

North Area Planning Committee

19 August 2004

PREVIEW : PART II - Approvals

04/01395/F

21 06 04

**Banbury - Penrose House 67 Hightown Road Banbury**

**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 (as amended by revised plans received 24.06.04 and 15.07.04).**

For Whitley Stimpson c/o Cumming Anderton Architects 38 The Green South Bar Banbury OX16 9EA

**RECOMMENDATION**

**Approval, subject to**

- (i) the applicants entering into a Section 106 Legal Agreement with the Council and County Council to secure financial contributions towards
  - (a) the provision and maintenance of outdoor sports facilities in the locality/town and the financial equivalent of providing and 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 comments of the County Council and the Council's Landscape Services Manager;

- (iii) the following conditions -

- 1 1 4 Full Duration Limit (RC2)
- 2 2 0 Details of Matls and Ext Fns (RC4) - development
- 3 2.3E Smpl Panel of Brickwork (RC5A) - development
- 4 2 2B Samples of Roofing Matls (RC4) - clay tiles - development
- 5 3 0 Submit Landscaping Scheme (RC10)
- 6 3.1 Impl Landsc Sch and Reps (RC10)
- 7 3 5 Presrv and Protect Ex Trees (RC10) - trees - tree - tree
- 8 3 11 Dtl of Service Trenches to be Sub(RC58)
- 9 4 0A Access Spec Proposed (RC13) - development hereby permitted - first occupation
- 10 4 12 Surface, Laid Out etc (RC14) - access road
- 11 4 13C Parking & Manvrng Areas Retained (RC13)
- 12 4 21 Surface/Foul Water Disp (RC19)
- 13 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 H3 of the Oxfordshire Structure Plan 2011 and Policies C30 and ENV3 of the adopted Cherwell Local Plan
- 14 That, before the development is first occupied the cycle parking facilities shall be constructed 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 the development Reason - In the interests of sustainable travel, highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy T18 of the Oxfordshire Structure Plan 2011 and Policies TR2, TR5 and TR9 of the adopted Cherwell Local Plan

#### **Planning Note(s)**

- 1 R Archaeology
- 2 I Enclosed copy of T W A letter
- 3 T Legal Agreement
- 4 V Post Permission Changes

#### **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, which are proposed as an extension to 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 Policies G2 and T18 of the Oxfordshire Structure Plan 2011 and Policies TR2, TR5, 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

#### **CONSULTATIONS/REPRESENTATIONS**

The Town Council raises no objections to the proposal

The Highway Authority is concerned that the parking levels proposed are not adequate and consider that 150% parking (i.e. one and a half spaces per residential unit) is required This means that 36 spaces will be required (31 spaces are shown)

The Environment Agency has no comments to make on the proposal

The Council's Head of Environmental Services states that it is unlikely that the dwellings proposed by the conversion of Penrose House will be adversely affected by road traffic noise because the property is set back sufficiently from the carriageway However, the new build units are much closer to Oxford Road and accordingly it is recommended that the developers are required to design habitable rooms to achieve an internal sound level of 35 dB at night with the windows closed

The County Archaeologist asks to be notified if finds occur

The Council's Chief Engineer advises that the applicants investigate the feasibility of discharging surface water to Thames Water's public surface water sewer in Hightown Road or Hightown Leyes. Soakaways may not prove suitable for such a density of development on the site

Thames Water have no objection to the application on sewerage or water supply grounds

The Crime Prevention Design Advisor comments.

- 1 This is a much better layout as vehicles are parked within the development and overlooked by residents.
- 2 A fence or extra planting is required to the side of the first ground floor flat to prevent persons coming off the road and being able to gain access to the rear garden
- 3 The developer should seek a Secured by Design Award

11 letters have been received from neighbouring residents objecting to the proposal on the following grounds -

