

**Caravan Park
Station Approach
Banbury
OX16 5AB**

17/01233/OUT

Applicant: Land Group (Banbury) Ltd

Proposal: Outline application for the development of land to the west of Banbury Railway Station to comprise 44 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures.

Ward: Banbury Grimsbury And Hightown

Councillors: Cllr Andrew Beere
Cllr Claire Bell
Cllr Shaida Hussain

Reason for Referral: *Major application*

Expiry Date: 7 September 2017 **Committee Date:** 31 August 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. This application relates to a 0.47 hectare site situated in the area covered by Policy Banbury 1: Banbury Canalside. It lies between the Oxford Canal and River Cherwell. It is accessed off Station Approach via an accessway that leads between a Chiltern Rail car park and a disused warehouse building. The site is currently in use as a residential caravan park with 18 pitches.
- 1.2. The site is bounded to the west by the Oxford Canal towpath from which it is separated by a 1.8 metre high fence. The towpath is about 1.5 - 2.0 metres below the existing application site level. On the opposite side of the canal are various commercial buildings and uses in Lower Cherwell Street. To the south lie the modern warehouse/industrial units in Haslemere Way, which is accessed off Tramway Road. To the east the site is bounded by the River Cherwell, which has extensive tree/shrub growth on both sides of the river. Further to the east is a fuel storage yard with above ground tanks and beyond that the station forecourt. To the north of the application site sits a car park used by Chiltern Rail and three brick buildings of various ages two of which all appear to be disused (although the surrounding yard areas are used as public car parking) and the third (just south of the car park) is in use as a religious meeting room.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application is made in outline with all matters reserved except access. The application is accompanied by illustrative site layout plans indicating that the flats

would be accommodated in three buildings, predominantly three stories high and two of which are to be linked, with one flat being in a landmark four storey tower situated on one end of the detached block in the south east corner of the proposed development. Affordable housing is proposed in accordance with Council policy in the separate building on the river side (east) of the site.

2.2. Car parking for 44 cars is shown as being situated within an enclosed central courtyard and along the southern boundary of the site. Illustrative elevations are also provided showing that all buildings would have pitched roofs, with the block facing the canal shown with multiple gables facing the canal and balconies, and with the other buildings having a different contemporary design. The submitted drawings show the possibility of providing an east-west through-route for pedestrians across the southern part of the site with allowances made for bridges across the river and canal. The application does not include the provision of these bridges or routes to them from the station forecourt and Lower Cherwell Street, that would need to cross third party land.

2.3. The application is also accompanied by

- A flood risk assessment
- A transport statement
- A phase 1 habitat survey report
- A planning statement, and
- A design and access statement

3. RELEVANT PLANNING HISTORY

3.1. There is no recent planning history directly relevant to the proposal

3.2. The site has a planning permission granted in the 1970s as a caravan site

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
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16/00141/PREAPP	Redevelopment of caravan park at Station Approach
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4.2. It was indicated that this proposal could not be given positive support in advance of the finalisation of an SPD for the Canalside area. Without that document it is difficult to form a view on the acceptability of this re-generation proposal. Concern was also expressed about the scale and density of the proposal (which at that time was for 58 units) and about access issues

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 13.07.2017, although comments

received after this date and before finalising this report have also been taken into account.

- 5.2. The only comments raised by third parties are restricted to a letter signed by the existing residents of caravans on the site in which they collectively sign to say that they support the proposals to redevelop the site; that none of them meet the definition of a gypsy and traveller in the Planning Policy for Traveller Sites; and that they all have alternative accommodation to move to outside Banbury.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **Banbury Town Council** object to the proposal on the grounds that "The total number of authorised Gypsy and Traveller pitches for Cherwell is 61, the district currently has a -1.1 year land supply for pitches. It is the view of the Town Council that the removal of this caravan site would leave an insufficient number of authorised sites and pitches for gypsies and travellers both within Banbury and the wider district".

STATUTORY CONSULTEES

- 6.3 **Oxfordshire County Council** have initially objected to the proposal on transport grounds that
- there is insufficient drainage information (SWDS) provided with this application;
 - the development does not comply with paragraph 32 of the NPPF, which states that there must be safe and suitable access for all and;
 - The LinSig junction modelling is not accurate and should be reassessed

In addition they commented that

- The Bridge Street/A4260 Cherwell Street/A4260 Concord Avenue junction was run through the model at an optimised time of 120 seconds, as opposed to the current signal times of 163 seconds (in the AM peak), 154 seconds (in the PM peak).
- We will require some sort of traffic calming at the access entrance, as the access road is 70m, which could see drivers driving unsuitably for their surroundings.
- We require tracking that demonstrates an 11.6m refuse vehicle can enter, turn and leave the site in a forward gear.
- It is not clear if this proposed development will be providing the footbridge infrastructure, or if it is expected that they will be provided by someone/thing else.
- Currently, the site offers no safe and suitable access for pedestrians and therefore does not comply with paragraph 32 of the NPPF
- A Travel Information Pack shall be submitted to and approved by the Local Planning Authority
- They also seek a contribution of circa £26K towards the provision of the footbridges and associated infrastructure to create the pedestrian link between the station and the town centre

There are extensive comments (available on the website) concerning drainage; trip generation ;the traffic impact on particular junctions; site access; vehicle tracking (the ability to turn a waste freighter); footbridges; pedestrian access; car parking and cycle parking

OCC is not seeking Education contributions to mitigate the impact of this development on early years, primary, secondary or SEN school infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve their ability to seek contributions from larger developments than this in the area in future.

