

Ward: Banbury Easington

District Councillor: Cllr Blackwell, Mallon and Morris

Case Officer: Stuart Howden

Recommendation: Approve

Applicant: West Bar Partnership

Application Description: Conversion and change of use of existing offices to create 12 no. new apartments. Works including: new 2.5 storey extension (previously approved); replacement of existing single storey element with 2.5 storey extension (previously approved 2 storey extension); associated landscaping and parking (amended scheme to 08/01665/F).

Committee Referral: Major Application

1. Site Description and Proposed Development

- 1.1 The application site is located within the centre of Banbury. The site comprises a 2 and a half storey building with two protruding gables, which is constructed from traditional red brick under a slate roof. Most of the building is used for offices (B1 use class) and part of the ground floor and curtilage is used as a driving test centre (sui generis use). A vehicular access to the site is located to the east and is accessed via a track which connects with West Bar Street and runs to a veterinary practice to the rear of the site. A second vehicular access to the site is situated to the west and a pedestrian access exists between the two. A hedge at a height of approximately 1.5 metres runs along the frontage of the site, set behind a low brick wall.
- 1.2 Planning permission is sought for the conversion and change of use of the existing building to 12 apartments (10.No 1 bedroom apartments and 2.No 2 bedroom apartments). It is proposed to replace a single storey element on the west side of the building and replace it with a 2 and a half storey extension. This extension is proposed to run to No.5 West Bar Street and would be a depth of approximately 11.5 metres. The eaves and ridge height of this proposed extension are proposed to be at a similar height to those on the existing building, but this extension is proposed to have a flat roof element. A further 2 and a half storey extension is proposed on the east side elevation of the building. The extension is proposed to be set back from the front wall of the building by approximately 10.6 metres and would have a depth of approximately 5.3 metres and a width of approximately 4.5 metres. This extension would have a similar eaves and ridge height to the existing building. The extensions are proposed to be constructed from similar materials to the existing building.
- 1.3 The vehicular accesses are proposed to remain and the existing parking area would be utilised to the front and side of the building to provide 12 on-site parking spaces. To the rear, private amenity space for the three ground floor units will be provided along with a shared area for the remaining flats. A wall is proposed along the west and east boundaries of the site. A wall is also proposed along the pedestrian access to the site to the building. A covered area for cycle storage is proposed to the rear of the site, whilst a covered area for bin storage is proposed to the front of the site.
- 1.4 The site is within the Banbury Conservation Area and is also within close proximity to a number of Grade II listed buildings which front South Bar Street to the east of the site. The building itself is locally listed and is attached at ground floor level to a terrace block which is also locally listed (5-13 West Bar Street). A public footpath (120/25/10) runs alongside the eastern boundary of the site. The site has some ecological potential as it is located within 2KM of Neithrop Fields Cutting Site of Special Scientific Interest (SSSI) and the legally protected species of the Common

Swift has been recorded within the vicinity of the site. The site is located on potentially contaminated land.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, press notice and site notice. The final date for comment was the 26th February 2016. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Banbury Town Council: No objections, but recommend that:

- *“CDC Waste and Recycling’s comments regarding waste and recycling storage are adhered to;*
- *Heightened diligence be paid to design and materials given the site’s presence in a conservation area; and*
- *Appropriate planning gains regarding section 106 are received.”*

Cherwell District Council Consultees

- 3.2 Arboricultural Officer: No comments received.

- 3.3 Anti-Social Behaviour Officer: No comments received.

- 3.4 Building Control: No comments received.

- 3.5 Business Support Unit: No comments received

- 3.6 Conservation Officer: No comments received.

- 3.7 Ecology Officer: No objections subject to conditions requesting details of a scheme for the location of swift bricks or boxes in or on the building and that no works to the building exterior or demolition of structures that may be used by breeding birds shall take place between March and August unless agreed.

- 3.8 Environmental Protection Officer: No objections.

