

Application No: 09/01776/F	Ward: Banbury Ruscote	Date Valid: 10/12/2009
Applicant:	Sanctuary Housing, Hindle House, Trinity Way, Adderbury, Banbury, Oxfordshire, OX17 3DZ	
Site Address:	Orchard Way Shopping Parade Orchard Way, Banbury, Oxfordshire	

Proposal: Proposed mixed use development including 4 shops and 33 social housing units

1. Site Description and Proposal

- 1.1 The site is located on a prominent corner of, and intersection roundabout linking Orchard Way and The Fairway, within the Bretch Hill residential area of Banbury. The site is 0.6 miles (1km) west of and within walking distance of Banbury Town Centre and is well positioned to benefit from various local amenities including parks, leisure centre, shops, restaurants, and public transport.
- 1.2 The Bretch Hill estate was constructed during the 1950's and 1960's. The area contains buildings of a predominantly residential scale (up to two storeys) although there are a number of taller flats interspersed within. The residential buildings tend to have low pitched or mansard roofs with grey and brown concrete tiles. Principle façade materials vary from buff and terracotta bricks through to render and tile cladding. Windows and doors in this area tend to be made from materials including aluminum, wood and uPVC.
- 1.3 The neighbouring properties are both two storey semi-detached houses set back from the main road. These properties have white rendered walls up to first floor level with the second storey enclosed by a mansard roof covered with grey concrete pantiles. Directly opposite the site there is a significant four storey block of flats (Orchard Way) and the Admiral Holland public house (The Fairway). The flats have walls covered in London stock (buff/yellow) brick and small grey/terracotta tile cladding. The public house also has this brick up to first floor above which the walls are timber clad (painted white). Both buildings have relatively low pitched roofs covered with grey and brown tiles.
- 1.4 The site has a net area of approximately 4291m² (0.43ha) and contains buildings of a mixed use, constructed during the 1960's. There are 8 no. separate commercial shops comprising a total floor area of approximately 844m², ranging from 46m² to 250m² and 4 no. separate maisonettes above the shops off Orchard Way and 9 no. separate one-bedroom flats off The Fairway. In addition to the living accommodation on the site, there are a number of garages to the rear of the shops.
- 1.5 Topographically the site slopes down from South to North. The roundabout just beyond the south east corner of the site is approximately 1.6m above the level of the shops. As a direct result the shops are largely obscured from view when approached via car from the dual carriage way to the south.

1.6 The proposed scheme involves the entire demolition of the existing shopping and residential parade and the construction of a mixed use development comprising 4 no. shops and 33 no. social housing units, associated parking areas, bin and cycle stores, landscaped areas and shared residential amenity area.

1.7 The development takes the form of:

Ground Floor

4 no. shops	unit 1 – 302.7m ²
	unit 2 – 91.2m ²
	unit 3 – 92.1m ²
	unit 4 – 103.9m ²

First Floor

12 no. units made up of:	8 no. 2 bed 4 person flats (67.5m ² - 70.4m ²)
	2 no. temporary flexible flats (44.3m ² - 78.7m ²)
	2 no. 1 bed 2 person flats (45.6m ²)

Second Floor

12 no. units made up of:	8 no. 2 bed 4 person flats (70.2m ² - 70.5m ²)
	2 no. temporary flexible flats (44.3m ² - 78.7m ²)
	2 no. 1 bed 2 person flats (45.6m ²)

Third Floor

9 no. units made up of:	4 no. 2 bed 4 person flats (68.2m ² - 73.4m ²)
	1 no. 2 bed 3 person flat (65m ²)
	5 no. 1 bed 2 person flats (46.5m ² - 61.3m ²)

Density of residential development proposed equates to 77 dwellings/ha.

1.8 The layout provides 27 parking spaces including 4 disabled spaces, bin and cycle stores and shared residents amenity space (approx 12.5 m²), with 2 no. of the 3 no. existing vehicular accesses being maintained and the Orchard Way access being widened.

2. Application Publicity

2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 14 January 2010. A public exhibition day also took place during the consultation period in December 2009.

2.2 One letter has been received which expresses interest in one of the new shop units.

3. Consultations

3.1 Banbury Town Council - No objections to the principle of redevelopment of this area. However we are concerned that the development is too tall and imposing and that the proposed materials are out of keeping with the street scene.