From further correspondence that we have been copied in to it would appear that these objections have been removed. The case officer is seeking confirmation of this. A written update will be given to Committee

6.4 The **Environment Agency** raise no objections subject to the imposition of a condition that the development to be carried out in accordance with the submitted FRA and fixing appropriate floor levels

6.5 **Thames Water** raises no objections

6.6 The **Canals and Rivers Trust** comment that the main issues relevant to the Trust as statutory consultee on this application are:

- a) Impact on the heritage, character and appearance of the waterway corridor
 - b) Increased use of the towpath
 - c) Impact on the structural integrity of the canal due to the proximity of the building to the canal.
 - d) Impact on the structural integrity of the canal due to the drainage proposals.
 - e) Impact on the biodiversity of the waterway corridor.
- With respect to these issues they comment as follows

- a) The site is located to the east of the Oxford Canal and has a direct frontage to the canal corridor. In principal, the development has the potential to make a positive contribution to the canal, and the overall townscape particularly if it becomes a primary link between the railway station and the town centre. It is understood that whilst this current development allows for this link and a footbridge crossing of the canal these elements are not proposed as part of this current application. However, to minimise the impacts on the waterway's operation and historic setting and character, the alignment of the crossing in plan should be perpendicular to that of the canal, as typical for historic canal bridges. This element of the masterplan for the site should be resolved before the precise configuration of the buildings is finalised as part of any reserved matters submissions. The bridge itself should be restrained and light-weight in appearance, not seeking to overly dominate the canalscape. Overall, the proposal appears to make a positive contribution to the canalside environment, towpath and to the setting of the Conservation Area. The scale, form and massing of the residential development, as indicated, seems appropriate to the location, and the importance of the canal corridor is recognised within the submission. The gabled canal-facing elevation appear to successfully reference the vernacular of wharf-side/ warehouse-type buildings and the staggered plan-form of the canalside units helps to break up the overall building mass.

The architectural materials proposed are interesting, and should be robust and of high quality. There are however reservations about the use of 'ribbed Eternit style panels' The use of a black brick (or some other shade if preferred) to continue the modern take on the robust warehouse style architecture

proposed would be the preferred approach. Similarly, a metal roofing material (zinc or terne-coated steel) should be used rather than single ply membrane with stick on standing seams. The full details on materials should be submitted with reserved matters applications.

- b) The proposed development includes the provision of a ramp directly to the towpath and this will significantly increase the demand on the towpath for use as a pedestrian and cycling route.

The towpath provides a public amenity and a sustainable free route for future occupants to local facilities. The towpath would also aid in providing safe, convenient and attractive walking and cycling network to promote health and well-being, consistent with the aims of the NPPF.

The Canal & River Trust generally seeks to maintain its assets in a “steady state”, and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage we consider that it is reasonable to request a financial contribution from developers to mitigate this impact by, for example upgrading an access / towpath surface to a standard which is more durable and thus able to accommodate increased usage.

The towpath at this location is not in a condition that it could support this additional footfall and the Trust would therefore seek enhancements as part of any submission. The towpath further north of the site is to be enhanced as part of the Castle Quays 2 development. However, from the existing access, adjacent to the car park on Station Approach, to the application site the towpath would require improvement to support additional usage. An initial estimate of the cost of these works is £48, 600.

The Trust would therefore ask the local planning authority to seek agreement from the developer, prior to determination, that a contribution towards improvement of the towpath is included within any S106 agreement.

- c) With any development close the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc.

As you are aware, land stability is a material planning consideration and is referred to in paragraphs 120-121 of the NPPF, as well as being the subject of more detailed discussion in the current National Planning Practice Guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We note that the application is in outline only, and that layout is a reserved matter. However, the submitted details show the development in close proximity to the canal boundary. In addition, the proposed ramp access to the towpath has the potential to impact on stability of the canal infrastructure. Accordingly, we would ask that details of all earthmoving, excavation and the design and construction of all foundations is secured by condition in order to ensure that the impact of such works can be properly quantified and assessed and any necessary mitigation works included.

- d) The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage and full details should be submitted and agreed. This detail could be required by condition.

- e) The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways.

Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution preventions measures should be provided. Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc. The Trust also wish to highlight that there is Japanese Knotweed adjacent to the industrial units on the towpath. This has not been noted in the submission but should be considered during any construction works.

These issues could be addressed by the imposition of a condition requiring the submission of a Construction and Environmental Management Plan.