- 3.9 Landscape Officer: *“Since this scheme has more than 10 dwellings it will require an unequipped LAP. I can’t see why this can’t be provided on the ‘Shared garden’ area. The area will need to provide an area with seats, planting and space for children to play. We will need detailed landscaping plans for this development including planting plans.”*

- 3.10 Planning Policy: No comments received

- 3.11 Strategic Housing: No comments received.

- 3.12 Urban Design: No comments received.

- 3.13 Waste and Recycling: No objections after a revised plan with a larger bin storage area was submitted.

- 3.14 Affordable Housing: *“The application is seeking to refurbish an existing building into 6 flats with 6 new flats being built. This application is subject to the Affordable Housing policy of 30% equalling 4 units.*

However due to the type of housing provision this will provide it will be unsuitable to secure the affordable housing on site. Issues of housing management present as a problem for these kinds of development at this scale and arrangement, there is also the issue of an uncontrolled service charge element which could impact on the affordability of the flats to any new eligible occupiers. For this application we are asking for a commuted sum in lieu of providing affordable housing due to the management issues and service charge elements associated with the communal areas.

As a result of this we will be seeking an off-site commuted sum which will be based on 40% of the market value of the equivalent 4 flats.

We are therefore asking for £224,000 on the basis that £140,000 x 4 x 40% = £224,000.”

3.15 Recreation and Leisure: *“There is no community requirement in respect to this planning application”.*

3.16 Public Art: *“To provide a public artwork on site or a community arts project with new residents...Contribution to be in the region of £200 per dwelling.”*

Oxfordshire County Council Consultees

3.17 Highways Liaison Officer: No objections subject to conditions requesting specification details of the parking and manoeuvring, details of cycle parking and surface water drainage, a Construction Travel Management Plan and Travel information packs.

“Key Issues

Previous permission for 10 no. flats on this site has expired (08/01655/F) but the principle of 10 residential properties on this site is still acceptable in transport terms – traffic generated is less than the current use

An additional 2 no. flats does not raise any concerns about the safe and efficient operation of the transport network in the vicinity of the development

Only 8 spaces for parking bicycles are proposed. This is not enough given that the site is well located for residents and visitors to cycle – county council standards require there to be 20 spaces for this site including visitors. The cycle store is poorly located

Detailed comments:

Site location and car parking

The information accompanying the previous planning application (08/01665/F) included a note on transport that set out how the proposed residential use would result in a fairly significant reduction in the number of vehicle trips on the local network compared to the existing office use. The site is well located in the heart of Banbury with many shops and services being within walking and cycling distance. A wide choice of bus and train services is within a reasonable walk of the application site. As such the addition of two flats and two car parking spaces does not raise any transport concerns about the safe and efficient operation of the transport network in the vicinity of the development. Drawing number 2577 PL 100 rev A shows how the 2 additional parking spaces can be reasonably accommodated on the site.

There is little risk of overspill car parking from the development not least because on

street car parking in the vicinity is controlled either by time limited bays or by yellow lines.

Cycle parking

The application form states that there will be 8 parking spaces for bicycles on the site. County council standards require 20 spaces for this development – 1 for each of the 10 1 bedroom flats, 2 for each of the 2 bedroom flats and 1 for every 2 flats for visitors. Given that the centrally located nature of the site should lend itself to a higher than normal level of cycling to and from the development, every opportunity should be taken to ensure this potential is realised in line with paragraph 32 of the National Planning Policy Framework. The space for visitors is important because no car parking space is provided for visitors on site.

The cycle storage shown on the site plan is poorly located – it is right at the back of the site. Ideally it should be sited close to where residents cycle onto the site and be at least as close to the front doors of most of the flats as the car parking spaces. Otherwise residents may well decide that cycling on a regular basis is not worth it. A similar location to the bin store would be much better. Visitor cycle parking does not necessarily need to be covered. The best type of cycle parking solution for residents and visitors is Sheffield stands spaced a minimum of 0.85m apart. In the absence of further detail, it is difficult to see how the current cycle store could accommodate more than 6 bicycles – it is little more than 2m by 3.5m.

