

Case Officer: Nathanael Stock **Ward(s):** Banbury Hardwick

Applicant: Cherwell District Council

Ward Member(s): Cllr Tony Ilott, Cllr J A Donaldson, Cllr Nicholas Turner

Proposal: Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) (revised scheme of 16/00515/CDC)

Committee Date: 29.09.2016 **Recommendation:** Refuse

1. Application Site and Locality

- 1.1 The application relates to a small area within the western part of a larger site (approx. 26ha) allocated for development, to which Policy Banbury 5 of the Cherwell Local Plan 2011-2031 applies.
- 1.2 The larger site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries.
- 1.3 There are two public footpaths that run across the site, one across the western side of the western field from the Warwick Road towards Hanwell and one which runs along the northern boundary of the eastern field for a short distance before turning towards Hanwell. There are records of bats and badgers on the site and there are also notable habitats including lowland mixed deciduous woodland and a broadleaved woodland plantation. Other site constraints include naturally occurring contaminants, a minor aquifer and known records of minerals.
- 1.4 The site's surroundings consist of the site's surroundings consist of the Hanwell Fields development to the south, amenity space, which is not public, to the east (and which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

2. Description of Proposed Development

The applicant seeks planning permission for the erection of a single storey building to provide five, one bed flats for adults with acquired brain injury, plus associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (resulting in six units in total). The building would be laid out in a horseshoe shape, would have a hipped roof, of 2.55m height to eaves and 5.55m overall height. A detached bin store is proposed adjacent

to the garages of Plot 20 to the Persimmon development, and a communal space is proposed to the rear of the building.

Access is gained via road between Plots 20 and 41 of the Persimmon development and which would connect to land belonging to Broken Furrow in accordance with the masterplan for the overall site.

The current application is a revised scheme of 16/00515/CDC. The building itself is largely unchanged from the approved scheme.

The changes proposed in this application are to the parking arrangements and associated landscaping to the front. The approved scheme featured single depth parking to the front, interspersed with pedestrian accesses and some soft landscaping.

The current proposal, a result of subsequent discussion but not fully reflective of officer advice given, shows three accesses, one providing parking for a minivan, one providing access and parking for three spaces including two disabled spaces, and the other providing parking for eight spaces including three disabled spaces.

3. Relevant Planning History

12/00021/SO - Screening Opinion - Proposed development including up to 380 residential dwellings along with associated access, landscaping and infrastructure – EIAYES

12/01789/OUT - Outline application for up to 350 dwellings, together with new vehicular access from Warwick Road and associated open space – granted with conditions

15/00462/REM - Reserved Matters to outline application 12/01789/OUT - 118 dwellings together with new vehicular access from Warwick Road and associated open space (Phase 1) – granted with conditions

15/01589/REM - Reserved Matters application for 232 dwellings dealing with appearance, landscaping, layout and scale (this development forming the 2nd phase of development which received Outline permission under 12/01789/OUT) – pending consideration

16/00504/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) – granted with conditions

16/00515/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) – granted with conditions

16/01095/OUT - Variation of Condition 2 of 12/01789/OUT - pending consideration

16/01210/REM - Reserved matters to outline 12/01789/OUT - Erection of 21 No. houses, associated highways access and parking - pending consideration

4. Response to Publicity

The application was publicised by way of a site notice (16.08.2016) and neighbour notification letters. The last date for comment was 06.09.2016.

5. Response to Consultation

Parish/Town Council:

Banbury Town Council – No objections

Cherwell District Council:

Landscape Services – No objections; Section 106 request, towards informal open space maintenance and mature tree maintenance

Recreation & Leisure – Given the nature of this proposed development and the fact that the units will have their own communal accommodation there is no additional community requirement for this facility.

Oxfordshire County Council:

Highways – No objection subject to condition re drainage. Comments: The application site is an amendment in layout of previously approved application 15/00515/CDC. The application proposals however do not include a Drainage scheme, hence unable to comment fully on how the proposed drainage may affect flood risks both on and off site and residual risks or comment on flooding issues. The amended layout is acceptable and is not envisaged to be detrimental to the movement of traffic and/or highway safety subject to submission of a drainage scheme. From a transport perspective, the proposals outlined herein are acceptable

Archaeology – The above proposals would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to these schemes.