NON-STATUTORY CONSULTEES

6.7 Planning Policy comments

- Policy Banbury 1 provides for the redevelopment of Banbury Canalside including approx. 700 new homes and environmental/visual improvements to the area
- Proposals are expected to be in accordance with a Supplementary Planning Document for the site, should ideally be for the whole site and be accompanied by a detailed masterplan. The policy allows for applications for part of the site where it is clearly demonstrated that they would contribute towards the creation of a single integrated community.
- A Canalside SPD is under preparation. The draft pre-dates the adoption of the Local Plan
- The caravan site has been used as a gypsy and traveller site for many years – 20 caravans (approximately 10 pitches)
- The proposed development would result in the loss of all these pitches
- Policy BSC6 seeks to meet the accommodation needs of the travelling communities including through the provision of 19 (net) additional pitches for G and T from 2012 to 2031
- As demonstrated in the Annual Monitoring Report 2016 there has continued to be a need to provide new pitches since Local Plan adoption and the district does not presently have a 5 year supply of pitches. The application site contributes to the existing supply
- A new Gypsy Traveller and Travelling Showpeople Accommodation Assessment (GTAA) for Cherwell, Oxford, South Oxfordshire and Vale of White Horse Councils has recently been published (June 2017). It identifies new needs for each authority based on the new definition of travellers for planning purposes.
- The GTAA identifies a need for 7 additional pitches for households for Cherwell by 2031 that meet the planning definition. The study also identifies a need for up to 20 additional pitches for unknown households (where it is not possible to distinguish whether or not they meet the new planning definition).
- Para B139 of the Local Plan Part One makes clear that site identification under Policy BSC 6 will need to include the re-provision of pitches from the site that is likely to be redeveloped as part of the Canalside redevelopment (ie the application site)
- The aims of the Planning Policy for Traveller Sites 2015 (PPTS) include “to increase the number of traveller sites in appropriate locations with planning

permission to address under provision and maintain an appropriate level of supply". It requires the maintenance of a 5 year supply and proper consideration of the effect on local environmental quality (such as noise and air quality) on the health and well being of travellers.

- The PPTS states that local planning authorities should work with the planning applicant and affected traveller community to identify a site or sites suitable for relocation of the community if a major redevelopment proposal requires the permanent or temporary relocation of a traveller site. Local Planning Authorities are entitled to expect the applicant to identify and provide an alternative site providing the development of the original site is authorised.
- The benefits of providing housing (including the required affordable housing) are acknowledged
- The present absence of an approved detailed masterplan for Canalside means that this proposal needs to clearly demonstrate that the proposals would contribute towards the creation of a single integrated community at Canalside. A deliverable alternative site for G and T would also need to be identified to replace the pitches lost (particularly in view of the current need and supply position) notwithstanding the environmental benefits that could be achieved from redevelopment

The Policy recommendation an objection unless these matters can be resolved

6.8 CDC Recreation and Leisure seek infrastructure contributions towards outdoor sports facilities; indoor sports facilities; community hall improvement; and public art

6.9 CDC Environmental Protection Officer comments

Noise:

Prior to the development commencing a report should be provided and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Contaminated Land: The full contaminated land conditions (J12 – J16) will need to be applied to any approved permission.

Air Quality: No comments

Odour: There is a potential for the proposed residential properties to be affected by odour coming from the nearby industrial and commercial units which should be taken into account and assessed.

Light: No comments

- 6.10 CDC Landscape Services Indicate that an informal open space and Local Area of Play will be needed together with arrangements for their future maintenance
- 6.11 CDC Regeneration and Housing comment that this application is coming forward with regard to a currently occupied caravan site and the housing team would need to be reassured that a high level of engagement had been undertaken with the occupiers and that all occupiers had suitable alternative housing in place prior to any development commencing. We would want to be sure that the redevelopment did not lead to potential homeless application or unnecessary additional pressure on the housing register

The plans identify that one of the 3 blocks will be for affordable housing comprising of one and two bedroom flats. There is a high need for one and two bedroom units in Banbury, particularly for affordable rent. As far as possible we prefer the two bedroom flats to be on the ground floor.

The policy requirement for urban sites over 10 units is 30% equating to 13 flats. This usually breaks down into 70% for affordable rent (9 flats) and 30% for shared ownership (4 flats). However mixed tenure blocks do bring some issues regarding service charging and management and so we would want to explore the possibility of either a single tenure or a division of the block into 2 separate entrances. We would be happy to discuss this in more detail with the applicant.

We expect that 50% of the affordable rented units meet the Building Regulations Requirement M4 (2) Category 2: Accessible and Adaptable Dwellings requirement. In this case this would apply to the ground floor flats. 100% of the affordable rented housing units should be built to the Nationally Described Space Standards. The two bed properties should be provided with two parking spaces per property.

The registered provider should be agreed with the council.

- 6.12 CDC Ecology

Regarding the above application, I have read through the Phase 1 Habitat Survey Report submitted with the application which provides a full baseline survey of the site. The features of most ecological importance are the River Cherwell and Oxford Canal located adjacent to the site. However the report does not include an assessment of the potential impact on otter, through construction of potential proposed footbridges over the canal and the river. Otter and their holts (resting places) are protected species, as such I would recommend that in light of the proposed works, that an assessment for potential of the proposals to impact on otter is also provided by the applicant's ecologist prior to determination.

The existing buildings and trees within the site which are proposed to be removed have negligible bat roosting potential, however the buildings and trees could be used by nesting birds. As such I would recommend the below condition relating to nesting birds be attached to include appropriate timing of works for demolition and removal of existing trees. Should the works not take place within two years of the date of the report (i.e. July 2018), a further updated survey of the site would be recommended as the potential of buildings and trees for bats does change over time. I would be happy to provide suggested condition wording for an updated survey of the buildings and trees if needed.