- 1 Development not in keeping with the style of the existing building, surrounding buildings or any buildings in the general area
- 2 Trees have been removed but not replaced.
- 3 The new build would have a dramatic effect upon the appearance of the building as a whole.
- 4 Increased risk to pedestrians and cyclists using the junction of Hightown Gardens with Hightown Road which in turn is close to the busy junction of Hightown Road and Oxford Road
- 5 Parking for houses on Hightown Gardens and Hightown Leyes was on the basis of a minimum of 2 spaces per house and the same ratio should be applied to Penrose House
- 6 Parking is important to prevent Hightown Gardens and Hightown Leyes from becoming a permanent car park as there are already problems associated with visitors to the adjacent Doctors' Surgery due to the lack of spaces within their car park
- 7 The residents of Hightown Leyes expect and require free and safe access to and from Hightown Road for themselves and others including the emergency services and any proposal which is likely to jeopardise this requirement has to be strongly objected to.
- 8 The development will overlook the front of my property and totally change the aspect of privacy I currently enjoy as well as lowering the value of my property (HPDS Note this last point is not a planning matter)

- 9 Increased traffic congestion which the proposal will bring not to mention the large influx of visitors parking.
- 10 Block of flats would be out of character with the area
11. The flats would be much higher than dwellings close by in Hightown Gardens and Hightown Leyes, exacerbated by a lack of tree cover
- 12 Twenty four flats would add to traffic congestion and parking difficulties
13. Dangerous junction onto Hightown Road, where visibility is restricted by vehicles waiting at the traffic lights and made more difficult with five parking spaces at the end of Hightown Gardens, close to the junction
- 14 Any increase in the volume of traffic in this area would bring traffic to a halt and lead to an increased danger of accidents
- 15 More trees will have to be removed
- 16 Loss of a lovely outlook
17. Concern about the loss of Banbury's fine old buildings and their settings Penrose House should be preserved as it is without any more alterations
- 18 Disturbance caused by contractors' lorries and equipment during any construction affecting the peace and quiet of existing residents.
- 19 Existing, vacant office blocks in the town should be converted to dwellings if there is an urgent need for more flats.
20. The proposal although scaled down is still out-of-scale with the other residential buildings in the immediate area

The agents have submitted various letters and information in support of the application and in response to the objections, which can be summarised as follows:-

#### Parking

The scheme makes a provision for parking on the basis of one space per dwelling plus 30% visitor parking. You will be aware of the Government's commitment in PPG3 and PPG13 to make a significant change in the regime for the provision of car parking on the basis that car parking provision is a significant factor in encouraging the use of the motor car, and unnecessary provision of on-site car parking frustrates the efficient use of land for housing.

This site is well located to other urban facilities including major retail development at Sainsbury's and the Horton Hospital as a major source of employment for access by walking and cycling. The Oxford Road is a principal bus route into the town centre. The provision of car parking is adequate to meet the reasonable needs of occupiers. In any event if occasional on street car parking did occur such incidences are not a

planning problem I refer you to the guidance in the companion guide to PPG3 The fact that existing local residents may seek to retain on street parking for their own enjoyment cannot in itself form a sound and clear cut objection to this development

#### Extra Traffic

This objection is erroneous. I have set out the trip movements associated with the current use of the premises during a working day It is clearly demonstrated that a residential use would involve a reduced amount of car movement when compared to the current use of the premises The results are based on a survey of 5 days for the weeks beginning the 24.03.03, 11.07.03, 04.11.03, 07.01.04 and 08.04.04

The traffic count data revealed the following trips

#### Average Daily Trips

24.03.03	138
11.07.03	134
04.11.03	142
07.01.04	133
08.04.04	125

If one assumes that each apartment will give rise to 6 two-way movements per day then 24 apartments as proposed may give rise to 144 two way trips. The level of trip movements is clearly comparable with the existing use of the premises There is no technical basis for contending that the proposal will give rise to a significant increase in vehicular movement

#### Access

The site access is situated in approximately the same position as the existing access onto Hightown Gardens. The proposed development would de-intensify the use of the site.

#### Loss of Trees

The trees proposed for felling would be replaced with new species as indicated on the site plan

The removed TPO trees have been replaced in consultation and agreement with the Council's Tree Officer

#### Effect on Area

The historical area of Banbury is typified with large villa type Victorian/Edwardian properties and the proposed new building deliberately aims to draw on this context To enhance the suitability of the building within the area the external walls utilise large areas of brickwork to match

the existing Penrose House and roof tiles are used in the same way. In addition to this the forms are punctuated by areas of stone banding which is also a feature of the area.

We would argue that the surrounding area has substantial pockets of development and that the proposed scheme deliberately maintains the landscape offered to the Oxford Road side of the site, and respects the existing TPO Copper Beech tree to the south of the site. The building sits low within the site and is less dominant in mass and ridge height than existing Penrose.