3.2 Oxfordshire County Council Highways - Due to the reduction in retail floor space (from 845m² to 590m²) for the site it has been estimated that the increase in the number of flats (20) will generate a similar level of traffic movements to the existing uses on site, which was agreed by the Local Highway Authority at the pre-application stage of this proposed redevelopment.

The proposed redevelopment will see the continued use of The Fairway access and the furthest access point serving the site off Orchard Way. Both entrances have been assessed as acceptable, the closure of the existing access by the roundabout in my opinion will be a benefit to highway safety.

There are good pedestrian links to the site from the existing footway network and crossing points from The Fairway and Orchard Way crossing. Vegetation/trees are to be planted along the site's boundary with Orchard Way – this is acceptable as long as such planting does not obstruct the visibility splay for drivers when looking up the road.

The parking levels for the site do not strictly accord with the adopted parking standards in the Local Plan or is located within the town centre boundary. However, due to the site being located in a local centre and having close access to a reasonable bus service the proposed parking standards for the 1 – 2 bed units of 1 space per unit is acceptable for this proposal. However, I would like to see units of 2+ beds provided with 2 off-street parking spaces. I suspect it could be argued that during the evening and early mornings the parking area for the retail units could be used as an overspill parking area for the residents.

The dimensions and space behind the proposed parking spaces are acceptable. The tracking plan shown for the servicing vehicles is also acceptable. Servicing vehicles leaving via the residential parking area is undesirable, but in my opinion not a refusal reason. I would suggest that time restrictions for deliveries are considered by the Local Planning Authority.

The gates into the rear parking area are set back at an acceptable distance from the back-edge of the public highway (The Fairway) to deter vehicle overhang and an obstruction. Servicing vehicles I understand will only be exiting from this point. Entrance will be taken from Orchard Way, which is acceptable as servicing and deliveries are generally low in number throughout the day.

Cycle parking – the number being proposed is acceptable as are the shelters. However, the actual stands being proposed are not of the recommended Sheffield style and are unlikely to be well used. Using a Sheffield stand style should increase the number of spaces that can be used.

The comments also set out expected sum for financial contributions of £16,500 (index linked @ Jan 2009 prices) towards public transport and recommended conditions.

3.3 Oxfordshire County Council Developer Funding Team – expect implementation of this proposal will increase the population in net terms by 47 people including 3 pensioners and 5 children of statutory school age.

The County Council will wish to seek to secure sums via a legal agreement before planning permission is granted to mitigate the cumulative impacts of growth caused by this development. This will enable progressive strains on existing infrastructure not to get any worse.

The comments go on to set out expected sums for financial contributions of £12,467

broken up as follows:

Library = £4,190

Social and Healthcare = £3,421

Waste Management = £2,980

Adult Learning = £642

Museum Resource Centre = £282

Fire and Rescue = £702 (cost may vary – dependant on size required)

Administration and monitoring fee = £250

3.4 Thames Valley Police (Crime Prevention Design Advisor) - Amendments have been sought during the pre-application stage; therefore I have no further observations to make.

Thames Valley Police have also requested that a developer contribution of £6804 be paid towards funding additional police infrastructure needs generated by population growth arising from planned residential and business/commercial developments. Specifically towards the provision of new and enhanced police accommodation and to cover the set up costs associated with additional members of staff, including IT equipment, patrol cars and recruitment costs and training.

3.5 Thames Water – Waste Comments: With regards to sewerage infrastructure we would not have any objection to the planning application. It is the developer's responsibility to make proper provision for drainage to ground, water courses or a suitable sewer.

Water Comments: We advise that there is a Thames Water main crossing the site which may/will need to be diverted at the developers cost.

3.6 Head of Planning and Affordable Housing Policy - I consider the main policy issues are regarding the suitability of the location for residential development and the increase in shopping floor space in the area.

With respects to general housing policy, policy H9 in the Non Statutory Cherwell Local Plan (NSCLP) supports residential development within the built up limits of Banbury provided they make efficient use of land and there are no adverse impact on the existing character, residential amenity and highway safety. I understand there has been extensive consultation with the planning department over the proposed scheme which has included advice from the Design and Conservation Officer and these issues will have been discussed.

The scheme will provide for a significant number of affordable housing units which is considered to be positive in policy terms as there is a considerable lack of affordable housing in the district and this will help meet the need. Advice from the Housing department should be sought regarding the tenure mix of the affordable units proposed.