It is my view that improving the number and design/layout of the cycle parking can be addressed by means of a condition.

Travel Information Packs

Travel information packs will be supplied to all new residents to ensure that they are fully aware of the options available for sustainable travel to and from the development.”

- 3.18 School Organisation Officer: *“OCC is not seeking Education contributions to mitigate the impact of this development on infrastructure.”*
- 3.19 Planning Liaison Officer: No objections subject to a condition requesting the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service.
- 3.20 County Council Councillor for the area (Cllr Cherry): Requests that there is adequate parking provision on the site and that parking for visitors should be made available.

Other Consultees

- 3.21 Thames Water: No objections in relation to sewerage infrastructure capacity and water infrastructure capacity.
- 3.22 Environment Agency: No objections.
- 3.23 Thames Valley Police Design Advisor: No comments received.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1

PSD1: Presumption in Favour of Sustainable Development
SLE1: Employment Development
BSC1: District Wide Housing Distribution
BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
BSC3: Affordable Housing
BSC4: Housing Mix
BSC11: Local Standards of Provision – Outdoor recreation
ESD3: Sustainable Construction
ESD6: Sustainable Drainage Systems (SuDS).
ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
ESD15: The Character of the Built and Historic Environment
INF1: Infrastructure

Cherwell Local Plan 1996 (Saved Policies)

H21: Conversion of buildings in settlements
C28: Layout, design and external appearance of new development
C30: Design of new residential development
ENV12: Potentially contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance

Cherwell District Council: Home Extensions and Alterations Design Guide (2007)

Banbury Conservation Area Appraisal (2004)

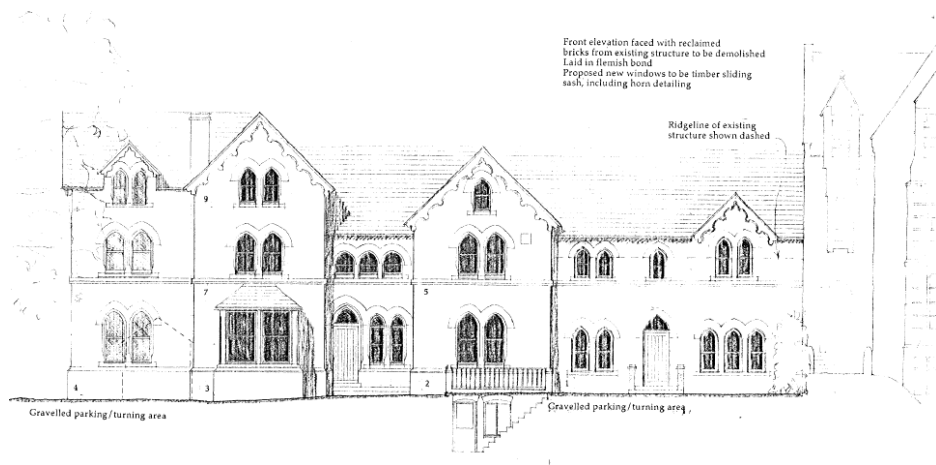
5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- The Principle of the Development;
- Impact upon the Character and Appearance of the Area;
- Impact upon the Significance and Setting of the nearby Listed Buildings;
- Impact upon the Significance and Setting of the Locally Listed Buildings;
- Residential Amenities;
- Highways Safety;
- Ecological Impact;
- Public Health;
- Off-site infrastructure impacts.

Relevant Planning History

- 5.2 90/00483/N granted planning permission for the demolition of the single storey element to the west and the construction of a two and three storey element in its place.
- 5.3 Further history includes works to trees under application numbers 95/01468/TCA and 04/00933/TCA
- 5.4 08/01665/F – Conversion and change of use of existing offices to create 10 no. new apartments, three storey extension, replacement of existing single storey element with two storey extension and associated landscaping and 10 car parking spaces – Approved on 15th July 2008 (not implemented). A scheme for the change of use of the building to residential has been previously approved. This application proposed a similar two and a half storey extension on the east side elevation of the building. An extension was proposed to the west side of the building and covered a relatively similar footprint to the extension proposed in this current application, but this approved extension was approved at two storey height and had no gable element proposed to the front of the extension (see image below). That said, the approved extension was a similar overall height to the extension proposed in this current application. This same eaves and ridge height has been achieved by enlarging the flat roof element.