As previously described the use of the site as residential is a de-intensification. We understand the existing Hightown Garden road suffers from usage to and from the Surgery building at the end of the road and overspillage from the Horton Hospital. We are not aware of any detrimental issues which will disturb the outlook and the quiet residential area.

#### Overlooking

There are no overlooking issues and the distance between the building fenestration and adjacent properties is in excess of 22 metres, the Council's standard.

#### **HPDS' ASSESSMENT**

This application is a resubmission of an earlier similar proposal (04/00369/F) which involved the conversion of Penrose House from office use to 15 flats together with the erection of a new building within the grounds of Penrose House to create 19 flats with associated works to create parking and access.

The current proposal is to convert Penrose House into 12 No. flats, with a small single-storey extension on the eastern side, creating 4 one-bed flats, 6 two-bed flats and 2 three-bed flats. It is also proposed to construct a new building, at some three-storeys in height to create 12 No. two-bedroom flats, within the grounds of Penrose House, between the existing offices and the Hightown Doctors' Surgery. A total of 31 No. car parking spaces are to be provided in the area between the two buildings and between Penrose House and Oxford Road along with cycle parking, all accessed off an improved entrance onto Hightown Leyes. The new building is to be constructed of red brick with natural stone banding and other architectural details, with clay plain tiles and lead roof areas and aluminium sash windows. The new building is situated 12 metres away from the TPO copper beech tree, which is a prominent feature on the site, and occupies the area presently occupied by the main car park. Two yew, three laburnum and a range of other small trees are to be removed on the periphery of the car park to accommodate the building.

Penrose House is an Edwardian building, which is not statutorily listed and does not lie within a designated conservation area. However, it does appear on the draft Local List of locally important buildings, and the site is included on the proposed extension of the Banbury Conservation Area. The site is also the subject of a Tree Preservation Order (Ref TPO 12/90). To the south of the site is a modern one and two storey doctors' surgery building. To the south east and east of the site are the modern, two storey houses that comprise

Hightown Gardens, Hightown Leyes and Leyesland Court To the north of the site, across Hightown Road, is the Horton Hospital complex. To the west of the site, across Oxford Road, are two-storey houses, which predominately date from the inter-war and immediately post-war periods

The site itself drops in levels from north to south by approximately 1.5 metres, with Penrose House itself sited on the higher part of the site, close to Hightown Road To the west of Penrose House is a car parking area Access to the site is from Hightown Gardens, and the main car parking area is located to the south of this access, on the lower ground The site contains a number of mature trees, which contribute to the visual amenity of the local area, and consequently are protected by a Tree Preservation Order. The main areas of tree planting are along the western (to Oxford Road) and southern (to the doctors' surgery) frontages. Of particular importance is a mature copper beech tree, which is located close to the southern boundary of the site Its canopy measures over 10 metres, and (given its position to the south of the site) shades a significant proportion of the southern car park area. The frontage to Hightown Gardens is characterised by a formal laurel hedge, with some trees to the rear of it.

The proposed conversion of Penrose House to flats incorporates all four floors of the existing accommodation in the property, including the basement The proposals include the erection of a single storey extension on the north-eastern part of the building, facing the Hightown Gardens/Hightown Road junction. The extension would measure 3.3 metres by 5.8 metres, and be roofed with a shallow pitched, lead covered roof The basement would contain one two-bed flat The ground floor would contain 5 dwelling units, with 2 of these having one-bedroom and 3 with two bedrooms The first floor would contain 3 dwelling units 2 of these would have one bedroom, and the other would have 3 bedrooms The second floor would contain 3 dwelling units 2 of these would have two bedrooms, whilst the other would have three bedrooms

The proposed new building would be located on land to the south of Penrose House and lies parallel to both Oxford Road and Hightown Leyes It would be situated about 9 metres from the Oxford Road boundary of the site and 5 metres from the Hightown Leyes boundary. The building measures some 22 metres in length (maximum) and 27 metres in width, comprising two 12 metre wide blocks with a glazed atrium link Each floor accommodates 4, two-bedroom flats The new building would have a height of 11 metres, similar to that of Penrose House, but will be some 1.5 metres lower than the ridge height of Penrose House due to the change in levels across the site.