The Adopted Local Plan policy S28 and NSCLP policy S25 states that the proposals for small shops or extensions to existing shops within local shopping centres that are outside three main shopping centres of Banbury, Bicester and Kidlington, will be given '*favourably consideration*' and '*permitted*' as they provide a service for the local catchment.

The scheme appears to be consistent with policy and therefore there is no policy objection subject to detailed matters such as design, impact on neighbouring properties being satisfactory and tenure mix being resolved.

3.7 Head of Planning and Affordable Housing Policy (Urban Designer) – This application has evolved significantly from the initial design concept. I consider that the aspirations of the Informal Development Principles have now been largely achieved. One of the anticipated difficulties, circulation for both residents and deliveries, now works well, with the security problems of earlier schemes now designed out. The building will make the landmark statement sought and the retail units will be more visible than originally anticipated through the raising of ground levels.

Comments on individual elements include:

- The timber framing enclosing the balconies, particularly the louvres, has a somewhat delicate appearance. The louvres are likely to get a lot of use. The construction, particularly the roller mechanisms for the louvers, will need to be robust to withstand heavy use, particularly by residents of the emergency accommodation who will change frequently and who may not be familiar with them.
- The opaque enclosures to the balconies will enable any objects on the balconies to be visible. It is vital that the balconies are not used for outdoor storage. I understand that the RSL is satisfied that its tenancy agreement and site management can ensure that the balconies are not used for storage. The application should only be approved with a condition or legal agreement requiring the RSL to put in place an effective management regime that ensures that balconies are not used for storage in perpetuity.
- The colour of the terracotta appears to differ between drawings and this should be clarified. A true red, being a match for the local Banbury red brick, is preferable to the orangey hue in some illustrations. The grey brick at ground floor is somewhat dark and sombre and could invite light coloured graffiti. I recommend a slightly lighter colour be substituted.
- Public Art. The brief requests a piece of public art to be erected on the site to promote the shops and to increase there visibility from the round about. The proposed location is acceptable and in accordance with the development brief. However I consider the design should be assessed in conjunction with the overall scheme. I have made this point from the beginning. A condition requesting the details should be attached. As the proposal has altered the levels on site and it is proposed that the shop signage will be visible from the surrounding roads, the public art is of less importance and therefore I am happy to proceed with details of the art installation to be submitted as part of a

condition prior to the commencement of works on site.

- Relationship of the timber balcony frame with the shop layout below. I have previously mentioned that the timber frame above the shop element has little relationship with the shops below. I consider the uprights of the timber frame should align with the glazing and openings of the shops below. I consider this would provide a greater unity between the upper and lower elements.
- Security. Whilst it would appear to be an unlikely scenario I consider it important to stop any possibility of people climbing up the outside of the balconies. This is again an issue for the management plan. I do not consider that retro fitting security measures at a later date would be acceptable.
- Shop front shutters/ grilles: There appears from the submitted plans to be a suggestion that the shops are to have security shutters fitted, although this is not entirely clear. I consider this would create an extremely negative environment where, at night the ground floor was a complete blank. Whilst it may provide the shops with added security, I also consider it would create an atmosphere which suited unacceptable behaviour. If grilles are essential they should be mesh, so that they are see through and they should be located on the inside of the windows.

3.8 Head of Housing Services - happy with the proposed mix of type and tenures included in the above application including the 4 flexible temporary accommodation units. Standards need to comply with the Homes and Community Agency - Design and Quality standards as a minimum and also that units comply with Lifetime Homes Standards as far as possible within the constraints of scheme design.

3.9 Head of Building Control and Engineering Services - No comment on the principle. However, it is likely that one or more public sewers will need to be diverted to accommodate the redevelopment, so ensure that Thames Water is consulted.

3.10 Head of Safer Communities and Community Development (Anti-Social Behaviour Manager) - 3 of the 4 shop units appear to be of a size suitable for hot food takeaways. Initial concern about ventilation for take-away businesses, however it has been established that ventilation will be internally installed in the services void of the development Condition requiring prior approval of any mechanical extract ventilation installed to serve hot food or restaurant uses.

3.11 Head of Safer Communities and Community Development (Environmental Protection Officer) - No objections subject to a condition relating to potentially contaminated land.

3.12 Head of Environment and Community (Technical Project Manager - Information Services) – The initial assessment that we undertook when we put in the temporary camera will still be valid based on the submitted plans. There are various safeguards in place to ensure any cameras we deploy are fit for purpose and used according to various guidelines.