Due to the proximity of the site to the River Cherwell and the Oxford Canal, I agree with the report that appropriate measures will be required during construction and operational phases of the development to avoid pollution of the watercourses in accordance with the Environment Agency Pollution Prevention Guidelines. I would recommend that the Environment Agency and the Canal and River Trust are consulted on the proposals, if not already, for their advice regarding specific pollution prevention measures. I would recommend that the plans are designed to include a buffer zone between the proposed buildings and the top of the river bank and the Environment Agency would be best placed to advice on this. There should also be a suitably wide vegetated buffer zone between the footpath and the top of the river bank, ideally this would be at least 8m in width. To avoid impacting on nocturnal species including bats, external lighting should be kept to a minimum within the site and in particular along the eastern and western boundaries along the watercourses, in line with the recommendations of the report.

There is good scope to provide ecological enhancement measures within the detailed design of the development, such as the use of native species planting of shrubs and trees and inclusion of bird and bat boxes. Any trees to be removed should be replaced by native species within the development and species of shrubs and herbs should be considered within any detailed landscaping scheme for their benefits for invertebrates such as bees and butterflies. There are several swift nest records within Banbury and the proposed scheme provides opportunities for inclusion of swift bricks within the proposed buildings, such as high up under the eaves or on the gable ends (such as the Schwegler swift box no. 25 which can be integrated into the walls of the buildings). There are also opportunities for inclusion of bat boxes/bricks within the buildings or on the existing mature trees alongside the watercourses. As such I would recommend a condition for the provision of a detailed scheme of habitat boxes, including for swifts, is attached to any permission granted with the aim of achieving net gain in biodiversity in line with the NPPF at any detailed design stage.

Conditions are recommended

- 6.13 CDC Arboricultural Officer comments that there are some significant trees on the site so an Arboricultural impact assessment, method statement and tree protection plan is required in line with BS5837

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- Policy Banbury 1 : Banbury Canalside
- Policy BSC2: Effective and efficient use of land
- Policy BSC 3: Affordable Housing
- Policy BSC 6 : Travelling Communities
- Policy ESD 6: Sustainable Flood Risk Management

- Policy ESD15 : The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Adopted Banbury Masterplan 2016
- Planning Policy for Traveller Sites 2015 (PPTS)
- Draft Banbury Canalside SPD 2009

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Loss of caravan site
- Access for cars and pedestrians
- Wider transport impact
- Heritage impact
- Impact upon canal and river
- Drainage matters
- Environmental health matters
- Infrastructure

Principle of Development

8.2 Policy BAN1 of the adopted Local Plan provides a detailed policy for the regeneration of the Canalside area and the assessment of applications within the area. It proposes that the area will contain 700 houses and 15,000 m2 of commercial and town centre uses (the latter in the northern part of the site). The policy sets out the infrastructure needs for the development and a whole raft of key site specific design and place shaping principles.

Key site specific design and place shaping principles in Policy Ban 1 are set out below

- Proposals should comply with Policy ESD15
- A distinctive residential proposition for Banbury that integrates well and helps make connections with the adjoining town centre and Railway Station
- An appropriate location for higher density housing to include a mixture of dwelling styles and types
- A high quality design and use of innovative architecture, including the use of robust and locally distinctive materials, which reflect the character and appearance of Banbury, respect the setting of the retained historic buildings and in particular reference the canal side location
- Taking advantage of the accessibility of the town centre, an age friendly neighbourhood with extra care housing and housing for wheel chair users and those with specialist supported housing needs

- Retail, commercial and leisure uses focused in the north of the site adjacent to the town centre and station, not including any significant convenience retail
- Units sized and located to attract small specialist leisure and niche retailers which combine to create a destination
- Selected leisure and entertainment uses including art spaces and galleries, restaurants and cafes

- The potential inclusion of live/work units
- A noise survey will be required to accompany any planning application
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities. New footpaths and cycleways should be provided that link to existing networks, with provision of a designated pedestrian and cycle route from the station to the town centre over the canal and river and a new pedestrian / cycle bridge over the railway
- New pedestrian and cycle bridges erected over the Oxford Canal and the River Cherwell to enable and encourage walking and cycling through the site
- The River Cherwell should be maintained in a semi natural state and mature trees should remain
- Provision of a landscape corridor along the edge of the river to facilitate a footpath and cycleway on one or both sides for the length of the river through Canalside to link the open countryside of the Cherwell Valley to the south with Spiceball Park to the north
- Open/urban spaces provided in various locations within the site and new trees planted
- High quality open spaces that follow the canal and river corridor and support greater connectivity of the area
- The implementation of proposals in the Movement Strategy including improved junction arrangements on Bridge Street and Cherwell Street to improve traffic capacity but also to facilitate pedestrian movement between the town centre and Canalside

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- Buildings fronting Windsor Street enabling pedestrian permeability of the site to correspond with the proposed highway improvements which include frequent informal crossing points along Windsor Street
- Parking provision that complies with County Council's Parking Standards for new Residential Developments Policy and will not exceed maximum standards. Some car free areas or areas of reduced levels of parking with innovative solutions to accommodating the private car
- Good accessibility to public transport services should be provided for, including the provision of a bus route through the site with buses stopping at the railway Station and at new bus stops on the site
- A transport assessment and Travel Plan to accompany development proposals
- Development fronting on to the canal and public access to and from the canal
- The continued use of canal boats for leisure purposes with a canal basin and mooring facilities located in the northern part of the site with the opportunity to enhance facilities and mooring in this area.
- Preservation and enhancement of the biodiversity value of the site, with the enhancement, restoration or creation of wildlife corridors (recognising the importance of the river and canal corridors)
- Retention and integration of the most valuable historic buildings/structures

including the Grade II Listed Old Town Hall and the bridge over the river.

