New Banbury Museum **17/01824/OUT**
Spiceball Park Road
Banbury
OX16 2PQ

Applicant:	Banbury Museum Trust
Proposal:	Extension to the existing museum
Ward:	Banbury Cross And Neithrop
Councillors:	Cllr Hannah Banfield Cllr Surinder Dhesi Cllr Alastair Milne-Home
Reason for Referral:	Major application
Expiry Date:	29 December 2017 **Committee Date:** 18 January 2018
Recommendation:	Approval

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1. APPLICATION SITE AND LOCALITY

1.1. This application relates to the existing Banbury Museum building which sits between Spiceball Park Road and the Oxford Canal. The building was completed in 2002 and is constructed of red terracotta tiles, light and dark grey coloured renders and glazing. It is a starkly geometric flat roofed building. It consists of a semi-basement fronting onto the canal, a ground floor connected to the existing Castle Quay shopping centre by an enclosed bridge over the canal, a first floor housing the main permanent gallery and education room and a second floor of staff offices.

1.2. To the north-west of the museum lies the GF Club which sits on slightly lower land and consists of a mainly 2 storey brick building. On the south-east side of the museum building is located the Chamberlaine Court sheltered housing scheme which is a 3 storey brick building with a tiled roof and containing 60 flats.

1.3. The site is within the Spiceball development area but is unaffected by the proposals with the exception of the proposed alterations to Spiceball Park Road which is to have a re-alignment near the existing service entrance from that road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The proposal is in outline and proposes creating an additional 2,815 sq. Metres of additional museum space (the existing building has 1,322 sq. Metres of internal floor space). This will allow creation of additional gallery, café, and lecture space and associated office, storage and WC facilities.

2.2. The proposed new floor space will be accommodated by extending the existing building into the loading ramp area to the rear (northeast) of the existing building and adding an additional storey on top of the permanent exhibition gallery. The design and access statement explains that the current café, fronting onto the canal will be enlarged, and a basement store will be created by excavating to the

northeast of the café. It is proposed that the ground floor temporary exhibition space is enlarged. A new gallery will be created at first floor level ton the northeast of the current permanent gallery space. A new second floor will accommodate a lecture room and multi-use space. Indicative plans and 3D images have been supplied to further explain the extensions proposed and their usage.

2.3. Pedestrian access arrangements would remain largely as they are at present, and a revised rear delivery point is proposed for vehicles.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal

Application Ref.	Proposal	Decision
97/00716/F	Construction of Museum and enclosure of existing Tooleys Boat Yard, with connecting enclosed walkway over the Oxford Canal.(Amended Plans received 18.7.97)	Application Permitted
98/02115/F	Construction of museum and partial enclosure of the existing Tooley's Boat Yard with connecting enclosed walkway over the Oxford Canal	Application Permitted
15/01878/TEL	Notification under the Electronic Communications Code Regulations 2003 to utilise permitted development rights.	Information
17/01723/TEL	Installation of cabinets, with a volume not exceeding 2.5m3, within the existing telecommunications cabin on the rooftop. Also, the replacement of 4 panel antennas with similar panel antennas mounted on the same support poles as at present. The overall appearance of the site will remain largely unchanged.	Information

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 10.01.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties

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 support this application and look forward to an appropriately designed landmark building along the canal, however the Town Council would like to see any building control concerns addressed

STATUTORY CONSULTEES

6.3 **Oxfordshire County Council**, as local highway authority, objected to the proposal on the grounds that

- It is not possible to assess the traffic impact because no transport assessment has been provided with the application.
- Insufficient assessment of parking
- Inadequate arrangement for deliveries, with potential severe impact on road safety and obstruction of access along Spiceball Park Road.
- No cycle parking

OCC comment that the Design and Access Statement says *'no formal staff or visitor parking is currently provided and none is planned'*. This is not acceptable. Other developments have been required to demonstrate that there is sufficient parking in the area and this development should also. Insufficient parking could lead to queueing obstructing the road network, and additional circulation of traffic contributing to congestion.

They also comment that the DAS also says 'when the new extension occupies the delivery ramp area, deliveries will be via a vehicle pull in on the reconfigured Spiceball Park Road'. This would potentially be acceptable provided sufficient space is provided for the maximum likely sized delivery vehicle to pull into a bay whilst still allowing two way traffic to pass and for delivery vehicles to turn into the planned supermarket opposite. A contribution would be required to implement any appropriate traffic regulation orders.

