

Application No: 11/01369/F	Ward: Banbury, Easington	Date Valid: 07.09.11
Applicant:	Mr Phil Waddup, Oxford and Cherwell Valley College	
Site Address:	Oxford and Cherwell Valley College (south site), Broughton Road, Banbury	

Proposal: Construction of a three storey building, single storey building, link to existing building, demolition of existing bungalow and alterations to car park and landscape works

1. Site Description and Proposal

- 1.1 This 3.2ha site is situated to the southern side of Broughton Road. Burlington Gardens is to south west, Mewburn Road to the south east and Berrymoor Road to the east. The surrounding roads all serve residential areas. The site is bounded to the north and north west by a mature boundary hedge and trees which screen much of the site from the Broughton Road. This boundary is also situated within the Banbury Conservation Area, however the rest of the site is just outside. A tree preservation order (TPO) covers the site consisting of various individual species and a number of groups. There is a significant gradient to the site which rises from the north east to the south west.
- 1.2 Whilst outline planning permission was granted in 2007 for the redevelopment of the whole of the southern site to provide a new college (comprising all of the accommodation which currently exists on the northern site) and to redevelop the northern site for 110 dwellings (application refs 07/02045/F and 07/02043/OUT), these permissions have not moved forward due to a lack of funding that the college was relying on. As an alternative to building the full extent of the college as envisaged under the 2007 applications, a phased approach is now being taken which began with the refurbishment of 'F' Block (10/01535/F refers) which has recently been completed.
- 1.3 This application now seeks to build the first stage of the college development which includes a) a three storey extension to the rear of the 'F' Block which would accommodate media studies, b) a small single storey extension to link the media studies building with 'F' block, c) an independent single storey building to accommodate the automotive centre and d) alterations to the car park. The introduction of these buildings and their uses on the site relates directly to the order in which the buildings on the northern site can be disposed of without interrupting the continuing college use on the northern site.
- 1.4 It is proposed to specifically locate the single storey automotive building as an independent unit at this stage as it is not a use that the college wishes to have close to its main entrance. In line with the master plan for the site, phase two of the college development would see a building constructed between the media studies and automotive buildings to tie them together and phase three would involve a theater building at the front of the site which would mask the automotive use from the front of the site.

- 1.5 During the process of the application, amended plans have been submitted which omit any use of Berrymoor Road to access the site and some changes have been made to reduce the bulk of the three storey building and visually link the automotive building to the rest of the development. The extent and height of the proposed lighting has also been reduced.

2. Application Publicity

- 2.1 The application has been publicised in the local press and via site notices posted around the site. The final date for comment was 05 January 2012. Seven representations have been received from local residents raising concerns about the following matters (see PublicAccess for full content):
- 2.2
- Lighting (impact on residential amenity and character of area)
 - Highway safety
 - Access for refuse vehicles?
 - Scale, height and bulk
 - Loss of trees/landscape
 - Additional Traffic
 - Loss of light
 - Berrymoor Road is a private road access from it is unacceptable
 - Construction working hours
 - Damage to Berrymoor Road
- 2.3 A petition has also been received containing seven signatures objecting to the proposal

3. Consultations

- 3.1 **Banbury Town Council** raises no objections.
- 3.2 **Local Highway Authority** raises no objections to the scheme subject to the concerns about the use of Berrymoor Road being addressed and conditions relating to a construction phase travel plan and a green travel plan.
- 3.3 **Local Drainage Authority** required more information in relation to drainage for the site which has been received, however further comments are awaited.
- 3.4 **Cherwell District Council's Anti Social Behaviour Manager** raises no objections
- 3.4 **Cherwell District Council's Landscape Officer** states that detailed landscaping proposals together with a maintenance method statement are to be secured via condition.
- 3.5 **Cherwell District Council's Ecologist** required further investigations to be carried out in relation to the potential for newts on the site. Additional information is awaited.

- 3.6 **Thames Water** raises no objections in relation to water and sewerage infrastructure, some planning informatives are recommended in relation to surface water drainage and any potential connection to a public sewer.