Other External Consultees:

Water authority (Thames Water) – No objection; no conditions recommended

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

PSD1 - Presumption in Favour of Sustainable Development
SLE4 - Improved Transport and Connections
BSC1 - District Wide Housing Distribution
BSC2 - The Effective and Efficient Use of Land
BSC3 - Affordable Housing
BSC4 - Housing Mix
BSC9 - Public Services and Utilities
BSC10 - Open Space, Outdoor Sport & Recreation Provision
BSC11 - Local Standards of Provision - Outdoor Recreation
BSC12 - Indoor Sport, Recreation and Community Facilities
ESD1 - Mitigating and Adapting to Climate Change
ESD2 - Energy Hierarchy
ESD3 - Sustainable Construction
ESD4 - Decentralised Energy Systems
ESD5 - Renewable Energy
ESD7 - Sustainable Drainage Systems (SuDS)
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 - Local Landscape Protection and Enhancement
ESD15 - The Character of the Built Environment
ESD17 - Green Infrastructure
INF1 - Infrastructure
BAN5 - Land North of Hanwell Fields

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development
C30 - Design of new residential development
TR1 - Transportation funding

6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Trees and Landscaping;
- Housing Mix/Affordable Housing;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Flood Risk;

- Sustainability and Energy Efficiency;
- Planning Obligations;

Principle of Development

- 7.2 The Framework explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 7.3 The Framework positively encourages sustainable development. Paragraph 17 states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 7.4 The application site is located within the land allocated for developed as 'Banbury 5'. Policy Banbury 5 states that "approximately 544" dwellings will be provided within this larger area. Outline planning permissions issued to date within 'Banbury 5' total 510 dwellings.
- 7.5 The application site forms part of the Persimmon site, which has outline planning permission as part of application 12/01789/OUT for 350 dwellings. Although the current proposal and the concurrent one (ref. 16/00504/CDC) would result in additional dwellings over and above the 350 approved under 12/01789/OUT, these are full planning applications not linked to that outline consent. In addition, they would not exceed the 544 for the overall site.
- 7.6 While it is intended that the remaining approx. 34 of the "approximately 544" would be provided within the land belonging to Broken Furrow (immediately south of the application site) it is clear from the use of the word "approximately" within the policy that this number is not fixed, whereas the extent of land allocated for development is fixed.
- 7.7 The proposal therefore complies with Policy Banbury 5 and is acceptable in principle, subject to consideration against other policies in the development plan.

Design, Layout and Appearance

- 7.8 Policy Banbury 5 requires the layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity, includes new footpaths and cycleways to link with existing networks with a legible hierarchy of routes. Aside from the above, the specific design and place shaping principles listed in Banbury 5 do not apply to the application site by virtue of its size, location and relationship to surroundings.
- 7.9 Since the application site forms part of the Persimmon land, the Design Code approved for that site is relevant to the current application. The Design Code provides detailed guidance on the layout and architectural design approach for different character areas.
- 7.10 Under the Design Code's Regulating Plan (page 34-35), the application site is within a CA2 – Core Housing character area. A medium density is required (page 36), although what medium density means is not defined. Key requirements for this area include: Frontage onto

the street; windows of habitable rooms to provide surveillance; predominantly 2 – 2.5 storeys, variable ridge heights; traditional building details reflecting the vernacular of Hanwell; no blank walls onto the public realm; frontage parking / landscape frontage court; buildings set back 1 – 6 metres from the street; casement windows; vertical panelled doors; with low level landscaping to front boundaries, comprising hedge, low level brick wall or metal railing. Materials are to be varying shades of red brick, with grey/black concrete tiles (page 54).

- 7.11 The originally submitted scheme showed a clear deviation from the Design Code. The amended proposals continue to show some deviation, in respect of frontages (not being onto the street) and heights (the dwellings are single storey only, although form a minor proportion of the overall development is assessed as part of the Persimmon site).
- 7.12 In addition, the amended proposals remove the building 5.0m further away from the highway, and 0.9m further back than the unacceptable original proposals, as well as increasing the amount of hardstanding and parking area to the front of the building. The principle of the revised arrangement as now proposed is supported and has been discussed prior to the application's submission, but the detailed layout results in an inefficient use of space, a car dominated frontage, a lack of legibility and the result is a very poor standard of urban design. The proposal would result in significant and demonstrable harm to the character of the area, in conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the 1996 Plan and paragraph 64 of the Framework.
- 7.13 The LPA accepts that some variation is appropriate given the applicant's brief for supported housing with special needs requirements, and the site is set back from the main highway through the Persimmon site, providing a link through to Broken Furrow, and is small in size relative to the wider Persimmon site. The previous recommendation was made on balance, on what remained a relatively poorly designed scheme. The current proposal is not of a sufficient standard to justify recommending approval.
- 7.14 In respect of the main building itself, the submitted elevation drawings show a simple form of building, and it is to the benefit of the development's appearance that window frames are shown to be symmetrical / balanced and this should be conditional to any approval.
- 7.15 However, the buildings continue to show an institutional character and there remain scope for improvements to be made, including the articulation of the main façade, the organisation and proportions of doors and windows, the lack of focus on the key entrances to the buildings. In addition no details have been provided with regard to the entrance gate. It is considered that conditions may be imposed on any permission given for additional detailing to the front façade of the building, the entrance gates, as well as externally facing materials such as bricks and tiles.

Impact on Heritage Assets

- 7.16 By virtue of the scale of development proposed, and the location of the site, the proposals would not materially affect designated heritage assets, and are therefore acceptable in this regard.