- 5.5 The application was subject to a section 106 agreement between the applicant, the County Council and the District Council and included contributions to mitigate the impact of the development on education, libraries, social care, indoor and outdoor sports facilities, and to address the impacts in respect of refuse and recycling and energy efficiency.

The Principle of the Development

- 5.6 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 5.6 Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

5.7 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

5.8 Policy SLE1 of the Cherwell Local Plan Part 1 states that: *“In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:*

- *The applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term;*
- *The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another use is not economically viable;*
- *The applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment....*

Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.”

5.9 The proposal would result in the loss of an employment site and Policy SLE1 is considered relevant. No information has been supplied by the applicant’s agent in relation to the existing uses on the site and how the proposal meets the criteria of Policy SLE1. That said, the principle of the change of use of this building to a residential use has been accepted in the previous application at the site in 2008 (ref: 08/01665/F) which proposed 10 apartments along with extensions. In addition, Officers are of the opinion that the loss of employment space in this case is relatively minor and it is considered that it would not significantly limit the amount of employment space available either in Banbury or the district as a whole. Furthermore, if the whole of the building were to be in a B1 use, it is possible that it could be changed into a residential use under Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). There is no evidence to suggest that since the approval of the last application at the site it has now become important to retain this site in an employment use, and so on balance it is considered that the loss of this employment site could be acceptable in principle.

5.10 Paragraph 17 of the NPPF states that planning should: *“Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”*

5.11 Paragraph B.88 states: *“By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth”.*

5.12 In addition, saved Policy H21 of the Cherwell Local Plan 1996 states that: *“Within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance.”*

5.13 Being a housing scheme within the town centre of Banbury, the proposal represents a scheme with an urban focus. This goes a long way to establishing the sustainability credentials, particularly with regard to the economic and social roles. Reliance on private transport is also far reduced contributing to the environmental role but this also covers the effect on the built and historic environment, as discussed below. The principle of residential development on the site is therefore considered acceptable.

- 5.14 The principle of the proposed development in this case is also clearly dependent on it not causing adverse harm to the visual amenities of the locality, character and appearance of the conservation area, significance and setting of the nearby listed buildings, significance and setting of the locality listed buildings, residential amenities, highways safety, public health or ecology. These issues are discussed below.

Impact upon the Character and Appearance of the Area

- 5.15 Paragraph 128 of the NPPF states that: *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*
- 5.16 Paragraph 132 of the NPPF states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*
- 5.17 Paragraph 134 of the NPPF states that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*
- 5.18 Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.
- 5.19 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.20 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”* Furthermore, Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“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. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG”*
- 5.21 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.
- 5.22 The Banbury Conservation Area Appraisal notes that the West Bar area was originally built as a residential area, but office and professional services have taken over, for the most part, along West Bar Street. The Conservation Area Appraisal refers to the building itself, and notes that it is a Gothic Villa dating from 1871. It also

mentions the 4 storey terrace (5-13 West Bar Street) to the west of the site and states these are a Gothic style similar to those found in North Oxford. The gothic villas are of red brick with polychromatic detailing with stone dressings and gabled slate roofs. The buildings on the south side of West Bar sit within spacious gardens.