4. Relevant Planning Policies

4.1 National Planning Guidance

PPS1:	Delivering Sustainable Development
PPS5:	Planning for the Historic Environment
PPS9:	Biodiversity and Geological Conservation
PPG13:	Transport

4.2 South East Plan 2009

CC1:	Sustainable Development
CC6:	Sustainable Communities and Character of the Environment
NRM5:	Conservation and Improvement of Biodiversity
BE1:	Management for and Urban Renaissance
BE6:	Management of the Historic Environment
T4:	Parking
S3:	Education and Skills
S4:	Higher and Further Education

4.3 Adopted Cherwell Local Plan

C28:	Layout, Design and External Appearance
C30:	Design and Amenity
C1:	Protection of Sites of Nature Conservation Value
C2:	Development Affecting Protected Species

5. Appraisal

- 5.1 The key issues for consideration, which are discussed below, are:

Principle
Design/Appearance/Scale
Visual Impact/Setting of Conservation Area
Transport Impact/Highway Safety
Drainage
Residential Amenity
Ecology
Trees and Landscaping

5.2 Principle

- 5.2.1 National and Local Planning Policy clearly supports the provision and enhancement of local education centers for both skill development and higher and further education. The proposals to add to the refurbished 'F' Block represent the second element of the phased approach towards the full redevelopment programme for the college and is reflective of what the college believes it can deliver for the next stage of development. The project therefore is fully supported in accordance with PPS1 and Policies S3 and S4 of the South East Plan.

5.3 Design/Appearance/Scale

- 5.3.1 Under the 2007 application, the new college buildings were designed as four three-storey individual (but physically linked) buildings arranged in a fan shape which stepped up in accordance with the topography of the site. The phases of development now proposed, seek to follow this former approach as closely as possible whilst incorporating the original 'F' Block. The principle of the layout of this phase has therefore been established and represents an acceptable approach to developing the site in terms of the siting of the buildings.
- 5.3.2 The proposed extensions and new building would reflect the established character, design and appearance of the 'F' Block which is considered to be the most suitable approach for an educational building in this location within Banbury.
- 5.3.3 With regard to the separation of the automotive building from the rest of the development, this has been cause for some concern due to its remote location from the existing 'F' Block and the proposed three storey extension to it. Whilst the concept behind the siting of this building is understood, there is no guarantee over the timing of the delivery of the future phases of the scheme or whether they will ever be built at all. In design and layout terms the separation between the two main buildings of this particular phase is unfortunate and discussions have taken place with the agent in an attempt to address this matter with the view to amending the design and layout. However the siting appears to be the most sustainable as the automotive function would be sited away from the main entrance and thus not conflicting with the reception functions and furthermore the building would be constructed in a way that would be able to withstand a first floor above it and an infill extension between it and the main block.
- 5.3.4 In order to link the buildings visually and to indicate the next phase of the development, the agent has amended the proposals to include evenly spaced poles along the line of the front and rear elevations of the future building to be constructed between the automotive and media buildings. It is considered that this approach goes far enough to achieve a visual link between the buildings and therefore is appropriate in design terms.
- 5.3.5 Turning to the scale of the three storey media block, this has also caused some concern given its proposed height in relation to 'F' Block and being 1m higher than the height of the previously approved building in this location (07/02045/OUT). The reasoning behind the increased height is due to the fact that there is a requirement for the finished floor levels of the media studies building to relate directly to the floor levels in 'F' Block. Under the outline application 'F' Block would have been demolished and the ground levels reduced to accommodate the new buildings thus reducing the overall height of the development as a whole.
- 5.3.6 The amended plans have reduced the height of the parapet slightly and introduced a hand rail instead, in an attempt to lessen the mass of the building, which is an improvement, albeit relatively minor. Taking the proposed building and 'F' Block together, the roofs of both are varied, which serves to soften the height difference between the two to an extent that renders it appropriate in visual amenity terms in HPPDM's view.

5.3.7 In accordance with the Council's Public Art Policy it is recognised that the proposed development meets the threshold for providing an element of public art on the site which has been brought to the attention of the agent for the application. The applicant can provide this by either making a contribution towards a piece of artwork that is planned to be provided within the local community, or to commission a piece of artwork as part of the development proposals. These discussions are ongoing and would be the subject of a legal agreement between the Council and the developer if the public art is to be provided off site. Otherwise it is likely that this matter could be dealt with via planning condition.