- The integration of existing historic buildings, which will enrich the environment and maintain the long term character of the area
- Public art should be provided and there is the opportunity for this to be creatively engaged through the creative refurbishment of existing buildings and new bridges to the canal
- Appropriate treatment and remediation of contaminated land
- Provision of sustainable drainage in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the recommendations of the Council's Strategic Flood Risk Assessment
- Compliance with policies ESD 1-5 on climate change mitigation and adaptation
- Take account of the Council's Strategic Flood Risk Assessment for the site
- Development proposals to be accompanied by a landscape and visual impact assessment together with a heritage assessment.

Additional requirements for this large complex site include:

- Development proposals will be expected to be in accordance with a Supplementary Planning Document (SPD) for the site. Ideally proposals should come forward for the whole site accompanied by a detailed masterplan but applications for parts of the site may be permitted provided that they clearly demonstrate their proposals will contribute towards the creation of a single integrated community. Applications should cover significant land area within the site in order to achieve continuity in design and delivery of the vision. Reduced levels of open space may be considered if it can be demonstrated that high quality urban spaces are being provided within the scheme and strong links are being provided to the open areas to the north and the south by improvements to the Canal walkway.
- The Council will expect an application to demonstrate it has complied with the SPD and has taken into account the known or anticipated implications of the proposals on adjoining areas. The Council will expect applications to comply with the requirements for each character area in the SPD, but will not expect applications to necessarily cover the same geographical area.
- The Council believes that the most effective and equitable means of promoting development at Canalside will be based on an outline planning application being made by consortia of key landowners and/or their developer partners, supported by a masterplan. It is expected that key landowners will have agreed a means of capturing and mutually benefiting from the uplift in land values as a result of a successful development scheme.
- The Canalside area falls primarily within Flood Zones 2 and 3 at present. It has been subject to flooding in recent years and the Environment Agency (EA) has completed a scheme to provide flood alleviation to the town centre. The scheme will provide a defence for flood events up to the 1 in 200 year (0.5% annual probability) by constructing a flood storage area upstream of the town centre and bunds in places in the Canalside area. To assess the potential flood risk in the Canalside area, a level 2 Strategic Flood Risk Assessment has been undertaken to assess both the fluvial flood risk to the development proposals from the River Cherwell and the flood risk associated with the Oxford Canal. This confirms that with the implementation of the Flood Alleviation Scheme and the implementation of other measures on the site the site can be redeveloped safely. Applications will be required to follow the requirements set out in the

Strategic Flood Risk Assessment and a detailed Flood Risk Assessment (FRA) for the site will be required with any planning application.

- The proposals for Canalside mean that nearly all existing land uses, buildings and businesses could be removed in the long term. One of the Council's key priorities is to ensure that businesses remain in Banbury or the District. The actual amount of land needed to accommodate operational businesses at Canalside is not significant and there are several options available to businesses. In terms of locations where businesses may wish to relocate to this could include within vacant units/premises elsewhere or in new buildings elsewhere. This could include on existing employment sites (through intensification) such as on the former SAPA and Hella sites, or in/on new buildings/sites allocated in the Council's Local Plan or Local Plan Part 2 such as on land near the motorway. The re-development of Canalside will provide businesses with the opportunity to expand and invest for the future and the Council's Economic Development team will assist any businesses to relocate. The redevelopment of Canalside is a long term plan and therefore it is possible some businesses may want to remain on a temporary basis for some time. All of the existing businesses could be relocated but the Council will encourage existing businesses which are offices, retail units and community uses which are conducive to the aims of this Policy and the SPD to remain and occupy new buildings on the site, potentially helping them to expand and prosper in this town centre location. A number of the older buildings and the site of former industrial premises, offer considerable opportunities for re-use or re-development for industrial enterprises. Some of the industrial uses (B use classes) could remain and 700 dwellings can be delivered on the site with some of these remaining on the site. The particular uses and businesses that remain will be explored further in the SPD for the site which will include further consultation with landowners and businesses.

