

<b>Application No:</b>	<b>Ward:</b>	<b>Banbury</b>	<b>Date</b>	<b>Valid:</b>	<b>21</b>
<b>09/01867/F</b>	<b>Grimsbury and Castle</b>		<b>December</b>	<b>2009</b>	
<b>Applicant:</b>	Charter Community Housing/Sanctuary				
<b>Site Address:</b>	Land East of Network 11 Development, Thorpe Way, Banbury				

**Proposal:** Erection of six one bedroom temporary accommodation flats with associated parking

## 1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a 3 storey, brick and rendered building to accommodate 6 no. one bedroom flats to provide short term temporary accommodation for Charter community Housing/Sanctuary Group at Thorpe Way, Banbury.
- 1.2 The site is positioned between the newly constructed residential area across the road to the south-west and the established industrial estate along Thorpe Way to the east. The rear gardens of 47, 49 and 51 Edward Street bound the site to the north, and an industrial unit occupied by Heraeus Amba Ltd. bounds the site to the east. Heraeus Amba Ltd. manufactures and distributes Ultra Violet lamp products.
- 1.3 The site is not in a Conservation Area and no listed buildings are in close proximity.
- 1.4 Mature vegetation and boundary fencing currently mark all boundaries, with the exception of the south-western (front) boundary that is marked by fencing only. A group of trees protected by Tree Preservation Orders abut the site to the east and south-east.
- 1.5 The application proposes to replace existing boundary treatments with a close boarded fence along the north, north-western and north-eastern boundaries to replace the existing fencing and vegetation. The mature vegetation, inclusive of the TPO'd trees, and the existing metal/concrete panel fence would be retained on the eastern and south-eastern boundaries.
- 1.6 Vehicular access to the site is via the Thorpe Way industrial estate and 6 no. parking spaces would be provided to the front of the proposed flats. A new pedestrian pavement would also be provided to the front of the site. A further 6 no. lockable bicycle stores are proposed within the rear communal garden.
- 1.7 2 no. bin stores would be supplied as part of the proposal, one either side of the proposed building.
- 1.8 6 no. solar panels are proposed upon the south-western (front) facing roofslope.

## 2. Application Publicity

- 2.1 The application has been advertised by site notice, neighbour letter and press

notice. The final date for comment is 10 February 2010. To date, no comments have been received.

### **3. Consultations**

- 3.1 Banbury Town Council – no comments received.
- 3.2 Oxfordshire County Council Highway Authority have **no objection** to the application.
- 3.3 Cherwell District Councils Environmental Protection Officer, Sean Gregory, recommends the attachment of a condition regarding contaminated land.
- 3.4 Cherwell District Councils Arboricultural Officer, Caroline Morrey, has **no objection** to the proposed development.
- 3.5 Thames Water – no comments received.

### **4. Relevant Planning Policies**

- 4.1 Planning Policy Statement 1: Delivering Sustainable Development
- 4.2 Planning Policy Statement 3: Housing
- 4.3 Planning Policy Guidance 13: Transport
- 4.4 South East Plan 2009 – Policies SP3, CC1, CC6, H2, H5, BE1, T1 and CO1
- 4.5 Adopted Cherwell Local Plan 1996 – Saved Policies C28 and C30

### **5. Appraisal**

- 5.1 The key issues to consider are the principle of the development, the impact upon highway safety, the impact upon neighbouring amenity and design of development and its impact upon the visual amenity of the wider locality.

#### Principle

- 5.2 PPS3 sets out the national planning policy framework for delivering the Government's housing objectives and states that the specific outcomes that the planning system should deliver include housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure, and a flexible, responsive supply of land managed in a way that makes efficient and effective use of land, including the re-use of previously developed land.
- 5.3 These objectives should be achieved by making effective use of land, existing infrastructure and include the consideration of the opportunity for housing provision

on surplus public sector land to create mixed use developments.

5.4 The HDC&MD considers that the proposal accords with PPS 3. The site is situated in close proximity to Banbury town centre adjacent to an established residential area, including a newly constructed residential development 'The Cattlemarket' and the Thorpe Way industrial estate. The site is also within short walking distance of Banbury railway station and various community facilities including Dashwood Primary School. Further, the application proposes to utilise an area of surplus public sector land for the construction of affordable housing. The principle of the proposed development is therefore considered acceptable by the HDC&MD.

#### Highway Safety

5.5 Oxfordshire County Council Highway Authority have assessed the proposal and do not consider that the development would result in detriment to the safety or convenience of highway users. The site is positioned in close proximity to Banbury town centre and is within walking distance of Banbury railway station. Vehicular access to the site is gained via Thorpe Way, a road specifically designed for large volumes of vehicular traffic serving the industrial estate. Pavements for use by pedestrians are provided either side of Thorpe Way along its length and pedestrian access to local amenities can easily be gained via the surrounding residential estates. 1 no. parking space is allocated to each flat and secure bicycle storage would be provided on site. The HDC&MD considers that the application accords with Government guidance contained within PPG13 and Policy T1 of the South East Plan 2009.

#### Neighbouring Amenity

5.6 2 no. blocks of residential flats lie directly opposite the site to the south-west and these are the neighbouring properties that are most likely to be affected by the proposal. The block containing 30 to 38 Fulwell Close is of three storey height and follows the corner of Fullwell Close so that it is partially set at an angle to the site. The block containing 23 to 33 Fullwell Close is of two and a half storey height and the north-eastern facing elevation contains windows and Juliet balconies.