5.4 Visual Impact/Setting of Conservation Area

5.4.1 The refurbishment works that have been carried out to 'F' Block were a bold approach to reinventing the 1970s building in order to establish modern accommodation for the arts programmes run by the college. Whilst the building has a very contemporary appearance, it is considered that this was an appropriate approach to reintroducing the college on the southern site despite its historic surroundings to the north (Victorian terraced dwellings and the boundary of the Banbury Conservation Area). The building is identified as an independent use to the surrounding residential use but is softened from the public domain by mature trees to the frontage and an established and quite dense tree and hedge line along the northern boundary adjacent to Broughton Road.

5.4.2 The submitted plans indicate an area to the west of the Innovation Centre to be used for spoil that has been excavated from the site. Whilst there is no indication of the extent of spoil to be deposited in this area, the agent has clarified that it would be a minimal amount compared to the extent of spoil that will be removed from the site in order to accommodate the new building and that the spoil would be carefully graded into the existing topography. The proposed location for the spoil is where the future extended car park would be sited, as part of a later phase of the college development. Given the intended use of this particular part of the site, which is already one of the most elevated areas, it is important to ensure that the spoil does not significantly raise the ground levels which would result in the future parking area becoming visually more prominent and potentially affecting the setting of the Conservation Area. HPPDM is satisfied that due to the fact that relatively small amounts of spoil would be placed in this location, it would be appropriate to secure the location and levelling via condition and that it would not be harmful to the area.

5.4.3 Given the site circumstances, and the relationship of the new buildings with their surroundings, the proposal would not cause harm to visual amenity and would be appropriate in terms of its impact upon the setting of the Banbury Conservation Area in accordance with Policies BE1 and BE6 of the South East Plan and PPS5.

5.5 Transport Impact/Highway Safety

5.5.1 The amended drawings indicate that no access will be taken into the site from Berrymoor Road (a private road) which addresses third party concerns and those raised by the Local Highway Authority. Based on the amendments, the Local Highway Authority raises no objections, stating that the proposed layout accommodates appropriate space for parking and manoeuvring with vehicular access taken from Broughton Road only. It is also considered that any increased

trip attraction of the site would be unlikely to have any significant transport impact and as such no contributions are required towards the local transport network.

5.5.2 The Local Highway Authority does however recommend that a construction phase travel plan and green travel plan be secured via planning condition.

5.5.3 Based on the above and subject to the recommended conditions, it is considered that the proposal complies with PPG13.

5.6 Drainage

5.6.1 The Local Drainage Authority has raised some concerns about the proposal in relation to drainage due to a lack of information. The agent has submitted some further additional and amended plans to address the concerns that have been raised and further comments are awaited which will be updated verbally at committee.

5.7 Residential Amenity

5.7.1 The proposed buildings due to their location and relationship with neighbouring residential dwellings would be sited such that they would not cause harm to neighbouring amenity by way of loss of light or being overbearing. There has been some concern from residents over the height of the media studies building and its proximity to the dwellings on Berrymoor Road however the distance achieved by the building would be almost 40m, a distance which, despite the building being three stories, meets the Council's standards of amenity.

5.7.2 The automotive building has some potential for generating noise and disturbance, however the closest residential properties to this element of the scheme are those located on the far side of Broughton Road, which is a relatively heavily trafficked route into Banbury. Given the normal operational hours of the automotive building, the existing noise generated from the road and the fact that the Council's Anti-Social Behaviour Manager has not raised any objections to the proposal, HPPDM is satisfied that the proposal would not give rise to unacceptable levels of noise and disturbance.

5.7.3 With regard to the relocation of some spoil on the site to the south western most area, this would be immediately adjacent to the rear gardens of Burlington Gardens and opposite some of the dwellings on Broughton Road. It is highly unlikely that the amount of spoil to be moved to this location would cause harm by way of being overbearing on residential properties, however in any event it is recommended that the details of the siting and shaping of the spoil are to be submitted via condition so that its impact can be controlled.

5.7.4 For the reasons, given the proposal is considered to be acceptable in terms of its impact upon residential amenity in accordance with Policy C30 of the adopted Cherwell Local Plan.

5.8 Ecology

5.8.1 The application is accompanied by a bat emergence and return survey carried out in October 2011. This concluded that there was no evidence of bats using the

building to be demolished as part of the proposal or any of the trees to be felled. The report does conclude however that the immediate area is of value for bats for breeding, resting, hibernating foraging and commuting. For these reasons, the report recommends that a further emergence survey is carried out in relation to the building to be demolished just prior to the commencement of works on the site.