8.3 Para C.137 of the Local Plan and the latter part of the Policy indicate that a Supplementary Planning Document (SPD) will be prepared for the site and that applications will be expected to be in accordance with that SPD. The Policy can be read in full in the Local Plan. The Canalside SPD has yet to be formulated. At the meeting of the Council's Executive on 6 November the following timetable for the Canalside SPD was agreed

- Evidence Base Review (September 2017- February 2018)
- Internal officer/stakeholder/Member meetings (September 2017 - February 2018)
- Meeting with County Highways (October 2017)
- Banbury Traffic Advisory and Chiltern Railways Meetings (6 December 2017)
- Banbury Development Board (18 December 2017)
- Four week period of informal public consultation with draft proposals and a public survey (Starting November 2017 to February 2018)
- Workshop 1 - Council officers and Members on draft proposals (January 2018)
- Workshop 2 - Landowners and occupiers on draft proposals (January 2018)
- One to one meetings with relevant landowners (November 2017 – January 2018)
- Member presentation on draft SPD (April 2018)

- Executive for draft SDP (March or April 2018)
- Four week formal public consultation on draft SPD with exhibition/leaflets (April-May 2018)
- Adoption – (July 2018)

8.4 In December 2016 the Council adopted the Banbury Vision and Masterplan as a supplementary planning document. That document includes proposals to connect the town centre to the rail station and has a section that identifies the key urban design and development principles for strategic sites identified in the Masterplan including the Canalside area. It says the following

Canalside is a strategic site, which has the potential to have a profound effect on the long term vitality and attractiveness of the town centre. It is located between the railway station and the retail heart of the town, but is separated from it by the busy Cherwell Street. The development area extends to approximately 20 hectares and includes land to the east of Cherwell Street and to the south of Bridge Street. It has the potential to play a vital role in enhancing activity in the town centre by the relocation of traditional employment uses to more appropriate sites and developing the land for residential, mixed use and related town centre uses. It can also play an important role supporting the planned investment in the railway system, by improving connectivity between the station and the town centre and by providing development opportunities next to the station

Canalside is a diverse area with a wide variety of businesses and uses. It is rich in history and will require a sensitive approach to redevelopment, which should retain listed and locally listed buildings wherever possible. The process of change will take time and include consultation with all those working and living in the area.

Canalside can become a vibrant, modern, mixed-use quarter containing residential, office, commercial and retail uses. There is the potential for higher density development to the north of Canalside and close to the town centre, and lower density residential development to the east of Tramway. In some places reduced levels of car parking may be appropriate considering that some living near to the town centre may have less need for access to a private car. Some of the existing buildings could be redeveloped for a mixture of uses, particularly alongside the canal. The density can be achieved with a majority of family homes on the south and east of the development area, with apartments and three storey town houses to the north and closer to the town centre. The Local Plan identifies that the Canalside site will accommodate 700 dwellings. However, there is potential for more to be accommodated, possibly up to 1,000 new homes.

There are significant movement issues to be

addressed in the development of Canalside, which must improve connectivity and reduce existing traffic congestion. Cherwell Street should be widened into an attractive tree lined boulevard that is suitable for traffic and pedestrian activity. The Bridge Street junction will require significant modification to improve traffic management and connectivity.

The railway station is served by a multi-storey car park to the north-east of the railway line and a surface car park on the south-west. There is the potential for an additional multi-storey car park to serve the railway station on the western side of the railway lines. The existing road from Bridge Street to the station should be retained and used for taxis, buses and customer drop off. Tramway Road should be extended to access the station surface car park, which will reduce the amount of traffic using Bridge Street.

Cherwell District Council will need to lead the redevelopment process by preparing a SPD, promoting change, investing in infrastructure and enabling the development. This will involve the relocation of existing businesses to enable the comprehensive regeneration of the area, and the possibility of CDC using compulsory purchase powers to bring the different land parcels together ready for development by the private sector. Canalside will be comprehensively redeveloped whilst it may come forward in phases, based upon an overall masterplan and SPD. A joint venture with a private sector partner, supported by an element of public sector funding, may provide a potential solution to delivery.

Key actions include:

- Collect any further information and evidence required for a SPD;
- Prepare a SPD and site masterplan that develops the principles set out in this document and the Local Plan, and is deliverable and fundable;
- Commission a Business Plan to identify the delivery mechanism and the level of any public sector investment that may be required;
- Work with the land owners and identify one or more development partners who shares the vision for this site and will work with CDC and OCC to deliver the scheme;
- CDC will identify suitable land and premises in Banbury for the relocation of existing businesses and will work with those businesses to facilitate their relocation; and
- In terms of applications that may come forward for parts of the Canalside site, the impact of remaining industrial uses on new dwellings will require careful consideration.

- 8.5 An appendix to the Masterplan contains an urban framework plan and a list of key principles. This can be seen on the Council's web-site and will be displayed at Committee
- 8.6 In the absence of a Canalside SPD it is difficult to form an accurate assessment of the way in which this small site would integrate into this wider regeneration and development opportunity. In your officers opinion the site should be brought forward in conjunction with the areas of land to the north, so that all of the area between the canal and the river, north of Haslemere Way can be considered together. Furthermore without clear knowledge of the likely land uses and form of development to west and east on the opposite sides of the canal and river respectively it cannot be guaranteed that this development would not prejudice what may be promoted on those sites. Whilst the illustrative plans show the opportunity to form bridges across the canal and river, it is not known, and will not be known until the adoption of an SPD, whether these necessary connections are in the right place. Although this is an outline application with layout reserved for further consideration the application seeks to establish whether a set number of dwellings can be provided. The illustrative layout does that with a particular block disposition reliant on the bridge positions chosen by the applicants (albeit that the choice has been informed by the drawing in Appendix 1 of the Masterplan). The applicants agent disagrees with these emerging conclusions and wrote to the case officer on 29 September to express contrary views. That e-mail is attached as Appendix 1.
- 8.7 In the opinion of the Head of Development Services in the absence of a Canalside SPD the proposal may therefore be prejudicial to the redevelopment of the Canalside area in a properly planned way. Whilst the policy, and your officers in pre-application advise, have acknowledged that applications for part of this large and complex site may come forward it is also noted in the policy that such less than comprehensive proposal must clearly demonstrate that they will contribute to the creation of a single integrated community. It is recognised that the early approval and delivery of an appropriate site may act as a catalyst for the bringing forward of other sites, but it is considered that this advantage does not outweigh the concerns that this scheme may be prejudicial to other sites and the achievement of the key urban design principles.