OCC consider that without this loading bay, deliveries off Spiceball Park Road would cause an obstruction on a bend, creating a safety hazard. Unfortunately, the ability to provide this loading bay cannot be assumed, because there is not yet any agreement to realign Spiceball Park Road (this would be required as an obligation on the Castle Quay development). There would need to be a condition/obligation preventing the museum development from going ahead until this realignment had been carried out and the loading bay provided. The Transport Assessment for the Castle Quay development showed the widening of the road at this point, leaving a

loading bay area outside the museum. However, it also shows that the path of delivery vehicles turning into and out of the supermarket car park requires the full road width and therefore it is imperative that the loading bay is sufficiently wide to accommodate the largest vehicles. We have not seen this demonstrated in connection with the Castle Quay development, and this application needs to demonstrate that a lorry could pull in to the bay and not overhang it.

6.4 The applicants have subsequently submitted a transport statement. We are awaiting the County Council's response to that document. It is anticipated that the reasons for objection will have been overcome .

6.5 **Thames Water** comment

Waste Comments
Surface Water Drainage - 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments
On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure

NON-STATUTORY CONSULTEES

6.6 **OCC Archaeology** comments that the proposal would not appear to have an invasive impact upon any known archaeological sites or features.

6.7 The Council's **ecological advisers** comment that the proposals are considered to be unlikely to have any adverse impact on protected species or sites as the building appears to be in good condition and of a construction type which would appear to offer little opportunities for roosting bats or bird nesting. However as a precaution,

I would recommend that works to the building and any removal of existing scrub vegetation within the site should be timed to avoid the nesting bird season (approx. March to October) to avoid disturbance to nesting birds. I enclose a note below which I would recommend is attached to any permission granted as guidance to the applicant regarding the protected status of nesting birds.

The application site is located directly adjacent to the Oxford Canal and pollution prevention measures should be followed during construction to protect the water course and included within an appropriate plan such as a Construction Environmental Management Plan (CEMP) appropriate to the site. The existing trees to be retained on the northern boundary of the site should also be retained and protected during construction in line with BS 5837:2012 Trees in relation to design, demolition and construction.

There are no details at this stage regarding biodiversity enhancements within the proposed development however I note that enhancements including bird and bat boxes will be considered (stated in the design and access statement) and I would be happy to provide further advice on this. Suitable boxes for bats and nesting birds (such as swifts) could be integrated high up into the walls of the building and this should be fully considered at any detailed design stage in line with local plan policy ESD 10 and the NPPF. Other habitat enhancements could be included such as SuDs, creation of a green roof or native species planting of shrubs and trees to maximise opportunities for biodiversity enhancement within the development. Any external lighting scheme should also be designed to avoid impacting on foraging/commuting bats and other nocturnal species such as otter which are likely to use the canal.

6.8 **CDC Design and Conservation** comment that:-
Banbury Museum is located immediately adjacent to the Oxford Canal Conservation Area and the canal runs immediately to the frontage of the building.

The Oxford Canal Conservation Area was designated in October 2012. The conservation area covers the canal through the entire district of Cherwell. The Oxford Canal itself runs from Hawkesbury Junction with the Coventry Canal to the centre of Oxford. The canal was predominantly rural and only passed through two towns – Rugby and Banbury – before reaching Oxford.

The area around the canal through Banbury has altered significantly. The conservation area appraisal outlines the nature of the change *'The canal used to sneak virtually unnoticed through the middle of Banbury, passing through an almost secretive canalscape with a rather fine collection of canalside, wharfage and warehouse buildings. Many of these were in a poor state by the mid 20th century and the main company warehouse was damaged by the bombing raid in September 1940, which also severely damaged the town's lock. The warehouse, and the former 'canal colony' of houses on Factory Street, were finally demolished at the start of the 1960s to make way for a bus station, and two large warehouses were demolished shortly afterwards.*

The canalside approach to Banbury has been significantly altered over the years and the area has been redeveloped in the late 20th century and includes Castle Quay shopping centre, a car park, pedestrian bridges, museum and sheltered housing. The development in the area has not been particularly sympathetic to the canal.

The forthcoming Banbury Conservation Area Appraisal covers the Oxford Canal in 'Areas in need of enhancement'. It states '*The approach to Banbury along the Oxford Canal has the potential to be one of the most picturesque entrees in a town*

that there could be – apart from it is not. This observation has also been made in a recent television series 'Great Canal Journeys'. Economic decline since World War II, a rapidly expanding residential population in need of housing and a lack of appreciation for the historic buildings of Banbury and the importance of the role played by the town in the history of the nation, have all contributed to the sweeping away of Banbury's built heritage. Thus instead of the canal being lined by fascinating industrial buildings and other buildings of character which provide a window onto Banbury's past - and that could well have been converted to various uses – we are treated to waste land and the back of a 20th century shopping mall which turns it back on the canal. Oxford Canalside is in need of reinvention with a scheme on a human scale which encourages leisure and enjoyment of the historic environment.'

