

Application No: 10/01877/F	Ward: Calthorpe	Banbury	Date 20/01/2011	Valid:
Applicant:	Kiingerlee Homes			
Site Address:	Penrose House, 67 Hightown Road, Banbury			

Proposal: Extension of time-limit of 04/01395/F – Change of use of Penrose House from offices to residential to create 12 No. flats, erection of three storey residential unit to create 12 No. flats, associated parking, alterations of existing access and works to trees under TPO 12/90

1. Site Description and Proposal

- 1.1 The application site is Penrose House; a large Edwardian building, on the corner of Hightown Road and Oxford Road, with Hightown Gardens to the rear/side. The original permission gave consent for the conversion of the existing building and an element of new build, to create a total of 24 residential units.
- 1.2 The proposal is for an extension of the time limit, originally attached to 04/01395/F. Although the application was made in 2004, the consent (with a five year time limit) was not granted until 2006 due to the time taken to sign the legal agreement.
- 1.3 The conditions attached to the 2004 application were later varied to allow the provision of parking and ancillary storage to be provided for each phase of the development as it is provided, and to allow a change in the finishing materials to be used. These variations have been included in this scheme, as they are more likely to lead to a deliverable development.
- 1.4 The Report to Committee relating to the 2004 application is attached to this report as an Appendix.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notices and neighbour letters. The final date for comments was 24 February 2011.
- 2.2 Two letters of objections were received from residents of Hightown Leyes. Material comments raised include:
 - access issues
 - traffic generation
 - appropriateness of the development for this site
 - parking

Concerns were also raised concerning traffic, noise and disturbance likely to be generated during the construction phase.

3. Consultations

- 3.1 Banbury Town Council – no objections
- 3.2 County Highways Liaison Officer – no objections, subject to the re-imposition of appropriate conditions
- 3.3 Thames Water – no objections, request notes/conditions
- 3.4 Building Control – no comments
- 3.5 Head of Safer Communities – no objections, subject to the re-imposition of appropriate conditions
- 3.6 Private Sector Housing – no objections
- 3.7 Planning Policy – no objections, but did note that the site is included in the current 5-year supply housing figures
- 3.8 Thames Valley Police – no objections, request note
- 3.9 Contaminated Land Officer – no objections, requests full contaminated land condition
- 3.10 Oxfordshire County Council Development Funding Officer – no objections, seeks the re-imposition of previous conditions and the securing of the contributions from the 2004 application
- 3.11 Public Art Officer – seeks the securing of the contributions from the 2004 application
- 3.12 Conservation Officer – no objections
- 3.13 Ecology Officer – no objections, but wishes to remind the applicant of their responsibility towards protected species

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
 - PPS1: Delivering Sustainable Development
 - PPS3: Housing
 - PPS5: Planning for the Historic Environment
 - PPG13: Transport
- 4.2 Regional Policy in the South East Plan 2009:
 - CC1 – Sustainable Development
 - BE1 – Management for an Urban Renaissance
 - T4 - Parking
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
 - C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal
 - C30 – Design of new residential development

5. Appraisal

- 5.1 As an extension of time application, the key issue to consider is whether there has been any material change in circumstances since the previous approval.
- 5.2 The opinion of SDPHE is that there has been no change in circumstances which affect the decision. Shifts in the Policy context have not affected the acceptability of the proposal. The overall direction of national, regional and local policy remains the same, and the scheme will deliver housing to a town centre location representing an efficient use of housing land.
- 5.3 The proposal will deliver housing to a sustainable location, close to the town centre, close to transport links and services in a manner appropriate for the location and surroundings.
- 5.4 I note the comments of the contributors to the scheme, but given the lack of material change to the circumstances of the proposal, do not consider that the scheme merits refusal on the grounds raised.
- 5.5 The relevant Section 106 contributions are to be secured through a deed of agreement, tying the parties to the original legal agreements.
- 5.6 The conditions set out below reflect those attached to the original permission, as well as the amendments made in 2006 and 2008 which allow the scheme to be delivered in two phases (conversion and new build).
- 5.7 As such, the proposal is considered to comply with all relevant national, regional and local policies and is recommended for approval.