5.7 The proposed development would face the road serving Fulwell Close rather than the windows of these neighbouring properties directly. Further, the distance between these neighbouring properties exceeds the 22 metre minimum distance guideline as stated in the Cherwell District Council Home Extensions and Alterations Guide (2007) that states that at least 22 metres should separate the habitable room windows of neighbouring properties to prevent overlooking and loss of privacy. Similarly, the rear elevations of neighbouring properties 47, 49 and 51 Edward Street are set further than 22 metres from the proposed development. Consequently, the HDC&MD does not consider that the proposed development would result in a loss of privacy for these neighbouring properties.

5.8 Further, due to the distances between the proposed development and neighbouring

properties the HDC&MD does not consider that the proposed development would result in over-domination, overshadowing or a loss of outlook for neighbouring properties. Saved Policy C30 of the adopted Cherwell Local Plan 1996 states that design control will be exercised to ensure, "That new housing development or any proposal for the extension ...or conversion of an existing dwelling provides standards or amenity and privacy acceptable to the Local Planning Authority."

5.9 The HDC&MD considers that the proposal accords with Policy C30 of the Cherwell Local Plan.

#### Design and Visual Amenity

6.0 The application seeks consent for a three storey building in an area that has three varied characteristics. The land to the east is industrial in character, comprising of large industrial units surrounded by car parking facilities. The land to the north and north-west is predominantly suburban in character, comprising of two storey semi-detached dwellings within spacious curtilages. The land to the south and south-west consists of a high density newly constructed residential development, comprising a mix of houses and flats with varying heights.

6.1 From a policy perspective PPS1, Delivering Sustainable Development states that "Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people". (paragraph 34).

6.2 PPS3, Housing advises that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities and that good design should contribute positively to making places better for people.

6.3 Saved Policy C30 of the adopted Cherwell Local Plan 1996 states that design control will be exercised to ensure, "that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity" The HDC&MD consider that the development would be compatible with existing residential dwellings in the vicinity.

6.4 Saved Policy C28 of the adopted Cherwell Local Plan 1996 echoes government guidance ensuring that control will be exercised over all new development, to ensure that the standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the context of the development.

6.5 The HDC&MD considers that the height, design and positioning of the proposed development is in-keeping with the character and appearance of the newly constructed residential development, the edge of which is situated directly opposite the site. The proposed brick and render construction materials would be similar to those found opposite the site on Fulwell Close. Whilst the proposed development

would be positioned adjacent to an established industrial unit, the character of the streetscene along this particular section of Thorpe Way is dense residential, inclusive of three storey blocks similar in style to that proposed.

6.6 A number of TPO'd trees are present within the neighbouring site to the east and these would be protected by condition requiring further details of works around them and the intended method of protection to ensure that the root protection area is not affected by proposed development and the longevity of the trees is not compromised.

6.7 In conclusion the HDC&MD considers that the layout, design and external appearance of the proposed development is sympathetic to the character of its context and that the development would not represent a prominent feature of the locality or draw undue attention to itself as a discordant addition to the existing built environment, in accordance with Policies SP3, CC1, CC6, H2, H5, BE1, T1 and CO1 of the South East Plan 2009 and Policies C28 and C30 of the Cherwell Local Plan and government guidance contained in PP1, PPS3, PPG13

## **6. Recommendation**

**Approve, subject to Conditions**

### **Conditions**

1. **1.4A - Full Permission: Duration Limit (3 years) (RC2)**
2. **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 2008/1007/P01 Rev.C, 2009/1007/P05 Rev.A, 2008/1007/P06 Rev.A, 2008/1007/P02 Rev. A, 2008/1007/P03 Rev. A, 2008/1007/P04 Rev.A**

**Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**

3. **That the external walls of the development shall be constructed in accordance with the material samples EH Smith Thorsby Buff and EH Smith Worcestershire Red Multi Brick, received in the department on 21/12/2009 and cream coloured render as stated on Drawing No. 2009/1007/P05 Rev. A and 2008/1007/P06 Rev. A. (RC4A)**
4. **2.2B – Samples of Roofing Materials (RC4A) - \*insert 'tiles' and 'development'**
5. **That notwithstanding the plans hereby approved all windows shall include one horizontal glazing bar. (RC4A)**

6. **3.0A - Submit Landscaping Scheme (RC10A)**
7. **3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)**
8. **No works or development shall take place until a scheme for the protection of the retained trees and the trees protected by the Tree Preservation Order No. 19/91 has been agreed in writing with the Local Planning Authority. (RC72A)**
9. **4.13CD - Parking and Manoeuvring Area Retained (RC13BB)**
10. **4.0BC - Access Specification Existing – (as plan Dwg No 2008/1007/P01) (RC 13BB) \*insert 'occupation' and 'building'**
11. **4.8AA - Close Existing Access (RC13B) \*insert 'Thorpe Way' and 'provision of footway and full faced kerb across present opening'**
12. **Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.**

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

13. **If a potential risk from contamination is identified as a result of the work carried out under condition 10, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition. Reason: as above**
14. **If contamination is found by undertaking the work carried out under**

condition 11, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition. Reason: as above

15. If remedial works have been identified in condition 12, the remedial works shall be carried out in accordance with the scheme approved under condition 12. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority. Reason: as above

#### **REASON FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is of a design, scale and density that is appropriate in its context and would not cause detriment to highway safety, amenities of neighbouring properties or the visual amenity of the wider locality. As such the proposal is in accordance with Government guidance contained within PPS 1, PPS 3 and PPG 13, Policies SP3, CC1, CC6, H2, H5, BE1, T1 and CO1 of the South East Plan 2009 and saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996, and for the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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