The proposed extension is located to the rear of the existing museum and will not therefore impact on the setting of the canal. It is anticipated that an enhanced offer at the museum could help to enliven the canalside and active consideration should be given to this in any detailed application.

The one aspect of the proposed development which will impact on the setting of the canal is the proposal to add an additional storey to the existing building. The scale and design of this will need to be carefully considered within the context of the approved adjacent development (and if any future changes are required to this approval). The aim should be to provide a positive environment to the canalside and the design and treatment of the rooftop terrace in particular will require detailed consideration.

6.9 The **Canal and River Trust** note that this section of the canal is dominated by the Castle Quay shopping centre and there is little evidence of the areas industrial past. The canal however is a conservation area and the site is opposite Tooley's boatyard which is a Scheduled Ancient Monument. The submission does not appear to have any detailed assessment of the likely impacts on these. They comment that the indicative massing diagrams appear reasonable though detailed assessment will be necessary to enable a full appraisal of the likely impacts to be made. In their view the existing building is not particularly sensitive to the canalside location when viewed from the north, and the proposed development offers an opportunity to improve this. They say that there appears to be very little glass on the revised canal elevation and opportunities to animate this should be considered. Finally, they seek an informative placed upon any decision **noting** the need to work with the CRT on obtaining any necessary consents from them on working alongside a canal.

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)

- PSD 1:Presumption in favour of sustainable development
- SLE 2: Securing dynamic town centres
- SLE3 : Supporting tourism growth
- SLE 4: Improving transport and connections
- ESD 6 Sustainable Flood Risk Management
- ESD15 - The Character of the Built and Historic Environment
- ESD 16 The Oxford Canal
- Banbury 9 Spiceball Development Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C25 – Setting of Scheduled Ancient Monuments etc.
- C28 – Layout, design and external appearance of new development
- C29 – Design of buildings adjacent Oxford Canal
- TR1 – Transportation funding

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Vision and Masterplan – no specific policies but within development area

8. APPRAISAL

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

- Principle of development
- Heritage impact
- Design and massing, and impact on the existing building
- Residential amenity
- Access and parking
- Flooding
- Ecology

Principle of development

8.2. The museum building lies within the Spiceball Park development area to which Policy BAN 9 of the Cherwell Local Plan 2011-2031 applies and is identified in the Banbury Vision and Masterplan. Both documents have assumed that the Museum will continue in its present location and form. As noted in paragraph 1.3 above the museum building was unaffected by the recent development proposals for CQ 2 , and this proposal similarly does not affect the implementation of the approved schemes with the small exception of the servicing arrangements off Spiceball Park Road which are discussed below.

8.3. Policy SLE 3 of the adopted Local Plan seeks to support development in the tourism sector of the economy at the two main towns in the district as this will reinforce their role as places to visit and stay. This proposal is aimed at a quantum change in the size and importance of exhibitions that can be organised and hosted at the museum

8.4. Subject to complying with other policies of the Development Plan, such as heritage, access and residential amenity policies

Heritage Impact and impact upon the design odf the existing building

8.5 The museum sits adjacent to the Oxford Canal Conservation Area and opposite the Tooley's boatyard scheduled ancient monument

8.6 Scheduled Ancient Monuments and Conservation Areas are designated heritage assets, and Paragraph 129 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*

8.7 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. The more important the asset, the greater the weight should be. 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 loss should require clear and convincing justification.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

8.8 The proposed extensions to the building would take place on the rear and above the existing building, which is of very contemporary design. Whilst the mass of the building will be added to it is not considered that it will do so in a way that overdominates the canal or Tooley's boatyard. The extension to the side and rear of the building (ie towards Spiceball Park Road) will visible across the roof of the GF Club as one approaches from the north on the canal or on either towpath but will not be unduly prominent . The proposed extension on the roof of the existing building will be more obvious when viewed from the opposite side of the canal by the rear access to the existing Castle Quay shopping centre, and will alter the building from it's existing very geometric shape. However this is not necessarily detrimental to the appearance of the building. Overall theproposed extensions, of the size and positioning indicated are not considered to be detrimental to the appearance of the building or to the setting of the canal conservation area or the setting of the scheduled ancient monument..

