. Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

7) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:

- no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved by the Local Planning Authority in writing;
- if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;
- the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
- within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
- no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority. Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

8) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved. Reason - To ensure that the existing trees and hedgerows are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

9) That prior to the construction of the new building, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.

10) That prior to the first occupation of the proposed flats, the proposed pedestrian access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the approved plans. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.

11) That, before the development is first occupied the access drive shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Reason - In the interests of highway safety, to ensure a satisfactory standard of construction, layout and drainage for the development and to comply with government guidance in PPG13: Transport.

12) That prior to the first occupation of the development hereby approved full details shall be submitted for the prior approval in writing of the Local Planning Authority of the arrangements for the provision of cycle parking facilities and refuse facilities, and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use by residents prior to the occupation of the residential units in the new block or in the converted Penrose. Reason - In the interests of sustainability and to ensure a satisfactory form of development, suitable for the location of the site within a Conservation Area, in accordance with government guidance in PPS1: Delivering Sustainable Development and PPS5 – Planning for the Historic Environment.

13) Prior to the construction of the new building vision splays measuring 2.4 metres x 33 metres shall be provided to each side of the access and retained unobstructed thereafter. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.

14) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption". Reason - To ensure satisfactory drainage of the site in the interests of public health and to avoid flooding of adjacent land and property and to comply with government guidance contained in PPS25: Development and Flood Risk.

15) The development shall not begin until a scheme for protecting the habitable rooms in the new building from noise from Oxford Road to achieve an internal sound level of 35 dB (A) with windows closed at night has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed before any of the flats in the new building are occupied and thereafter the scheme shall be permanently retained in accordance with the approved details. Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy C30 of the adopted Cherwell Local Plan.

16) All construction traffic for the development shall enter and leave the site in accordance with a detailed scheme and method statement to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The method statement shall include temporary access arrangements, the construction operating hours on site, arrangements for deliveries to the site, the location of any temporary compounds and site offices, the design/location of any hoardings, the storage of building materials, the arrangement for the parking of contractors' vehicles and details of wheel-washing or road sweeping arrangements. The construction of the development shall be carried out in accordance with the approved details and all temporary buildings or structures shall be removed on completion of the development and the land restored to its former condition or in accordance with the approved plans, as appropriate. Reason - In the interests of highway safety and to minimise the disturbance to neighbouring properties during the construction period, in accordance with government advice in PPG13: Transport.



17) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein. Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in PPS1 – Delivering Sustainable Development.

**Planning Notes**

- 1) T1 – Third party rights
- 2) O1 – Archaeology
- 3) X1 – (add details of District Ecologist for further info re: Swift enhancements)
- 4) I – “The Thames Valley Police ‘Secured By Design’ team”
- 5) I – “Thames Water Development Planning Department”

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings, as well as the character and appearance of the Banbury Conservation Area, the setting of Penrose House and existing trees protected by a Tree Preservation Order and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety through traffic generation or parking. As such the proposal is in accordance with government guidance contained in PPS1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPG13: Transport; in addition, the proposal complies with Policies BE1, CC1 and T4 of the South East Plan 2009 and Policies C23, C28, C30 and C31 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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