The comments go on to set out expected sums for financial contributions of £24,500 towards CCTV.

- 3.14 Head of Economic Development and Estates – Supports the application for the regeneration of this area.
- 3.15 Banbury Civic Society – Whilst there are members of the Banbury Civic Society who regret the loss of the existing ‘early new-town’ buildings on this site, we have been aware for a number of years that a succession of RSL’s have aspired to the intensification of development on this site.

Whilst we feel that the design of the proposal has features that are commended, we have one very significant observation to make. This is with regard to the corner block. In complete contrast to the visual interest of the remainder of the development, the elevation treatment of this visually dominant block lacks any visual interest, as well as being too contrasting, too tall and too bright as well as being ‘blocky’, bland and cheap. We believe that the ‘unrelieved self coloured render on concrete block’ appearance, whilst ‘contemporary’, is already starting to look hackneyed, overused and dated. The design guide demands a landmark feature on this corner, but we feel that this must be a positive and worthy landmark.

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
- 4.2 PPS3: Housing
- 4.3 PPS4: Planning for Sustainable Economic Growth
- 4.4 PPG13: Transport
- 4.5 South East Plan Policies: SP3, CC1, CC2, CC4, CC6, CC7, CC9, H1, H2, H3, H4, H5, H6, T4, W8, BE1, BE3, S1, CO2 and CO3
- 4.6 Adopted Cherwell Local Plan 1996 Saved Policies: H5, S28, TR1, C28, C30, C32 and ENV1
- 4.7 Non-Statutory Cherwell Local Plan 2011 Policies: H1b, H3, H4, H7, H9, S25, TR1, TR4, TR5, TR11, R9, R10a, D1, D2, D3, D5, D6, D7, D9 and D10a
- 4.8 Draft Planning and Design Guide: Proposed redevelopment of Orchard Way shopping parade Banbury, April 2008

5. Appraisal

- 5.1 It is considered that the main issues for consideration include:- principle and evolution of the scheme, design, layout, scale, materials, parking provision and highway safety, impact on amenities of neighbouring properties and security/crime prevention.
- 5.2 Principle and evolution of the scheme

This development has been the subject of extensive pre-application negotiations for the preceding two years and was based on the formulation of CDC’s Informal

Development Principles document April 2008. The proposal forms a scheme involving funding from Sanctuary Housing and Cherwell District Council.

- 5.3 After discussion and negotiation of the first concept proposal with CDC and the Sanctuary Housing Association some significant changes/improvements were made to the scheme. The second proposal reconsidered the approach to topography of the site by working more closely with the existing levels. This allowed the shopping parade to occupy a more prominent position. The updated scheme still necessarily addressed both Orchard Way and The Fairway, occupying a similar footprint to the first concept. It is therefore, still as far from the buildings which it backs on to as is practicably possible (avoiding overlooking). In contrast to the first scheme this proposed building is one continuous structure (rather than separate residential units). This was principally to improve the functionality of the building and safety of its users. It is worth stressing that the underlying design drivers or rationale for this scheme were context, function, use and aesthetics.
- 5.4 The existing Orchard Way housing and shopping parade is currently in a poor state of repair and consequently the proposal represents an opportunity to significantly improve that environment, create a 'landmark feature' and provide a new form of development that increases the number of affordable and social housing units and new shopping parade for the residents of the locality.
- 5.5 The application site "is previously" developed land in PPS3 terms as defined in Annex B. This is amplified at paragraph 40 of PPS3 where it states "a key objective is that Local Planning Authorities should continue to make efficient use of land by re-using land that has been previously developed". The site is in a sustainable location, that has potential for redevelopment and the proposal submitted seeks to make use of this land more efficiently in accordance with the government guidance.
- 5.6 With respects to general housing policy, policy H9 in the Non Statutory Cherwell Local Plan 2011 (NSCLP) supports residential development within the built up limits of Banbury provided they make efficient use of land and there are no adverse impact on the existing character, residential amenity and highway safety.
- 5.7 The proposal seeks to provide a significant number of affordable and socially rented housing units which include a mix of type and tenure with 4 no. flexible/temporary accommodation units which have been specifically designed in pairs, back to back, to allow their layout and accommodation to vary dependant on demand. Consequently these units can provide either 1 no. 2 bed flat and 1 no. studio flat, or 2 no. 1 bed flats. The proposal is positive in policy terms as there is a considerable lack of affordable housing in the district and this will help meet the need and therefore complies with policies H5 of the adopted Cherwell Local Plan, H7 of the NSCLP and H3 of the South East Plan 2009.
- 5.8 The Adopted Local Plan policy S28 and NSCLP policy S25 states that the proposals for small shops or extensions to existing shops within local shopping centres that are outside three main shopping centres of Banbury, Bicester and Kidlington, will be given '*favourable consideration*' and '*permitted*' as they provide a service for the local catchment.