Landscape and Visual Impact

7.17 Similarly, surrounded by the larger part of the Banbury 5 development, the proposals would not have a significant impact on wider visual amenity or the character or appearance of the local landscape.

Trees and Landscaping

7.18 There are no trees protected by Tree Preservation Order on the site or within its vicinity. Several unprotected trees line the site's south-eastern boundary. The proposed development would not conflict with the root protection areas of those trees, and the proposals are thus considerable in this regard.

Housing Mix/Affordable Housing

7.19 The proposed dwellings are proposed not to be market dwellings, but to be available only to those with acquired brain injuries. However, given the scale of development relative to the wider Banbury 5 site, (1) it is not considered reasonable to restrict occupancy by way of legal agreement, and (2) it is not considered necessary for the mix to be fully compliant with CLP Policy BSC4 in this regard.

Accessibility, Highway Safety and Parking

7.20 Under the amended plans, access is off highway, with single depth parking at right angles to the road. Other than one space for mini-van, a total of eleven parking spaces are proposed, one more than previously, of which five are disabled parking spaces. This level of provision is considered acceptable, but it is not clear as to why an extra space is now required. The local highway authority (LHA) has no objections to the revised layout.

Effect on Neighbouring Amenity

7.21 The proposed dwellings would be of single storey in height and sited at a sufficient distance not to materially impact on the living conditions of neighbours to the south-east. Under the amended plans, the proposed dwellings are sited at a sufficient distance for future occupiers not to be significantly affected by approved two storey dwellings in the Persimmon development either through privacy, loss or outlook; and, in turn, those approved dwellings would not be significantly affected by the proposal. It is therefore considered that the amended proposals accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 in amenity terms.

Ecological Implications

7.22 As the site forms part of the wider Persimmon site, it has been subject to previous ecological assessment and is covered by conditions applied to the consent for that wider site. No comments have been received to date from the Council's ecological officer Dr Watkins in respect of the current application but at pre-application stage Dr Watkins advised,

"The badger mitigation plans for the wider site will ...need to be taken into account in the design of fencing, etc.

“A biodiversity enhancement scheme for the buildings and gardens would be expected. This could be conditioned but it is always helpful to have proposals for this up front so we can assess if an overall net gain for biodiversity is likely to be achieved.”

7.23 The Framework advocates a net gain in biodiversity wherever possible. Subject to the above mentioned conditions, which it is considered reasonable to impose on any consent given, the proposals are considered in ecology terms and therefore in accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 in this regard.

Flood Risk

7.24 Similarly, the application site has been subject to previous assessment in this regard. By virtue of its size, and having regard to the comments of the water authority, the proposals are considered not to raise significant implications in this regard or to necessitate the inclusion of flood risk or drainage related conditions. It is noted that development will be subject to certain restrictions or requirements under separate legislation, e.g. Building Regulations.

Sustainability and Energy Efficiency

7.25 Within Banbury at the northern edge of Banbury, the proposed development is situated in a relatively sustainable location that will help to reduce the need to travel. It is the intent of Policies ESD2 to ESD5 to reduce energy use, promote energy efficiency, incorporate sustainable design and construction technology and decentralised energy systems, and including renewable energy provision. Although only make a limited provision in this regard, given the scale and purpose of the proposed development it is considered that these issues can be addressed satisfactorily through conditions to any consent given.

Planning Obligations

7.26 Section 106 requests have been made in respect of provide a community arts project with new residents, informal open space maintenance and mature tree maintenance. Given the scale and purpose of the development, it is not considered reasonable to require these contributions.

Engagement

7.27 With regard to the duty set out in paragraphs 186 and 187 of the Framework, an on-going dialogue has been maintained by Council officers looking to address problems or issues that have arisen during the course of both the pre-application discussions and the current applications. It is considered that the duty to be positive and proactive has been discharged through the interaction between parties in bringing forward a scheme that could be considered acceptable to the Authority.

8. Conclusion

8.1 The current proposal would not cause significant or demonstrable harm to neighbour amenity, highway safety and ecology. However, by reason of the layout of its car parking court, the

proposal would result in a very poor standard of urban design that would not contribute positively to the area's character, would fail to reinforce local distinctiveness, would be substantially illegible, and would be incompatible with up to date urban design principles. The proposal would thus result in significant and demonstrable harm to the character of the area, in conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the 1996 Plan and paragraph 64 of the Framework. The application is therefore recommended for refusal as set out below.

9. Recommendation – Refuse, for the following reason:

By reason of the layout of its car parking court, the proposal would result in a very poor standard of urban design that would not contribute positively to the area's character, would fail to reinforce local distinctiveness, would be substantially illegible, and would be incompatible with up to date urban design principles. The proposal would thus result in significant and demonstrable harm to the character of the area, in conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the 1996 Plan and paragraph 64 of the Framework.

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