

PLACE AND GROWTH INTERNAL MEMORANDUM

From: Planning Policy, Conservation and Design Team

To: Senior Manager – Development Management (FAO Chris Wentworth)

Our Ref: Application Response **Your Ref:** 23/01633/F

Ask for: Simon Barlow **Ext:** 1639 **Date:** 5 September 2023

APPLICATION FOR PLANNING PERMISSION PLANNING POLICY CONSULTATION RESPONSE

This response raises the key planning policy issues only.
All material planning policies and associated considerations will need to be taken into account.

Planning Application No.	23/01633/F
Address / Location	Site at Calthorpe Street and Marlborough Road Banbury
Proposal	Demolition of existing retail units and public car park and redevelopment for residential dwellings (C3 Use), provision of private car parking, hard and soft landscaping and photovoltaic (PV) panels on roof, and associated works
Key Policies / Guidance	<p>Adopted Cherwell Local Plan 2011-2031</p> <ul style="list-style-type: none"> • Policy SLE 2: Securing Dynamic Town Centres • Policy SLE 4: Improved Transport and Connections • Policy BSC 1: District Wide Housing Distribution • Policy BSC 2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density • Policy BSC 3: Affordable Housing • Policy BSC 4: Housing Mix • Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision • Policy BSC 11: Local Standards of Provision - Outdoor Recreation • Policy BSC 12: Indoor Sport, Recreation and Community Facilities • Policy ESD 1: Mitigating and Adapting to Climate Change • Policy ESD 2: Energy Hierarchy and Allowable Solutions • Policy ESD 3: Sustainable Construction • Policy ESD 4: Decentralised Energy Systems • Policy ESD 5: Renewable Energy • Policy ESD 6: Sustainable Flood Risk Management • Policy ESD 7: Sustainable Drainage Systems • Policy ESD 8: Water Resources • Policy ESD 15: The Character of the Built and Historic Environment • Policy Banbury 7: Strengthening Banbury Town Centre <p>Saved Policies of the Adopted Cherwell Local Plan 1996</p> <ul style="list-style-type: none"> • Policy C23: Conservation areas • Policy C28: Layout, design and external appearance of new development • Policy C30: Design control

	<p>Banbury Vision and Masterplan Supplementary Planning Document (SPD) 2016</p> <p>Non-Statutory Cherwell Local Plan (2004)</p> <p>Banbury Conservation Area Appraisal (2018)</p> <p>Cherwell Residential Design Guide SPD (2018)</p> <p>National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)</p>
<p>Key Policy Observations</p>	<ul style="list-style-type: none"> • The application proposals are in central Banbury and comprise the redevelopment of land bordered by Calthorpe Street, Marlborough Road and Marlborough Place with the northern tip of the site bordering the High Street. The site accommodates the Marlborough Road car park and a relatively large retail unit currently occupied by two retail stores. The site is surrounded by a mixture of existing residential, community, retail and commercial uses. • The development proposed is a residential scheme for 230 dwellings, including 69 affordable dwellings. The proposal involves removing the current carparking and the retail units, resulting in a loss of 203 parking spaces and 3,939 sqm of class E (formerly A1) retail floorspace. A smaller 19 space car park on the south-west of the site will be provided. • It is noted that one of the three retail units has been vacant for some time (since July 2020) but the other two units are currently occupied. • Relatively recent development (residential flats) has taken place on the Calthorpe Street frontage immediately to the west of the application site, which resulted in the loss of former County Council offices. • The dwellings in the scheme are largely in the form of flatted development in blocks of 3-5 storeys in height and a row of 8 x 4-bedroom three storey townhouses are proposed to the south of the site. • The level of affordable housing proposed is compliant with Policy BSC 3. However, the mix of affordable unit types skews heavily towards 1 bedroom flats which is inconsistent with Policy BSC 4. The Council's housing team should be consulted on the proposed mix of dwellings. • The proposed development is located on previously developed land and provides for 139 dwellings per hectare and is therefore compliant with Policy BSC 2 in this regard. However, the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites. • In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 need updating. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology. • As set out in the Council's Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the

annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4 year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.