Loss of the caravan site

- 8.8 As noted in the Planning Policy officers comments the site currently is a caravan site which has been included in the Council's gypsy and traveller site provision. Policy BSC 6 of the adopted Local Plan deals with the issue of making provision for the needs of the travelling community and Para B.139 of the Local Plan specifically refers to the need to ensure re-provision of any loss as a result of the Banbury Canalside proposals.
- 8.9 In the Annual Monitoring Report 2016 it was demonstrated that there continued to be a need to provide new pitches for travellers and gypsies as the Council cannot currently demonstrate a five year supply. The recently published GTAA identifies a need for 7 additional pitches for households that match the re-defined definition of who constitutes a traveller or gypsy. The study also identifies a need for up to 20 additional pitches for unknown households (where it is not possible to distinguish whether or not they meet the new planning definition). Current occupiers of the site may well fall into this latter category.

- 8.10 The national Planning Policy on Traveller Sites(PPTS) states (para.21 of Policy G) that local planning authorities should work with the planning applicant and the affected traveller community to identify a site or sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site. Local Planning Authorities are entitled to expect the applicant to identify and provide an alternative site, providing the development of the original site is authorised.
- 8.11 The applicant's agent does not accept that this is a site to which the above policies apply as the tenants are considered to be non- gypsy and non-traveller, but in any event they seek to demonstrate that the current owner also owns or controls other sites that his tenants could move to. These are listed as being in Mollington, two in Coventry, Shipston on Stour and Trowbridge. There must be some doubt attached to this assertion as it is claimed that none of the existing tenants are gypsy/travellers but the Mollington site only has permission for occupiers who comply with the definition of gypsy and travellers. Furthermore the other sites are considered too far distant to meet the needs of these tenants who presumably would wish to remain Banbury based. A further site to the south of Tramway Road has also been tabled , but this seems to be unlikely to be acceptable.
- 8.12 Discussions with the County Council Gypsy and Travellers Officer have confirmed that none of the existing caravan pitch occupiers are Gypsies and Travellers , and that it may be some time since such occupiers have used the facility. Furthermore that permission granted in the 1970s was not specifically for or limited to such occupiers. In these circumstances your officers consider that a refusal based on the loss of this facility could not be sustained at appeal.

Vehicular and pedestrian access

- 8.13 As submitted both vehicular and pedestrian means of access to Station Approach were proposed to be solely provided via the existing access way which passes between the car park and commercial buildings to the north of the site. This is narrow. Whilst it is wide enough to allow two cars to pass this needs care and is not sufficient for wider vehicles to pass one another. There is no separate protected provision for pedestrians who would have to share this width. The County Council originally objected on grounds including this issue. It is understood that OCC may be withdrawing its objection; this will be clarified for Committee.
- 8.13 Notwithstanding the County's position your officers consider that this shared access arrangement is not satisfactory and is inherently unsafe. This route is also used to gain access to the existing adjacent religious meeting place use. The applicants have indicated that they are willing to fund the provision of improved access along the canal towpath. Given the change in levels involved this would require ramps to the canal path level both at the site end and at Station Approach, together with the provision of a tarmac surface on the towpath itself. The Canal and River Trust appear willing to allow this, albeit that no plans of how this is achieved have been submitted, and no costs have been calculated to see if this is viable. The applicant has confirmed a willingness to provide adequate connection to the towpath. It is not clear if they are prepared to pay the full amount that would be required to facilitate a high quality alternative route to Station Approach. In any event a judgement needs to be reached as to whether this improved alternative route would be used regularly, or whether pedestrians would nevertheless continue to use the inadequate access along the access way – this will depend on detailed layout be is a residual concern.
- 8.14 Policy BAN 1 and the masterplan identify the need to improve connectivity within Canalside and between the rail station and the town centre, and that this would

require the provision of more crossings across the canal and river. This application proposal recognises that need and shows positions where these could be placed leading to and from their site. The County Council has suggested a formula by which bridge contributions could be calculated and the applicants have indicated their willingness to contribute to that extent. However your officers consider that only through the mechanism of an SPD can the infrastructure requirements of the Canalside be identified and quantified and their costs apportioned to individual developments. This is seen as further evidence of how this proposal may prejudice the wider delivery of the regeneration proposals and is premature to the conclusion of the SPD.

Wider transport impact

- 8.15 OCC objected and commented in their original consultation response that

The Bridge Street/A4260 Cherwell Street/A4260 Concord Avenue junction was run through the model at an optimised time of 120 seconds, as opposed to the current signal times of 163 seconds (in the AM peak), 154 seconds (in the PM peak).

