

<b>Application</b> 12/00555/OUT	<b>No:</b>	<b>Ward:</b> Banbury Grimsbury and Castle	<b>Date Valid:</b> 25/04/2012
<b>Applicant:</b>	Oxfordshire County Council, Property Services		
<b>Site Address:</b>	Calthorpe House, 60 Calthorpe Street, Banbury OX16 5RE		

**Proposal:** Redevelopment of site to demolish existing building and provide 13 apartments, two retail units, parking/servicing, hard and soft landscaping, boundary treatment and alterations to existing access.

**Date site visited:** 18/05/2012

## 1. Site Description and Proposal

- 1.1 The site forms an existing 3 storey detached building on Calthorpe Street. The building is currently owned by Oxfordshire County Council. The building is a 1970's development and constructed of reconstituted stone. The design of the existing building is utilitarian and largely uninspiring. Parking areas are provided to the side (south) with access through an archway under the first floor of the building.
- 1.2 The site lies close to the town centre with an NCP car park adjacent to the site. Further north (61-66 Calthorpe Street) is the recently erected apartment building with retail units under. The site is not within the Banbury Conservation Area.
- 1.3 The application is in outline form with only access and layout for consideration. Indicative layouts were provided for information only. These indicate a 4 storey building of a modern appearance with the fourth floor set back on the roof. Two retail units are also proposed at ground floor. Parking is provided to the side and rear of the site and accessed through a similar arrangement as the existing building, although this is an indicative arrangement
- 1.4 The development proposes two retail units and 13 flats comprising 5 x 2 bed and 8 x 1 bed units. As the development is over 10 units, financial contributions to off-set the impact of the development on amenities and infrastructure would be required.
- 1.5 This proposal is for the same development as previously approved under application 09/00038/OUT dated 22<sup>nd</sup> July 2009.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice placed on a lamppost directly outside the site. The final date for comment was 24<sup>th</sup> May 2012.
- 2.2 No letters of representation have been received.

### 3. Consultations

- 3.1 **Banbury Town Council** – No objections and makes the following observations - No objections to the proposed use of the site as it would replace an inferior building but the proposed four storey building isn't in keeping with the streetscene (Policy C28 & C30 of the Adopted Cherwell Local Plan 1996)
- 3.2 **Environments Agency** comment as follows: We have assessed this application as having a low environmental risk and we have no objection to the above proposal.
- 3.3 **Design & Conservation** comment as follows: The form, massing, height and footprint of the proposed building is very similar to that approved previously. Recommend approval with conditions as specified previously Conditions to include sample materials and colour palette details
- 3.4 **OCC Highways** comment as follows: Please repeat previous highway conditions, including a requirement for details of the proposed SUDS drainage scheme to be submitted for consideration and approval prior to commencement of development. A revised Section 106 Agreement will be required for requested contributions
- 3.5 **OCC Drainage** comments as follows: It is acknowledged that the application is for outline planning only, however surface water and roof water run-off will need to go to soak-away or other Suds features where conditions allow., i.e. surface water run-off created as result of the development will need to be dealt with within the property boundary. Where shared Suds features are proposed, these features could be adopted by the Lead flood Authority which at the present time is Oxfordshire County Council. Where outfalling into the public surface water sewer is proposed due to ground conditions, Thames Water will need to be informed of this intention and limits will be set by them for the rate of discharge allowed from the development into the surface water sewer. Should a full planning application be submitted, full details of the proposed drainage strategy will be required.
- 3.6 **OCC Archaeology** comments as follows: The building concerned lies within an area of some archaeological interest in the historic core of the town. The archaeological potential of the site has been identified in a desk based assessment accompanying the application which highlights that the site is located in the area of one of the possible sites of the Saxon settlement although no archaeological evidence for this has been recorded. Medieval has been recorded 80m north of the site and 210m to the north east. Although the modern building on the site may have truncated some of the site it is thought possible that remains associated with the medieval and post medieval development of the site as well as a possibility of Saxon remains could be encountered during this development.

We would therefore recommend that, should planning permission be granted, the applicant should be responsible for ensuring that the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

### 4. Policy Considerations

**National Planning Policy Framework** Core planning principles and the delivery of sustainable development with particular regard to the following sections:

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change.
- 11: Conserving and enhancing the natural environment
- 12: Conserving and enhancing the historic environment

**South East Plan 2009**

**Cross Cutting – Policies**

- CC1: Sustainable Development
- CC4: Sustainable Design and Construction
- CC6: Sustainable Communities & Character of the Environment
- CC7: Infrastructure and Implementation

**Housing – Policies**

- H1: Regional Housing Provision 2006 - 2026
- H2: Managing the Delivery of the Regional Housing Provision
- H3: Affordable Housing
- H4: Type and Size of New Housing
- H5: Housing Design and Density

**Transport – Policies**

- T1: Manage and Invest
- T4: Parking

**Natural Resource Management – Policies**

- NRM1: Sustainable Water Resources & Groundwater Quality
- NRM4: Sustainable Flood Risk Management
- NRM11: Development Design for Energy Efficiency and Renewable Energy