5.9 In respect of the advice contained in PPS4 : Planning for Sustainable Economic Growth, specifically affecting shops and services in local centres, the guidance advises that due regard must be made to the importance of the facility to the local community, however small parades of shops of purely neighbourhood significance are not regarded as centres for the purposes of this policy guidance. Consequently, whilst the HDC&MD considers that this PPS is not essentially relevant to the proposed development, the general ethos of the guidance in terms of achieving sustainable economic growth has been taken into account during the consideration of regenerating this run-down site for the benefit of the local community.

5.10 The HDC&MD therefore considers that the density of development at a density of 77 dwellings/ha is appropriate for the site, makes more efficient use of previously developed land, provides for a significant increase in affordable and social housing stock and will enhance the area and create a landmark feature within this part of Banbury and consequently acceptable in principle and policy terms.

5.11 Design, scale and layout

Scaling and design have been planned to respond to the requirements of CDC's Draft Planning and Design Guide and to provide a building and landscape fit for both use and location. The proposed building has been positioned to ensure that ground floor retail units are clearly visible to approaching cars and pedestrians and this has been achieved by in parts raising the land levels of the site. The overall effect is to create a clear, defined and attractive public open space which effectively meets all accessibility requirements.

5.12 One important feature of the sites layout proposal is the building's curved corner which is designed to address both Orchard Way and The Fairway. The curving corner also provides a valuable aid to the visibility of the retail units.

5.13 The proposed building is of a varied scale and is designed to graduate in height along both street elevations. The structure is deliberately and necessarily of a slightly larger scale than most of its immediate neighbours in order to help create a clearly identifiable landmark structure. It is also in line with the scale requirements of CDC's Draft Planning and Design Guidance. The proposed building is particularly designed to graduate in height towards the sites key corner at the roundabout linking Orchard Way and The Fairway.

5.14 The Orchard Way elevation starts at three storeys' (approx. 10.75m above ground level) and rises to four storey's (approx. 12.55m above ground level) towards its centre. The building then steps up again with a slightly higher façade line used to emphasise the prominent corner (approx. 13.03m and 13.60m above ground level respectively). Along The Fairway the building starts at two storey's (approx. 7.55m above ground level) near the existing dwelling (no. 135 The Fairway) and steps up to three storey's toward the corner of the site (9.30m above ground level). The ground is higher under this section of building allowing this smaller structure to integrate well with the larger Orchard Way facing structure.

5.15 Along each flank the building is designed to step back in elevation to soften its impact on the street scene. This together with careful consideration of the proximity to and scale of the neighbouring buildings has helped to ensure the proposal is contextually appropriate. The neighbouring two storey building at no. 54 Orchard

Way (approx. 6.5m tall) is just over 21m to the north. The building sits notably lower than the proposed building due to a sloped topography. Along The Fairway the neighbouring two storey house is just over 12m to the west (approx. 6.5m high). This again helps to soften the scale difference between the buildings. It should be noted that the taller four storey section along Orchard Way is opposite a significant four storey apartment block.

- 5.16 In respect of the layout of the development, 33 no. private residential parking spaces are to be located to the rear of the site accessed via a control gate and keypad system off The Fairway vehicular access. The widened Orchard Way access point allows parking for customers to the shops and entry for service vehicles to the unloading area to the rear of the site, which will then exit the site via The Fairway access.
- 5.17 Pedestrian access to the differing sections of the building occurs via five stair cores. A lift has been incorporated into the curved corner section of the building between retail unit no. 4 and The Fairway. All stair cores benefit from full height glazing which is designed in consultation with Thames Valley Policy Crime Prevention Design Advisor to improve visibility and safety for building users.
- 5.18 Well positioned service voids within the internal layout of the building will allow for internal extraction ventilation systems to be installed for use by a take-away/restaurant use within one of the retail unit, without compromising the overall appearance and design of the building.
- 5.19 In order to provide a form of security for the shop windows, the proposal seeks to install security shutter to the outside of the windows. HDC&MD considers that the inclusion of these to the building will have a negative impact on the overall design of the building and therefore further negotiation as part of a condition is necessary to overcome this issue.
- 5.20 Also proposed as part of the scheme is the inclusion of public art, this is to be in the form of signage for the site which is to be prominently positioned to ensure that it will be visible from the surrounding roads and paths. Details of the design are to be conditioned.
- 5.21 A comprehensive landscape scheme has been submitted as part of the application which includes the area between the roundabout and the southern aspect of the site. Essentially this area is to be maintained by CDC and combined with the hard landscaped paving and public art feature will enhance the locality.
- 5.22 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. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not