- 5.23 As highlighted in the relevant planning history section of the report, a similar proposal was approved in 2008 (ref: 08/01665/F). In relation to the proposed two and a half storey western extension, this is of a similar eaves and ridge height to the approved two storey extension to the west of the building, but a gable element is now proposed to the front of the extension whilst the extension has a larger flat roof element. Roof lights are proposed in the roof of the extension too. The proposed western extension has been designed not to dominate the existing building given it is a similar height to the existing building. Whilst a flat roof is proposed to achieve this similar height to the existing building, given that this element would be situated between a protruding gable on the building and No.5 West Bar Street, it is considered that this would not be highly noticeable from the public domain. As the western extension would be positioned between the existing building and neighbouring four storey building, it is considered to sit comfortably within the street scene.
- 5.24 The two and a half storey extension to the east of the building is similar to the approved extension to the east. The extension is considered to be an acceptable addition in principle to this east elevation of the building, which is which is a secondary elevation and not of the same importance and status as the front (north) elevation. Whilst a relatively high extension, due to the fact this extension would be situated to the rear part of the east elevation, it would not read as a prominent extension in relation to the frontage of the building. Furthermore, any reduction in height of this extension would have resulted in either the eaves being situated below the existing eaves of the building or a shallower roof pitch to the extension and neither solution is considered appropriate in design terms in this instance.
- 5.25 The design, materials and detailing of the proposed extensions are such that they would not detract from the appearance of the existing building, but conditions requesting further information regarding the materials and detailing have been recommended, to ensure a satisfactory appearance.
- 5.26 The bin store is located in a similar position to the bin store of the previous application in 2008. These were positioned to the front of the site on the advice of the Local Highways Authority in this previous application so that bin areas were accessible by refuse collectors. A larger bin store is required with the current application because of the proposed increase in the number of flats. Being positioned to the front of the site, Officers are concerned that a building with a hipped roof as proposed could appear visually intrusive and detract from the frontage of the building. Therefore a condition is considered necessary requiring approval of the details of the siting, design and appearance of the bin store. Given the cycle store is located to the rear of the site, it is unlikely to cause adverse harm to the character and appearance of the locality, but further details of the design of the cycle store are also required.
- 5.27 The siting of the means of enclosure on the east and western boundaries of the site are considered to be acceptable, and could enhance the appearance of the site and the Conservation Area. However more detail in relation to the materials and height of these means of enclosure are required and this has been recommended as a condition.
- 5.28 There is a mature lime tree on site and the Conservation Area Appraisal notes that mature trees along the south side of West Bar Street make a significant contribution to the street scene. It was considered in the previous application at the site (ref: 08/01665/F) that the proposed development could be carried out without causing harm to the tree subject to conditions. Given the similarity between the applications

and the findings within the tree survey submitted with the current application it is considered that the proposal could be implemented without causing harm to the tree, but an Arboricultural Method Statement has been recommended as a condition to provide detail on how the necessary tree protection can be implemented. As such, the character of the area will be maintained by the retention of the tree.

- 5.29 Thus, officers considered that the proposal would preserve the character and appearance of the Banbury Conservation Area and would not cause adverse harm to the visual amenities of the locality subject to conditions.

Impact upon the Significance and Setting of the Nearby Listed Buildings

- 5.30 A number of Grade II listed buildings are located over 40 metres away to the east of the site and these face South Bar Street. Given that the design, scale, materials and detailing of the extensions is considered to be sympathetic to the existing building and given the distance between these listed buildings and the proposed extensions it is considered that the proposal would not unduly affect the significance and setting of these heritage assets.

Impact upon the Significance and Setting of the Locally Listed Buildings

- 5.31 Paragraph 135 of the NPPF states that: *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 5.32 No.3 West Bar is a locally listed building, whilst the neighbouring terrace block (No.5 to No.13 West Bar) to the west of the site is also locality listed. As noted previously, the design, scale, materials and detailing of the proposed extensions is such that they would not detract from the appearance of the existing building, therefore it is considered that the proposal would not adversely affect the significance and setting of these locally listed buildings. However, conditions requesting further information regarding the materials and detailing, along with further details of the means of enclosure, bin and cycle stores, have been recommended to ensure that these elements are acceptable.