**Management of the Built Environment – Policies**

- BE1: Management for an Urban Renaissance
- BE4: The Role of Small Rural Towns

**Social and Community Infrastructure – Policy**

- S1: Supporting Healthy Communities

**Central Oxfordshire – Policies**

- CO1: Core Strategy
- CO3: Scale and Distribution of Housing

**Adopted Cherwell  
Local Plan 1996  
Saved Policies**

- TR1: Transportation Funding
- R12: Public Open Space provision within new housing developments
- C28: Design, layout etc standards
- C30: Design control
- ENV1: Pollution control
- ENV12: Contaminated land

**5. Appraisal**

- 5.1 The key issues for consideration in this application are:
- Policy Context
  - History
  - Assessment of Proposal
- 5.2 **Policy Context**  
The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application would include promoting sustainable transport, delivery of a wide choice of high quality homes, the promotion of healthy communities and the conservation and enhancement of the natural and historic environment.
- 5.3 **History**  
The site was the subject of a previous application for the same development. Application 09/00038/OUT was approved on 22<sup>nd</sup> July 2009.
- 5.4 In addition, for background information regarding other developments in Calthorpe Street, an appeal (17<sup>th</sup> March 2009) allowed a four storey development at 56-60 Calthorpe Street, at Iceland opposite the site. In considering the development, the Inspector commented that the main issues for determination was the impact of the development on the street scene, the impact of the development on the Banbury Conservation Area and the impact of the development on adjoining listed buildings. For clarification, the appeal site and the site the subject of this application are not within, but adjacent to, the Banbury Conservation Area and neither does the application site lie adjacent to a listed building.
- 5.5 The Inspector at the Iceland appeal specifically commented on the character and appearance of the area and concluded that the introduction of a 4 storey building at Calthorpe Street would not have a detrimental impact on the area as a whole. Moreover, it was concluded that the proposed building would improve the appearance of the site.
- 5.6 **Assessment of Proposal**  
The site is previously-developed, being occupied by a 3-storey building. It is situated in a sustainable location in the town centre close to its shops and other facilities and numerous bus routes. It is also within a kilometre of both the bus and railway stations. Therefore, the principle of retail and residential development at the site is acceptable.
- 5.7 Whilst the application is in outline form, indicative elevations have been provide to gauge the design and scale of the proposed building. However, this matter is clearly not for determination. With this in mind, the proposed building is likely to be a four storey development of a distinctly modern appearance. The elevations would have a strong horizontal emphasis with large amounts of glazing to break the scale of building. Materials are indicated as brick and render with a mixture of glazing and stainless steel balconies. The fourth floor would be recessed and it is indicated that this would be constructed of green copper cladding.
- 5.8 The character of the area has largely been dictated by the recent development at

61-66 Calthorpe Street (The Counting House) and the recent approval at appeal opposite at 56-60 Calthorpe Street (Iceland). These buildings are both 4 storey developments of a modern design and construction. Therefore, the introduction of further modern building is appropriate in this context, providing the scale, bulk and design of the building are acceptable. Again, in this instance, these matters are reserved for future consideration. The Conservation Officer does not raise any objection to the proposal.

- 5.9 The development indicates a layout with the principal elevation facing Calthorpe Street. The building would be set back at the existing access. Parking is provided to the side of the site (south) at the access point and a small private garden for occupiers. It is intended, although indicative, to provide a focal feature at the point where the building is set back. This would take the form of a canopy (design to be confirmed) directing occupiers and visitors to the entrance. A condition requiring art to be incorporated into the building will also be placed on any permission granted.
- 5.10 Calthorpe Street runs in a rising curve. To take account of this rise, a ramped access off the pavement runs the entire length of the proposed retail units. This area would also provide areas for additional landscaping to the front. However, landscaping is a reserved matter for future consideration.
- 5.11 The Highway Engineer has considered the proposal and is satisfied that the development is acceptable, subject to conditions. The applicant is required provide financial contributions towards the following:
- £2,500 (index-linked) towards the costs of promoting amendments to the appropriate traffic regulation order(s) so as to prohibit loading and unloading in Calthorpe Street and where such amendments are made the costs of lining works and the costs of administering and enforcing the amended order(s).
  - £6,000 (index-linked) towards the cost of procurement and installation of Real Time Information display at the nearby bus stop on Calthorpe Street to improve the existing bus provision and encourage future residents to use the bus, in line with Oxfordshire's Local Transport Plan.
- 5.12 The applicant has indicated a willingness to enter into an agreement with Cherwell District Council to provide required contributions to offset the impact of the development on amenities and infrastructure. However, this has yet to be completed. The requested contributions (in addition to highways) are as follows:
- Primary Schools - £9,445
  - Special Education Needs - £400
  - Adult Learning - £280
  - Library and Stock - £1,600
  - Day Resource Centre – £2,159
  - Household Waste Recycling - £1,233
  - Museum Resource - £93
  - Public Open Space - £2,271
  
  - Total - £17,481

Therefore, it is recommended that the application be approved, subject to the agreement being secured and completed.