be accepted" (paragraph 34).

5.23 PPS3, Housing states that "good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities" (paragraph 12). The guidance goes onto advise that "Local Planning Authorities should promote designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes" (paragraph 14)

5.24 Policies C28 and C30 of the adopted Cherwell Local Plan and Policy D3 of the Non-Statutory Cherwell Local Plan 2011 echo the advice contained in government guidance and seeks to ensure that design and layout of housing is informed by the wider context and that development should reflect the local distinctiveness of its setting and that standards of amenity are provided that are acceptable to the Local planning authority. The HDC&MD considers that the proposed contemporary design, scale and layout of the scheme is appropriate for its context and regenerates the site, making more efficient use of previously developed land and consequently accords with the provisions of national and local policy.

5.25 Materials and appearance of the development

The principle materials proposed for use in the buildings facades include through colour render, terracotta rain screen cladding and a dark facing brick (65mm Charcoal Smooth or similar) (up to first floor level). The remaining materials include timber (principle balcony frame and louvres), grey metal (windows, doors and balustrade (to residences and shop fronts) and glass (balustrade). The combination of materials, the clean lines, flat roofs and stepped facades used in this proposal all contribute to a distinctly contemporary architectural solution. A materials board has been submitted for consideration with the application.

5.26 The comments made by the Town Council and Banbury Civic Society are noted in respect of the materials to be used and the development's overall appearance, however, this style of building is contemporary and whilst similar recently constructed buildings are seen elsewhere in Banbury there is nothing else like this in the immediate locality and therefore will be seen in isolation as a landmark statement building in stark contrast to the 1960's surrounding development. The HDC&MD considers that whilst the principle of the appearance and materials considered to be acceptable and that the proposal accords with Cherwell Local Plan policy C28, further samples of the materials should be submitted for consideration.

5.27 Parking provision and highway safety

The building location ensures that the good parking provision serving these shops is logically sited, clearly defined and in an accessible position, it was essential as part of the development principles that this development met the requirements of both the retail and residential units and the movement of vehicles through the site.

5.28 A clear objective was the need to provide the required 33 no. parking spaces within a clearly defined and secure area. To this end the private parking was located to

the north west of the site and was designed to include secure residential access/egress from/onto The Fairway. Of equal importance was the need to create a clear area for service deliveries and to allow the movement of refuse and emergency vehicles through the site. In response, a clear access point for those vehicles has been provided off Orchard Way. Entrance from this secured route is phased to create a clearly defined shop unloading zone. The movement of vehicles on this route is planned to be one-way, efficient and non-obstructive with egress onto The Fairway. This exit is shared with residential users.

5.29 Oxfordshire County Council as local highway authority have considered the scheme acceptable in terms of highway safety with the proposed redevelopment seeking the continued use of The Fairway access and the furthest access point serving the site off Orchard Way. Both entrances have been assessed as acceptable in highway terms with the closure of the existing access by the roundabout of benefit to highway safety. The use of The Fairway access by service vehicles is not desirable, however in the opinion of the local highway authority a refusal of the scheme in respect of this matter could not be reasonably sustained at appeal.

5.30 In terms of parking provision, OCC consider that whilst the parking levels for the site do not strictly accord with the adopted parking standards in the Local Plan or is located within the town centre boundary, due to the site being located in a local centre and having close access to a reasonable bus service the proposed parking standards for the 1 – 2 bed units of 1 space per unit is acceptable for this proposal. And whilst the 2+ units should provide 2 off-street parking spaces, it is accepted that during the evening and early mornings the parking area for the retail units could be used as an overspill parking area for the residents. The dimensions and space behind the proposed parking spaces are also acceptable.