It is considered that the proposal raises a number of planning issues, which can be identified as follows:-

- 1 Principle of the proposed development
- 2 Effect on the character and appearance of the locality
3. Parking
- 4 Traffic generation.
- 5 Effect on neighbouring residents.

## 6 Effect on trees

Dealing with each of these issues in turn -

### **Principle**

The proposed retention and re-use of Penrose House for residential purposes is to be welcomed at a time when other buildings on the local list for Banbury have been the subject of recent applications for demolition. The building is worthy of retention and positively contributes to the character and appearance of the area. This is also evident from the planning history of the site, which is characterised by a number of applications to extend Penrose House, which raised sensitive design issues. The residential use of Penrose House is considered to be appropriate and to not cause any conflict with the Council's housing policies. The proposed extension is considered to be modest in scale and acceptable in design terms.

In relation to the new building, there are no policies in the adopted Cherwell Local Plan which are directly relevant to this element of the proposal. Although the site falls within the draft proposed extension to the Banbury Conservation Area, this is still only at consultation stage and of limited height. Further PPG3 gives priority to the re-use of land and requires land to be used more efficiently in order to promote regeneration and minimise the amount of greenfield land taken for development.

The draft Conservation Area appraisal highlights that a key feature within this suburb of Banbury is the openness created by the layout of large properties in spacious grounds. The proposal would reduce this feeling of openness but can be satisfactorily accommodated on the site without, in my view, undue harm to the area. Development has taken place previously within the grounds of a number of properties along Hightown Road and it is considered that the infilling of the gap between Penrose House and the Hightown Surgery is acceptable in relation to advice within PPG3. This windfall housing development, providing the equivalent of some 81 residential units to the hectare on a sustainable site on a main transport route into Banbury would contribute to the supply of housing in the town and the national target is that by 2008, 60% of additional housing should be provided on previously developed land and through conversion of existing buildings.

### **Effect on Character and Appearance of the Area**

This was partly covered in the assessment of the acceptability of the principle of the proposed development. Although within the proposed extension to the Conservation Area, it is considered that the development can be accommodated on this site without undue harm to the quality of the environment. Inevitably, if approved and built, the development will bring about some change to the character and appearance of the area as, at present, the land is undeveloped, except for the car park. The new building respects the main copper beech tree and other principal trees, which are a principal characteristic of the site. There is scope to retain more trees and opportunities for additional planting. This will all help to assimilate the development on the site and into its suburban surroundings.

The new building is set down into the site and is lower than Penrose House,



being screened to a large part to views from Oxford Road by existing vegetation. The building lies 17 metres from the carriageway at Oxford Road and although set in front of Penrose House by about 10 metres it is considered that the new development will appear subsidiary and respectful to the prominent setting of Penrose House.

The majority of recent residential development in the area is indeed two-storey in height but Penrose House and other established buildings in the area around Hightown Road are more substantial and I do not consider that a refusal would be justified on the basis that the new building is 11 metres or three storeys in height, particularly bearing in mind the advice in PPG3 to make the most efficient use of land.

PPG3 does indicate that design and layout should be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality, including the local pattern of streets and spaces, materials and building traditions, whilst recognising that new building technologies are capable of delivering acceptable built forms, which may be more efficient.

The design of the new building draws upon elements of Penrose House with its varying gables, principal roof form and other features without seeking to simply copy its overall appearance. The design incorporates matching brickwork, roof tiles, stone string courses, stone window detailing, bays, window styles and other features in an attempt to be sympathetic to Penrose House and its surroundings. The octagonal glazed bay window on the north west elevation reflects the projecting bay opposite whilst the curved elevation to the south east elevation is a response to the positioning and spread of the copper beech tree whilst producing an interesting façade to this part of the development.

On this basis, it is considered that the proposal satisfies PPG3 but also Policy G2 of the Oxfordshire Structure Plan and Policies C28 and C30 of the adopted Cherwell Local Plan.

### **Parking**

The proposed layout provides 31 car parking spaces for 24 units, which is equivalent to 130% parking as opposed to the 150% sought by the Highway Authority (36 spaces). More car parking could be provided within the site but this would be at the expense of landscaping and amenity space and would not be in the optimum location for parking from either a crime prevention or a highway safety viewpoint. Indeed four spaces were removed from the Hightown Gardens frontage to retain the existing landscape in this location even though 3 of those spaces already have planning permission as part of a consent to extend the offices at Penrose House.