- We will require some sort of traffic calming at the access entrance, as the access road is 70m, which could see drivers driving unsuitably for their surroundings.*
- We require tracking that demonstrates an 11.6m refuse vehicle can enter, turn and leave the site in a forward gear*

It is understood that all these issues have been addressed and that the County Council will confirm the withdrawal of its objection

Heritage impact

- 8.16 The Oxford Canal (and its towpath) and the land between the canal and Lower Cherwell Street is a Conservation Area. A brick commercial building on the opposite bank of the canal is a locally listed building. The listed former town hall building in Lower Cherwell Street lies further away to the south on Lower Cherwell St. The redevelopment of this site for 3 and 4 storey residential use is considered acceptable and the change from a caravan site can be seen as a positive improvement to the setting of the Conservation Area. The application is accompanied by illustrative elevations which show building positions and designs which are considered by both the Canal and Rivers Trust and your officers to be likely to be acceptable, but of course these are not for formal consideration at this time. Consequently it is considered that the development could be undertaken in such a way that it will not cause harm to the character or appearance of, and setting of' the Conservation Area, nor will it be detrimental to the setting of the locally listed building

Impact upon the canal and river

- 8.17 With regards to the canal other than heritage which is discussed above there is also the need to consider the impact upon the structural integrity of the canal due to the proximity of the building to the towpath and its ecology (Drainage issues are discussed below under a separate heading)
- 8.18 The Canal and Rivers Trust point out that land stability is a material consideration. Both the buildings and the ramps to the towpath have the potential to impact upon the stability of the canal infrastructure. This matter can

be adequately dealt with at outline stage however by the imposition of a condition requiring that the details of all earth moving, excavations, and foundation design should be submitted to and approved by the local planning authority.

- 8.19 Clearly both the canal and the river have rich biodiversity. The Canal and River Trust express concern about the potential for a detrimental impact upon the biodiversity of the canal through the construction period and consequently wish to see a condition requiring a construction and environmental management plan attached to any permission granted. The CDC ecologist notes that the phase 1 habitat survey provides good baseline information on all matters except the potential impact upon otters. If this application were recommended for approval further details would be required.

It is further advised that a 8 metre wide buffer is provided between the buildings and the top of the river bank. It has been ascertained that this can be done without impacting upon the delivery of the number of housing units proposed. It is suggested that there are good opportunities to provide ecological enhancement as a function of this development through landscaping, provision of bat and bird boxes etc.

Drainage matters

- 8.20 The site lies within a wider area that is within Flood Zones 2 and 3 albeit that it is provided with protection from flooding by the Banbury Flood Alleviation Scheme. The application site itself however is a small island of Zone 1. The Environment Agency raise no objections to the proposal provide that the submitted Flood Risk Assessment measures are carried out
- 8.20 OCC initial lodged an objection on drainage grounds but these seem to have been overcome.

Environmental Health matters

- 8.21 Issues related to noise, construction environmental and contaminated land can be dealt with by condition. The EPO also draws attention to the potential for the proposed residential properties to be affected by odour coming from the nearby industrial and commercial units.

Infrastructure

- 8.22 Given the housing mix proposed (22 1-bed and 22 2-bed) the level of education contributions is relatively low and as a consequence of the CIL Regulations OCC do not consider that contributions are warranted. A contribution of £25,916 has been requested for the footbridges but as explained above this seems somewhat spuriously calculated.
- 8.23 The liability for infrastructure contributions on this strategic housing site needs to be assessed on the basis of the emerging SPD for Canalside. Such matters as transport, education, sports facilities, open space and play provision (amongst others) need assessing holistically so that a fair apportionment per housing unit can be established in cases where the site is coming forward in a non-comprehensive way (as in this case).

PLANNING BALANCE AND CONCLUSION

- 9.1. It is recognised that the proposal has advantages in terms of the earlier delivery of housing, including affordable housing, and because it has the potential to act as a catalyst for further redevelopment within this important sustainable regeneration area. However these advantages do not outweigh the concerns that this development may prejudice the development of adjacent sites and the bringing forward the remainder of the site as a single integrated community with appropriate contributions to the necessary wider infrastructure requirements of this strategic site.

10. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The proposal for the development of this small part of the Canalside regeneration area is contrary to the requirements of Policy Ban 1 of the adopted Cherwell Local Plan 2011-2031 in that in the absence of a Supplementary Planning Document or detailed strategic site-wide masterplan it is not possible to form a view on how the proposal will fit in with the overall aspirations of the strategic site and how it will contribute towards the creation of a single integrated community. In these circumstances the proposal may prejudice the development of adjacent sites and may frustrate the provision of necessary infrastructure across the wider site.
2. The Local Planning Authority consider that the access way which will provide vehicular access to the site is inadequate to also serve as the pedestrian access to the site and whilst alternative access for pedestrians may be possible along the canal towpath this has not been secured through agreement with the land owner and a Section 106 agreement and will therefore be contrary to Policy SLE4 of the adopted Cherwell Local Plan.
3. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway concerns, delivering mixed and balanced communities by the provision of affordable housing and securing future site maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

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