5.31 The HDC&MD therefore considers that the proposal provides sufficient parking provision for the development and is acceptable on highway safety grounds and complies with guidance contained in PPG13, NSCLP policies TR1, TR4, TR5 and TR11 and policy T4 of the South East Plan 2009.

5.32 Impact on amenities of neighbouring properties

The scheme has been designed in such a form that impact on the amenities of neighbouring properties is minimal. Specifically the position of the building and its relative distance to no. 54 Orchard Way (21m to the north-east), no. 135 The Fairway (12m to the west) and nos. 7-27 Mold Crescent (between 9-38m to the north. Side elevation windows facing onto no. 54 Orchard Way and no. 135 The Fairway are at high level serving kitchens and bathrooms. The HDC&MD considers that the separation distance is sufficient to safeguard the amenities of the occupiers of these properties in terms of overlooking and loss of privacy.

5.33 The height of the development in proximity to no. 54 Orchard Way and no. 135 The Fairway does not give rise to overbearing or overshadowing. Parking and manoeuvring of vehicles already takes place within the rear of the site and whilst the proposal is an intensification of the site, it is considered that the increase will not give rise serious harm caused as a result of vehicular activity in this area.

5.34 The HDC&MD considers that the proposal is therefore acceptable and complies with policy C30 of the adopted Cherwell Local Plan which seeks to control

development and provide standards or amenity and privacy acceptable to the Local Planning Authority.

5.35 Security and Crime prevention

The development has been designed in consultation with Thames Valley Police Crime Prevention Design Advisor who has been involved during the lengthy pre-application stage and the scheme has evolved taking into account comments made on the layout, design and physical security. Fully glazed stair cores are proposed along with clearly visible entrance doors into building, designed to be both safe and secure with natural surveillance, with the same principle applying to the shopping area that will be clearly visible by passing pedestrians and motorists. The Crime Prevention Design Advisor has stated that approval of the scheme will lead to the development being assessed for Secured by Design accreditation.

5.36 Combined with the crime prevention measures, CCTV will be installed at the development, financing of which is part of the S106 agreement. This additional measure is a further security element that has been proposed from the outset as part of the overall development.

5.37 Taking the above measures into account, the HDC&MD considers that the additional developer contribution requested by Thames Valley Police is unreasonable. Whilst it is appreciated that the proposal will provide new housing and a new shopping parade, it is not considered reasonable to mitigate the impact of the development on the police service as part of a planning obligation given the security and crime prevention measures designed as part of the scheme. It is considered therefore that the planning obligation sought does not directly relate to the proposed development as incidents of crime and targets for crime arising from the development will not increase as suggested, it is likely that the opposite will occur as the Orchard Way site will be completely changed from its current layout, there will be an increase in natural surveillance and less opportunity for crime to take place.

5.38 Sustainability

The scheme has been designed in accordance with the Code for Sustainable Homes with all dwelling units designed to meet a minimum level 3 of this standard. Maximization of solar gain benefits and sustainable materials are design features within the building, and include an array of roof mounted solar thermals, given the height of the building, these will not be visible from the immediate locality.

5.39 Affordable housing

The proposed scheme seeks to provide 33 no. social housing units, normally this would be secured as part of the S106 agreement, however given that all the units are proposed to be affordable/social the securing of this provision is a matter that could be conditioned if there is no agreement in place between CDC and Santuary Housing. This matter was still to be clarified and a verbal update will be given at the Committee meeting.

5.40 S106 Agreement

Policy CC6 of the South East Plan 2009 seeks to ensure that development creating a need for additional infrastructure is delivered through necessary contributions from the developer. Requests for contributions to be secured by way of a S106 Agreement include provision for off site indoor and outdoor sports, Library stock, museum resources, adult learning, social and healthcare, fire and rescue, CCTV, public art, public transport and waste and recycling contributions. The request from Thames Valley Police has been addressed in paragraph 5.37. The HDC&MD considers that this policy is complied with as the developer has agreed in principle to contributions requested, although the final figures are still being negotiated.

5.41 Conclusion

Based on the assessments made above it is considered that this application is acceptable, makes more efficient use of previously developed land, provides a substantial increase to the affordable/social housing stock and regenerates an area with a form of development that will provide a landmark building with public art feature and will cause no serious harm to the amenities of any neighbouring property or highway safety and will financially contribute through a S106 the delivery of additional infrastructure. The proposal therefore accords with the Council's informal design principles document and the relevant development plan policies and national policy guidance.