The site is however close to Sainsbury's Superstore, the Horton Hospital, bus routes and has good footway and cycleway access to the town centre. The further views of the Highway Authority have been sought on the additional information supplied by the applicants' agents and any response will be reported at the Committee Meeting.

I can understand the concerns of local residents, which appears to arise principally from on-street parking caused by visitors to the adjacent Hightown

Surgery and the Horton Hospital. Whilst it is important to ensure that any residential development provides adequate car parking facilities for the occupiers' own needs, any additional on-street parking should be discouraged by the lack of available space in the locality or the parking restrictions currently in force in Hightown Leyes and Hightown Gardens.

Government advice in both PPG3 and PPG13 is aimed at reducing reliance on the private car by locating housing developments along public transport corridors and ensuring that all developments are accessible by a range of non-car modes. The site has reasonably good accessibility and there is potential for journeys to the town and other amenities by means other than the car.

PPG3 states that developers should not be required to provide more car parking than they or potential occupiers might want and should allow housing developments with limited off-street car parking in areas with good public transport accessibility and where effective on-street car parking control is present or can be secured. Hence, it is considered that parking is adequate in relation to PPG3 and PPG13 and Policies TR2 and TR5 of the adopted Cherwell Local Plan and Policy TR18 of the Oxfordshire Structure Plan.

### **Traffic Generation**

The figures provided by the applicants' agents show that the level of traffic generation between the existing offices (daily trips average 134 movements) and the proposed residential use (144 movements) is very similar. Therefore there is no evidence to suggest that the proposal will generate a significant increase in vehicular movements. The Highway Authority raises no objection on traffic generation grounds and therefore it is not considered that a refusal could be justified on traffic generation grounds.

### **Effect on Neighbouring Properties**

As indicated earlier, the development would inevitably result in a change to the appearance of the site, with a substantial building on a site currently devoid of any built structures. The outlook across the site, particularly for No 23 Hightown Leyes will be altered, but this property mainly faces the copper beech tree, which is to be retained and sits at an angle to the new building with another substantial copper beech tree alongside.

The relationship between the new building and the Hightown Surgery is satisfactory albeit that the new flats will be taller than the single and low two-storey surgery building.

There will be some loss of aspect and the feeling of spaciousness will be reduced but there are a number of mature trees including the copper beech, in the area, which at this time of the year affect daylight and sunlight across the site and to neighbouring properties.

The proposed new building is situated about 22 metres away from the nearest residential property and it is considered that at this distance it will avoid any undue overshadowing and loss of privacy. As such it is felt that the proposal satisfies Policy C30 of the adopted Cherwell Local Plan.

### **Effect on Trees**

The impact of the proposal on trees on the site is considered to be acceptable, subject to further assessment of a number of trees alongside Hightown Leyes which it appears could be retained and not removed. The development results in the loss of 12 trees and a row of about 10 smaller elder trees. It would appear that 3 or 4 further trees could be kept to minimise tree loss. The main copper beech tree is to be retained and the health of this tree should be improved by the removal of hard surfacing from the car park near to its canopy. It is felt that at 12 metres away the building is now far enough away from the tree not to compromise its future health and viability.

The width of the landscaped area along Oxford Road is between 5 and 9 metres, which offers the scope to mitigate the visual impact of the proposal and compensate for the tree loss. This space should also ensure a healthy growing environment for the retained trees as well as the replacement hornbeam trees for the TPO trees removed recently. Such landscaping should provide an appropriate landscape setting for Penrose House, the new building and character and appearance of the street scene.

### **Conclusion**

Overall, it is considered that the proposal satisfactorily addresses the concerns and criticisms of the earlier withdrawn application. Although the application has given rise to a number of objections it is not considered that a refusal could be justified given the nature of the proposal and Government advice contained in PPG3 and PPG13.

The application is therefore recommended for approval, subject to a Section 106 Legal Agreement to secure appropriate contributions towards meeting the infrastructural requirements of the development. Advice on these requirements is awaited and they would be the subject of negotiation and agreement. They are likely to include financial contributions equivalent to the provision of a local area of play on the site and towards off-site outdoor sports facilities, education and library provision but not affordable housing as the site is below the threshold.