6. Recommendation

Approval, subject to

- i) the applicants entering into a Section 106 legal agreement with the District and County Councils to secure financial contributions towards;
 - a) the provision and maintenance of outdoor sports facilities in the locality/town and the financial equivalent of maintaining a local area of play in accordance with current standards
 - b) the improvement of education and library facilities in the locality/town
- ii) the imposition of the following conditions;
 - 1) SC 1_4A (Time limit for implementation)
 - 2) That the development hereby permitted shall be constructed in accordance with a full schedule of materials and finishes (including samples where appropriate) which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.
 - 3) That full design details of the fenestration to be used on the development 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 approved details. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 4) That samples of the clay tiles to be used in the covering of the roof of the development 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 samples so approved. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 5) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps. Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 6) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation. Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 7) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:
 - no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved by the Local Planning Authority in writing;

- if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;
- the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
- within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
- no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority. Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 8) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved. Reason - To ensure that the existing trees and hedgerows are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 9) That prior to the construction of the new building, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.
- 10) That prior to the first occupation of the proposed flats, the proposed pedestrian access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the approved plans. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.
- 11) That, before the development is first occupied the access drive shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with government guidance in PPG13: Transport.
- 12) That prior to the first occupation of the block of 12 new residential apartments granted planning permission under reference 04/01395/F on the land to the south of the existing Penrose House building, the parking spaces numbered F1-F15 on Drawing Number SK100 Rev. A, submitted with application Ref.

06/01797/F shall be laid out and made available for car parking in connection with the block of 12 new residential apartments, the details of which of these parking spaces shall be firstly submitted for the prior approval in writing of the Local Planning Authority, and these parking space shall thereafter be fully implemented as approved. Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy T4 of the South East Plan 2009 and government advice contained in PPG13: Transport.

- 13) That prior to the first occupation of the 12 residential units created through the conversion of Penrose House into residential use, granted planning permission under reference 04/01395/F, 15 parking spaces shall be laid out and made available for car parking in connection with the 12 residential units created in the converted Penrose House, the details of which of these parking spaces shall be firstly submitted for the prior approval in writing of the Local Planning Authority, and these parking space shall thereafter be fully implemented as approved. Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy T4 of the South East Plan 2009 and government advice contained in PPG13: Transport.**
- 14) That prior to the first occupation of the block of 12 new residential apartments granted planning permission under reference 04/01395/F on the land to the south of the existing Penrose House building, and prior to the first occupation of the 12 residential units created through the conversion of Penrose House into residential use, also granted planning permission under reference 04/01395/F, full details shall be submitted for the prior approval in writing of the Local Planning Authority of the arrangements for the provision of cycle parking facilities and refuse facilities, and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use by residents prior to the occupation of the residential units in the new block or in the converted Penrose. Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with government guidance in PPS1: Delivering Sustainable Development.**
- 15) Prior to the construction of the new building vision splays measuring 2.4 metres x 33 metres shall be provided to each side of the access and retained unobstructed thereafter. Reason - In the interests of highway safety and to comply with government guidance contained in PPG13: Transport.**
- 16) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption". Reason - To ensure satisfactory drainage of the site in the interests of public health and to avoid flooding of adjacent land and property and to comply with government guidance contained in PPS25: Development and Flood Risk.**
- 17) The development shall not begin until a scheme for protecting the habitable rooms in the new building from noise from Oxford Road to achieve an internal**

sound level of 35 dB (A) with windows closed at night has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed before any of the flats in the new building are occupied and thereafter the scheme shall be permanently retained in accordance with the approved details. Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy C30 of the adopted Cherwell Local Plan.

- 18) All construction traffic for the development shall enter and leave the site in accordance with a detailed scheme and method statement to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The method statement shall include temporary access arrangements, the construction operating hours on site, arrangements for deliveries to the site, the location of any temporary compounds and site offices, the design/location of any hoardings, the storage of building materials, the arrangement for the parking of contractors' vehicles and details of wheel-washing or road sweeping arrangements. The construction of the development shall be carried out in accordance with the approved details and all temporary buildings or structures shall be removed on completion of the development and the land restored to its former condition or in accordance with the approved plans, as appropriate. Reason - In the interests of highway safety and to minimise the disturbance to neighbouring properties during the construction period, in accordance with government advice in PPG13: Transport.

Planning Notes

- 1) T1 – Third party rights
- 2) O1 – Archaeology
- 3) X1 – (add details of District Ecologist for further info re: Swift enhancements)
- 4) I – “The Thames Valley Police ‘Secured By Design’ team”
- 5) I – “Thames Water Development Planning Department”

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 its surroundings, as well as the character and appearance of the Banbury Conservation Area, the setting of Penrose House and existing trees protected by a Tree Preservation Order and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety through traffic generation or parking. As such the proposal is in accordance with government guidance contained in PPS1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPG13: Transport; in addition, the proposal complies with Policies BE1, CC1 and T4 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, 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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