- 5.8.2 The report also recognises that the site as a whole offers various opportunities for reptile habitats and as such recommends that a full reptile survey be carried out. The agent has advised however that the ecologist has clarified that the part of the site directly affected by this particular proposal is not as suitable for use by newts as the rest of the grassland to the south and west and therefore believes that a survey is not required. Further guidance is awaited from the applicant's Ecologist which would then need to be verified by the Council's Ecologist. The issue is to be verbally updated at committee.

5.9 Trees/Landscaping

- 5.9.1 The frontage of the site is characterised by a number of mature trees and hedging and there are also a number of established trees within the site, which all contribute to the amenity value of the site. A large Turkey Oak (TPO) has already been lost to the development (accepted under the 2007 application). Although this did not need to be felled as a direct result of refurbishing 'F' Block, the Council's Arboriculturalist agreed that it was interfering with the building and was not considered to be a specimen worthy of long term retention.
- 5.9.2 Given the fact that the site is characterised by mature trees and the proposed buildings are of a very contemporary nature in comparison to the surrounding, more historic development, it is important to ensure that the existing trees of value are retained and that further tree planting and a landscaping plan is secured.
- 5.9.3 The Council's Arboriculturalist recommends conditions securing the protection of the existing trees in accordance with the tree protection plan accompanying the application and the Landscape Architect requires a detailed landscape proposal drawing indicating retained trees (with RPAs), proposed tree planting/shrub planting to the north facade; and hard landscape details. Details of the landscape maintenance are also required for successful establishment given the high profile nature of the site.

5.10 Third Party Representation

- 5.10.1 The third party representations are noted and it is considered that all material planning considerations that have been raised has been addressed either by the amended plans or within the body of this report. Matters relating to construction working hours and damage to Berrymoor Road are non-material, in relation to which the application could not be reasonably refused.

5.11 Conclusion

- 5.11.1 The proposal is considered to be acceptable in principle being a scheme that enhances educational facilities within Banbury.
- 5.11.2 Due to the location and design of the proposals, they are considered to be

acceptable in terms of their impact upon visual amenity and the setting of the Conservation Area and would not cause harm to residential amenity.

- 5.11.3 The Local Highway Authority is satisfied that the proposals would not give rise to any unacceptable impact upon the transport, network, highway infrastructure or highway safety.
- 5.12.4 Further details and advice are required in relation to ecology and drainage, and information regarding Public Art. Member will be verbally updated at committee.
- 5.12.5 Overall and subject to the outstanding matters, the application is considered to be acceptable and is therefore recommended for approval as set out below.

6. Recommendation

Approval, subject to:

- a). The comments of the Council's Ecologist in relation to the scheme
- b). The comments of the Local Drainage Authority
- c). A Legal agreement acceptable to the District Council to secure an element of public art and the maintenance of that public art if it is not to be provided as part of the development itself.
- d). The following conditions:
 - 1. 1_4A - Full Duration Limit (3 years) (RC2)
 - 2. Plans Condition. Application forms, Design and Access Statement and Drawings. 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 Policy BE1 of the South East Plan 2009.
 - 3. 3_0A - Submit Landscaping Scheme (RC10A)
 - 4. 3_1A - Impl Landsc Sch and Reps (RC10A)
 - 5. That prior to the commencement of the development, a landscape maintenance plan including time-frame shall be submitted to and agreed in writing by the Local Planning Authority. The approved maintenance plan shall be strictly adhered to at all times for the agreed time-frame. (RC10A)
 - 6. Schme Submtd to Pro Rtnd Trees (RC72A)
 - 7. That full design details of the colour scheme for the building 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 BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
 - 8. That full design details of all fenestration 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 BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
 - 9. 5_5AB - Submit New Design Details (RC4A) insert 'siting and profile of the spoil to be located to the south west of the site'
 - 10. That full design details of the external lighting scheme 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 BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

Planning Notes

1. S1
2. T1
3. U1
4. Thames Water Notes

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 is acceptable in principle and pays proper regard to its surroundings, causing no harm to residential or visual amenity, the setting of the Banbury Conservation Area and is considered to be acceptable in terms of its impact upon the local transport network and highway safety, drainage, ecology, trees and landscaping. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS5: Planning for the Historic Environment, PPS9: Biodiversity and Geological Conservation, PPG13: Transport, Policies CC1, CC6, NRM5, BE1, BE6, T4, S3 and S4 of the South East Plan 2009 and Policies C28 and C30 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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