5.13 **Other Matters:** As the site comprises previously developed land, pollution of the ground must also be taken into account. Therefore, a condition requiring a risk assessment to be undertaken before development commences to be submitted to Officers for consideration. Details of drainage and surface water run-off are also required before development commences. An archaeological watching brief is also required as part of the development as the site lies within an area of some archaeological interest in the historic core of the town.

5.14 **Conclusion**

Overall, the layout and access for the site are considered acceptable and the indicative design for the site is considered to enhance the area. The proposal would see the replacement of a building of little architectural merit with a building of modern appearance, more suited to its urban location. The site lies within a sustainable location and will make efficient use of the land. Therefore, the application is recommended for approval.

**6. Recommendation**

Approval, subject to:

- (i) The completion of a legal agreement with Oxfordshire County Council to provide financial contributions to offset the impact of the development on local facilities, infrastructure and amenities.
- (ii) The following conditions:
  1. That no development shall be commenced until full details of the scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

2. That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995. (As amended).

3. That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by

Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

4. That prior to the first occupation of the development the existing means of access onto Calthorpe Street shall be altered and laid out to the approval of the Local Planning Authority 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 advice contained in The National Planning Policy Framework March 2012 and Policy T4 of the South East Plan

5. That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 metres as measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Government advice contained in The National Planning Policy Framework March 2012 and Policy T4 of the South East Plan

6. That before the development is first occupied the parking and manoeuvring areas shall be constructed in accordance with plan 11.10 Rev A dated 02.09.08 hereby approved and shall be constructed, laid out and surfaced, drained and completed and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and to comply with Government advice contained in The National Planning Policy Framework March 2012 and Policy T4 of the South East Plan

7. That before the development is first occupied the cycle parking areas shall be provided in accordance with plan 11.10 Rev A dated 02.09.08 hereby approved and shall be permanently retained for the parking of cycles thereafter.

Reason - In the interests of highway safety and to comply with Government advice contained in The National Planning Policy Framework March 2012 and Policy T4 of the South East Plan

8. Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with current Government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Each phase shall be submitted to and approved in writing by the Local Planning Authority;

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use to be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

Reason - It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial use(s) or otherwise. To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ENV12 of the adopted Cherwell Local Plan.

9. The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: Proposed Site Location Plan 10.11 Rev A dated 12.08.08 and Proposed Ground Floor Plan 11.10 A dated 02.09.08

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 Policy contained within the National Planning Policy Framework March 2012.

10. No development shall take place on the site until the applicant(s), or their agents or successors in title, has arranged an archaeological watching brief to be maintained during the course of building operations or construction works on the site. The watching brief shall be carried out in accordance with a written specification and by a professional archaeological organisation acceptable to the Local Planning Authority.

Reason - To safeguard the inspection and recording of matters of archaeological and historic importance on the site, to comply with Government advice in the National Planning Policy Framework March 2012 and Policy BE6 of the South East Plan 2009.

11. A scheme setting out how artistic elements will be incorporated into the fabric of the building shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Government advice in the National Planning Policy Framework March 2012 and Policy C28 of the adopted Cherwell Local Plan.

12. 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 drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme 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, to avoid flooding of adjacent land and property and to comply with Government advice in the National Planning Policy Framework March 2012, Policy NRM4 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.

## **PLANNING NOTES**

Waste soils removed from site need to be tested according to Waste Acceptance Criteria (WAC) before disposal.

Vehicle loading or Unloading bays and storage areas involving chemical, refuse or other polluting matter should not discharge to the surface water system.

All waste tipping, handling, sorting and composting shall be carried out upon an impervious concrete base surrounded by a suitable liquid tight bund to prevent drainage from these areas discharging into groundwater or the surface water system. Surface water drainage from these areas shall be stored in a suitable liquid tight container or discharged to the foul sewer subject to the approval of Thames Water Utilities or its sewerage agent. Due to clay conditions at the site soakaways may not be viable. Percolation tests should be carried to confirm infiltration rates.

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm water flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water would be required. They can be contacted on 0845 850 2777.

## **REASON 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 proposed development is of a design, size and style that is appropriate in its context and would not have a detrimental impact on the character and appearance of the area, the Conservation Area, the amenities of adjoining occupiers or highway safety. As such the proposal is in accordance with Government guidance on delivering a wide choice of high quality homes, requiring good design, promoting sustainable transport, preserving or enhancing the historic environment and conserving and enhancing the natural environment contained within Sections 4, 6, 8, 7, 11 and 12 of the National Planning Policy Framework March 2012, saved policy ENV.12, C28 and C30 of the Adopted Cherwell Local Plan 1996 and policy BE1, BE6 and T4 of the South East Plan 2009. For the reasons given above and having regard to all other matters raised including third party representations 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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