Residential Amenities

- 5.33 To the west of the site and attached to the building is No.5 West Bar Street. The proposed west extension would not protrude far beyond the rear and front walls of No.5 and there are no windows in the side elevation of No.5 which face towards the site. The proposed eastern extension would be screened from No.5 by an existing protruding element of the building. It is considered that the proposal would not cause adverse harm to No.5 in terms of loss of light or the creation of an overbearing effect. Greater overlooking would take place from the first and second floors of the west extension over the rear garden of No.5, but these would still be oblique views gained over this garden that are similar to the views gained by No.7 West Bar Street. It is therefore considered that the proposal would not cause detrimental harm to No.5 in terms of loss of privacy or overlooking.
- 5.34 To the rear of the site is a veterinary practice, whilst the nearest buildings on South Bar Street to the east of the site are in commercial use (i.e No.51-55 South Bar Street). Consent has recently been granted to change the use of No.51 South Bar Street (Mercia House) into a residential use, but the proposed extensions would be over 40 metres away from this building. It is considered that the proposed extension and associated outbuildings are sited so as to prevent adverse harm to any neighbouring residential properties in terms of loss of light, loss of privacy or

overlooking, or the creation of an overbearing effect.

Highways Safety

- 5.35 The Local Highways Authority have no objections to the proposal subject to conditions. The Local Highways Authority are of the opinion that the principle of 12 residential properties on this site is acceptable in transport terms and does not raise any concerns about the safe and efficient operation of the transport network in the vicinity of the development.
- 5.36 The Local Highways Authority also hold the view that the vehicular parking on site is commensurate for these 12 flats in this location and note that there is little risk of overspill car parking from the development not least because on street parking in the vicinity is controlled either by time limited parking bays or by yellow lines.
- 5.37 The Local Highways Authority have noted that the 8 spaces for bicycles proposed is inadequate given that the site is well enough located for residents and visitors to cycle and the Local Highways Authority state that County Council standards require there to be 20 spaces for this site (1 for each of the 10 1 bedroom flats, 2 for each of the 2 bedroom flats and 1 for every 2 flats for visitors). The Local Highways Authority go on to emphasise that the space for visitors is important because no car parking space is provided for visitors on site. Given the concerns raised by the Local Highways Authority and the need to balance this against protecting the historic character and significance of the area, officers consider it necessary to recommend a condition that requests further details of the siting, design and layout of the cycle parking. The Local Highways Authority note that the visitor cycle parking does not need to be covered and that the best type of cycle parking solution for residents and visitors is Sheffield stands spaced a minimum of 0.85m apart.
- 5.38 The Local Highways Authority have requested a condition that travel information packs are supplied to all new residents and these should be approved by the Local Planning Authority prior to the first occupation of the flats. To ensure that residents are aware of the options available for sustainable travel to and from the development such a condition has been recommended.
- 5.39 Given the above it is considered that the proposal would not cause adverse harm to highways safety subject to conditions.

Ecological Impact

- 5.40 The Ecology Officer has no objections to the proposal in principle. The Ecology Officer notes that there are records of swifts nesting in buildings around the site and it is possible that they utilise this building as well. The Ecology Officer states that it would be appropriate to request an enhancement on the new extensions for swifts. The Ecology Officer recommends that one or two swift bricks (ideally integrated) should be fitted and if it is inappropriate to fit these to the extensions (due to flight lines or direction etc...) external boxes on other parts of the building could be considered instead. In line with Paragraph 118 of the NPPF which seeks a net gain for biodiversity from developments, it considered appropriate to recommend a condition which requests a scheme for the location of swift bricks or boxes on the building.

Public Health

- 5.41 The site is on potentially contaminated land but the Environmental Health Officer has raised no objections to the proposal. As such the proposal is considered acceptable in this respect.