6. Recommendation

Approval subject to

- a) the completion of a S106 agreement covering the following heads of terms;
 - Library contributions
 - Social and Healthcare
 - Fire and Rescue
 - Waste management and recycling contributions
 - Adult learning contributions
 - Museum resource contributions
 - Public transport contributions
 - Public Art
 - Bins
 - Landscape maintenance/informal open space
 - Indoor sports contribution
 - Outdoor sports/play contribution
 - CCTV Contribution

- b) the following conditions:

Conditions

1. S.C 1.4A (RC2) – [Time: 3 years]
2. Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Each phase shall be submitted to and approved in writing by the Local Planning Authority;

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include 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. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use to be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

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.

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of drawings received 10 December 2009.

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.

4. That prior to the first occupation of the development the existing means of access onto Orchard Way and The Fairway shall be improved (widened), laid out and formed to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
5. That, before proposed development is first occupied the existing access onto Orchard Way (closest to the roundabout) shall be permanently stopped up by the means of full face kerbing and the restatement of the footway to the approval of the Local Planning Authority and in accordance with the highway authority's specifications and shall not be used by any vehicular traffic whatsoever. (RC13BB)

6. That before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the plan (2007/1015/P03) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)
7. That prior to the first occupation of the development, the cycle parking shall be provided in accordance with drawing 2007/1015/P03 and that Sheffield Cycle Stands shall be installed. (RC13BB)
8. 8.11A (RC56A) mechanical ventilation. hot food takeaway/restaurant
9. That samples of the balcony glazing, timber and sliding screen assembly and solar collectors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
10. That samples of the surface finishes for the areas of hard standing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
11. 5.5AA (RC4A) insert 'windows, doors, metal entrance and exit gates'
12. That full design details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC95A)
13. That details of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
14. That the external walls of the development shall be constructed not in accordance with the submitted brick sample EH Smith Charcoal smooth, but that a revised brick sample shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the sample so approved. (RC4A)
15. That with the exception of the brick sample subject to condition no. 14, and component details of the shop front shutters, windows and balconies the development shall be constructed using the materials submitted with the application on sample board no. 2007/1015/P17. (RC4A)

16. That no individual retail unit floorspace shall exceed 303 sq m.

Reason: To preserve the vitality and viability of Banbury Town Centre and to comply with advice in PPS4: Planning for Sustainable Economic Growth.

17. That the largest retail unit detailed unit 1 on drawing no. 2007/1015/P08 shall be used only for purposes falling within Class A1 specified in the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever and that the other 3 no. retail units shall be used only for purposes falling within Classes A1, A3 and A5 specified in the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever. (RC40AA)

18. That provision by means of suitably located waste bins both inside the retail premises and outside within the public areas shall be made, details of which shall be submitted to and approved in writing the LPA prior to the commencement of the development, the development shall be carried out in accordance with those details and thereafter retained for the disposal of litter. (RC57A)

19. That no deliveries to the retail units shall take place between the hours 9.00 p.m to 7.00 a.m Monday to Sunday (inclusive) (RC49A)

20. 2.13AA (RC8A) – demolition of buildings

21. 2.10A (RC7A) – floor levels – development

22. 6.7AA (RC4A) – no radio, TV aerials, satellite dishes

23. 3.1A (RC10A) – carryout landscaping

24. 3.7BB (RC12AA) – submit boundary enclosure details

Planning Notes

- 1. Q1 – legal agreement**
- 2. A separate permission will be required from the Local Highway Authority to carry out any access works on the public highway; contact tel for Northern Area Depot is 0845 310 1111).**
- 3. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.**
- 4. The applicant is advised that signage for the retail units may require the**

submission of a separate advertisement application that would need to be obtained from Cherwell District Council.

- 5. M – closure of public highway**
- 6. U1 – construction sites**
- 7. The applicant is advised that appropriate measures are to be incorporated into Sanctuary Housing's management regime to ensure that no outside storage should take place on the balconies of the flats.**

SUMMARY OF REASONS 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. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with Policies SP3, CC1, CC2, CC4, CC6, CC7, CC9, H1, H2, H3, H4, H5, H6, T4, W8, BE1, BE3, S1, CO2 and CO3 of the South East Plan 2009 and Policies H5, S28, TR1, C28, C30, C32 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained in PPS1, PPS3, PPS4 and PPG13 . For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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