8.9 It should be recalled that this is an outline application, and that although we have illustrative details of the likely form of the extensions there is no commitment to the final form and that a further reserved matters application will be necessary when the final form and elevational detail will need to be assessed and considered.

Impact upon residential amenity

8.10 The museum sits alongside Chamberlaine Court, a sheltered housing scheme containing 60 flats. The flats face towards either the canal or Spiceball Park Road. The proposed extensions would retain the blank south-eastern elevation facing towards the block of flats with no additional windows likely. There be no other impact upon the residential amenity of that block. A further opportunity for assessment of this aspect of the design would be undertaken at reserved matters stage when the details of design will have been finalised.

Access and parking

8.11 The existing museum does not have it's own dedicated visitor parking as the building almost completely fills its site. The same position will exist after this proposed development if allowed**.** The County Council as local highway authority considers that this is not an acceptable position as other developments have been

required to demonstrate that there is sufficient parking in the area and this development should do also. Insufficient parking could lead to queueing obstructing the road network, and additional circulation of traffic contributing to congestion. Your officers do not agree with this position. It is difficult to predict the increased customer numbers associated with such an enlargement. This expanded use is a town centre use that visitors to will also , it is to be hoped, make linked trips to other town centre facilities (shops restaurants etc) and can make use of town centre parking. It would be unreasonable to resist this improved tourist facility on the grounds of lack of parking or expect the applicants to make some form of off-site contribution.

8.12 The existing building has a rear service access at right angles to Spiceball Park Road. The proposal is to reconfigure this facility so that it is parallel to the road , and formed in a lay-by. It will be seen in paragraph 6.3 above that the County Council has raised objections to these propose service arrangements as they possibly conflict with the movements of HGVs servicing the new supermarket that will be built as part of the CQ2 development. It is hoped that some clarification of this concern and some solution can be tabled before the Committee.

8.13 At the time of writing the Council was awaiting the reaction of the County Council to the Transport Assessment that had belatedly been submitted by the applicant. This TA will hopefully deal with OCC's concerns about the lack of information upon which to base a view on the impact of the traffic flow upon the wider highway network associated with this enlarged facility. An update will be given at Committee.

Drainage and flooding

8.14 The site lies within Flood Zones 1 and 2, within a wider area of Flood Zone 3. The proposal is classified as" less vulnerable" in the EA'S standing advice and therefore acceptable. Further comments are awaited from OCC as lead local flood authority.

Ecology

8.15 The application site is located directly adjacent to the Oxford Canal and pollution prevention measures should be followed during construction to protect the water course and included within an appropriate plan such as a Construction Environmental Management Plan (CEMP) appropriate to the site.

8.16 At detailed design stage there will be opportunities to introduce features which wioll enhance biodiversity

9. PLANNING BALANCE AND CONCLUSION

9.1. This proposal will result in a significantly enlarged museum with extra gallery space. It will allow for the housing of more extensive museum/art gallery exhibitions, including travelling exhibitions. This will be a clear cultural benefit for the town and remainder of the district. Although the plans accompanying the application are illustrative it does demonstrate that such an enlargement can be undertaken without undue harm to the adjacent heritage assets of the Oxford Canal Conservation Area and the Tooley's Boatyard SAM. It is also apparent that the development will not cause harm to the residential amenity of the adjacent sheltered housing flats.

9.2. At the time of writing officers were awaiting a response from OCC tp see whether their objections on parking, cycle provision and servicing have been overcome. It is anticipated that this matter will have been addressed by the date of the Committee meeting.

10. RECOMMENDATION

That permission is granted, subject (i) the satisfactory resolution of the OCC objections and (ii) to the following conditions

1. No development shall commence until full details of the layout, scale, appearance access and landscaping (hereafter referred to as reserved matters) of the hereby approved development have been submitted to and approved in writing by the Local Planning Authority.

   Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

   Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

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

   Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in general accordance with the following plans and documents: *(to be confirmed in written update)*

   Reason – For the avoidance of doubt, to ensure that the development is carried out generally as generally as shown in theplans submitted to the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and existing and proposed site levels for the proposed 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 approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the

Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

6. The details to be submitted as part of the clearance of condition 1 above, and notwithstanding the illustrative details accompanying the outline application, shall include details of the servicing arrangements for the museum form Spiceball Park Road.

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

7. 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 biodiversity, AND do not adversely affect residential properties 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

   Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity value of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained 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 2011-2031 and Government guidance contained within the National Planning Policy Framework.

9. All extensions hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.

   Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

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