Off-Site Infrastructure Impacts

- 5.42 Policy BSC3 of the Cherwell Local Plan Part 1 states that: *“At Banbury and Bicester, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 30% of new housing as affordable.”* It is noted that financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.
- 5.43 Given that 12 units are proposed, the application is subject to the above policy of 30%, which equals 4 units. However, the Affordable Housing Officer notes that due to the type of housing provision this proposal will provide, it will be unsuitable to secure the affordable housing on site. The Affordable Housing Officer states that issues of housing management present a problem for these kinds of development at this scale and arrangement and there is also the issue of an uncontrolled service charge which could impact on the affordability of the flats to any new eligible occupiers. Thus, the Affordable Housing Officer requests a commuted sum in lieu of providing affordable housing due to the management issues and service charge elements associated with the communal areas. As a result of this an off-site commuted sum is sought by the Affordable Housing Officer, which is based on 40% of the market value of the equivalent 4 flats (£224,000 on the basis that £140,000 x 4 x 40% = £224,000). No supporting information has been provided by the applicant or applicant’s agent to demonstrate that it would be unviable to seek such a contribution.
- 5.44 The Recreation and Health Officer has recommended the provision of a public artwork on site or a community arts project with new residents and noted that the contribution should be in the region of £200 per dwelling. This recommendation is based on the advice provided within the draft planning obligations supplementary planning document (SPD) (2011). Given the relatively small scale of the proposal, the limited opportunities for public art to be provided on site, and the limited weight of this draft SPD, officers do not believe such a requirement can be sufficiently justified or is necessary to make the impact of the development acceptable.
- 5.45 Oxfordshire County Council has not requested contributions toward education and community services/facilities in this case, and as such there is no basis on which to justify requesting a contribution. The impacts of the development in respect of sustainable energy and construction, and waste management, can be addressed by suitably worded conditions.

Other Matters

- 5.46 Policy BSC11 of the Cherwell Local Plan states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”* Policy BSC11 highlights schemes for over 10 residential units within an urban area triggers the requirement for a Local Area of Play (LAP) of a minimum size of 200 square metres to be provided. The Landscape Officer and officers are of the opinion that this can be provided on the shared garden area to the rear of the site and this has been recommended as a condition. The Landscape Officer notes that this will need to provide an area with seats, planting and space for children to play.
- 5.47 The Planning Liaison Officer notes that a condition requesting the requirement for the

provision of hydrants in accordance with the requirements of the Fire & Rescue Service should be attached. However, the provision of fire hydrants is not a material planning consideration, and is a matter more related to building regulations. However, an informative has been added noting the above.

- 5.48 Concerns were raised by the Council's Waste and Recycling Manager in relation to the size of the bin storage area for a development of this size, but the applicant's agent submitted an amended plan displaying a larger waste and recycling area which the Waste and Recycling Manager is now satisfied with. Precise details of the bin store can be secured by condition.

Engagement

- 5.49 Paragraphs 186 and 187 of the NPPF places a duty on the Local Authority to be positive in its decision taking. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.50 The principle of the development is considered to be acceptable. The proposal would not cause detrimental harm to the character and appearance of the area, the setting and significance of the locally listed buildings and Grade II listed buildings, residential amenity, ecology, public health or highways safety. The proposal is therefore compliant with the policies outlined in section 4 of this report. Overall, the proposal is considered to have no adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions and subject to a legal agreement to secure a contribution to affordable housing.

6. Recommendation

Approval, subject to:

- a) The applicant entering into an appropriate legal agreement to the satisfaction of the District Council to secure an off-site financial contribution to affordable housing, as outlined in paragraph 5.43 of the report, to be completed no later than 8 July 2016.
- b) The following conditions:
1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:
 - Application Form submitted with the application;
 - Design and Access Statement submitted with the application;
 - Drawing Number 2577 PL 001 submitted with the application; and
 - Drawing Numbers 2577 PL 100 B, 2577 PL 101 B and 2577 PL 102 B

received from the applicant's agent by e-mail on 2nd February 2016.