- The site is located in a highly sustainable location in central Banbury with good accessibility to shops, facilities and services. The proposal will therefore assist in delivering Local Plan Objective SO12 which seeks to focus development in Cherwell's sustainable locations.
- The site is within Banbury town centre and the designated town centre shopping area as shown in the Cherwell Local Plan (see Policy Banbury 7 inset map (page 342)). Policy Banbury 7 applies and states that: 'Shopping, leisure and other 'Main Town Centre Uses' will be supported within the boundary of Banbury town centre. Residential development will be supported in appropriate locations in the town centre except where it will lead to a loss of retail or other main town centre uses.' The proposal would result in the loss of operational shops in the southern part of the site and the proposal conflicts with Policy Banbury 7 in this regard.
- Policy Banbury 7 also states that: 'the change of use of sites used for main town centre uses in the town centre for residential development will normally be permitted if proposals contribute significantly to the regeneration of the town centre.'
- Paragraph C.158 of the Cherwell Local Plan states "Land at Calthorpe Street also provides the opportunity to regenerate this historic part of the town centre which has experienced vacancies. It provides the opportunity to deliver a mixed use scheme including car parking. Opportunities for the site will be explored further in the Banbury Masterplan". The application site is however not allocated for development in the Local Plan.
- The Banbury Vision and Masterplan Supplementary Planning Document (SPD) was adopted in 2016 and identifies the application site as a potential area for development. The SPD refers to Calthorpe Street Area (see pages 28, 30, 38 and 43) and states: 'this area could be redeveloped for town centre uses and car parking.' The SPD contains objectives which seek to create a vibrant, attractive town centre and environment and high quality housing development.
- The application site is identified for mixed use development as part of a wider site in the Council's Non-Statutory Cherwell Local Plan (Policy S9 Land at Calthorpe Street) which was adopted by the Council as a material consideration in the determination of planning applications in December 2004. The policy is now dated and therefore the requirements will need to be considered in light of more recent planning policy and guidance and other considerations and circumstances relating to the site and surroundings.
- The Council has published a retail study (September 2021) and supplement (July 2023) to inform the Local Plan Review 20240 which recommends the contraction of the extent of Banbury town centre to create a more compact layout and address the identified oversupply of retail floorspace and the greater encouragement for residential development in the town centre, to increase the vibrancy of the centre. In the study the application site is recommended to be removed from the town centre boundary and considered for residential development (see figure 10.2). The site is identified for residential development within the

	<p>draft Cherwell Local Plan Review. The application proposals are therefore consistent in principle with the Council’s draft proposals.</p> <ul style="list-style-type: none"> • The draft Plan states that the Council will support comprehensive and sensitive residential-led redevelopment proposals that incorporate the rebuilding of the frontages to Calthorpe Street and Marlborough Road. Proposals must preserve and enhance the character of Banbury Conservation area. It also identifies that the retail units should be re-located within the town centre. • The site is within the Banbury Conservation Area. The Banbury Conservation Area Appraisal (September 2018) shows that the application site falls within the Calthorpe Character Area, whilst the northern tip bordering the High Street and comprising numbers 29 and 30 High Street, is classed as the Medieval Centre. The appraisal notes that most of the buildings in the area are three storeys and identifies views of St Marys Church. The north-east and south-west sides of the site are identified as unsightly edges. There is a grade 2* listed building to the south of the application site and other listed buildings nearby. The proposals will need to have regard to the Conservation Area appraisal and the impact on the historic environment and townscape will need to be considered carefully. The Council’s conservation team should be consulted. • Proposals should be considered against and informed by Policy ESD 15 and consider matters such as public access, routes, views, urban spaces, development frontage, building heights, and the relationship with the existing townscape. The NPPF states at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. At paragraph 134 it states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. The Council’s Residential Design Guide, government planning guidance on design and its National Design Guide should be considered. • Open space and recreation will need to be provided in line with the relevant 2015 Local Plan policies. • Consideration also needs to be given to parking requirements, loss of car parking and highways matters. Advice should be sought from the County Council and relevant Council departments in this regard.
<p>Policy Recommendation</p>	<p>Objection unless it can be satisfactorily demonstrated that the proposals will lead to effective regeneration of this area of the town centre involving residential development that it is well designed and which will preserve and enhance heritage assets.</p>