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 contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size), shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the extensions shall be constructed in strict accordance with the approved brick sample panel.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the roof of the extensions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full details of the design, construction, materials and finished appearance of the new doors, windows, chamfered stone sills and window lintels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the construction of the bin store, and notwithstanding the details shown on the approved plans, revised and full details of the siting, design, construction, materials, and finished appearance of the bin store shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the bin store shall be completed and made available for use in accordance with the approved details.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality, and to comply with

Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, and notwithstanding the details shown on the approved plans, revised and full details of the siting, design, construction, materials, and finished appearance of facilities to provide 20 bicycle parking spaces to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved bicycle parking shall be completed and made available for use in accordance with the approved details, and shall be maintained as such thereafter.

Reason - To ensure appropriate levels of cycle parking are available at all times to serve the development, to preserve the character and appearance of the area, to safeguard the significance and setting of the locally listed buildings and to comply Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved, turning areas incorporating a total of 12 car parking spaces as shown on drawing 2577 PL 100 rev B shall be provided within the curtilage of the site allowing vehicles to enter and leave in a forward gear. The turning and parking area shall be constructed, laid out, surfaced and drained in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work.

Reason - In the interests of highway safety, to ensure appropriate levels of car parking are available at all times to serve the development and to comply with Government guidance contained within the National Planning Policy Framework.

9. Prior to commencement of the development hereby approved, a Construction Travel Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety, to safeguard the residential amenities of people living in the vicinity of the development and in accordance with Government guidance contained within the National Planning Policy Framework.

10. A Travel Information Pack, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every household.

Reason - In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, details of a scheme for the location of swift bricks or boxes in or on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the nesting provisions shall be installed on the site in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local

Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to the first occupation of the development, the approved drainage scheme shall be implemented in full.

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 Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development, a Sustainability Statement detailing the measures to be used to maximise the energy efficiency and reduce the environmental impacts of the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason – To ensure the sustainable design and construction of the development and to comply with Policy ESD3 and of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved full details of the siting, landscaping and treatment of a Local Area of Play (LAP) to be provided within the site together with a timeframe for its provision and details of its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved LAP shall be landscaped, laid out and completed prior to the first occupation of the development, and shall thereafter be retained and maintained at all times as open space/play space in accordance with the approved details.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- b) 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,
- c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter the development shall be carried out in accordance with the approved landscape scheme.

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 ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.

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 ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The brick detailing on the existing building consisting of a course of projecting bricks and brick arches over the existing windows shall be replicated on the extensions hereby approved in terms of pattern and height.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. Except to allow for the means of access and vision splays, the existing hedgerow along the northern (front) boundary of the site shall be retained and properly maintained at a height of not less than 1.5 metres, and any hedgerow plant which dies within five years from the completion of the development shall be replaced with a plant of the same or similar species and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. The rainwater goods to be installed on to the building shall be constructed from wrought iron or profiled aluminium coloured black.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. The fascia boards on the existing building shall be replicated on the

extensions hereby approved in terms of materials, pattern and paint finish.

Reason - To preserve the character and appearance of the area, to ensure the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the building, and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

21. Prior to the first occupation of the development hereby approved full details of the design, height, construction, materials and finished appearance of all means of enclosure along and within the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure along the boundaries of the site shall be erected prior to the first occupation of the development, in accordance with the approved details.

Reason - In the interests of the visual amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. In relation to condition 11, the applicant is advised to contact the swift project coordinator for Cherwell to discuss the most suitable aspect and position.
2. In relation to condition 12, the drainage scheme should include the following:
 - Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDS features
 - Sizing of features – attenuation volume
 - Infiltration tests to be undertaken in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations
 - Phasing plans
 - Flood Risk Assessment
3. In relation to condition 13, it is advised that you refer to Policy BSC3 of the

Cherwell Local Plan Part 1 for further information and guidance as to what information should be contained in the Sustainability Statement.

4. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
5. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk
6. With regard to surface water drainage 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 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
7. Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email roadagreements@oxfordshire.gov.uk
8. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
9. Bats are a highly mobile species which move between a number of roosts throughout the year including those in buildings. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

10. The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. You are advised to provide hydrants in accordance with the requirements of the Fire & Rescue Service.
11. The Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems. This should be addressed at the building regulations approval stage.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.