



**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING STATEMENT**

**TO ACCOMPANY A FULL PLANNING APPLICATION FOR**

**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**

**ON LAND BETWEEN CALTHORPE STREET AND MARLBOROUGH ROAD, BANBURY**

**FOR Tri7 BANBURY LLP**

**JUNE 2023**

**OUR REF: PF/10387**

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## 1.0 INTRODUCTION

1.1 This planning statement is submitted on behalf of the Applicant, Tri7 Banbury LLP, in support of a planning application for full planning permission in respect of a proposed residential redevelopment of 'The Calthorpe Centre', comprising land between Calthorpe Street and Marlborough Road, Banbury (hereafter referred to as 'the Site').

1.2 The description of the proposed development is as follows:

*'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.'*

1.3 The purpose of this proposal is to redevelop an existing urban environment between Marlborough Road and Calthorpe Street which presents poor quality urban realm, in comprising a large privately operated car park and the former Sainsbury's supermarket store which is now only partly occupied by TK Maxx and Farmfoods.

1.4 It is considered that this site should be regarded as an opportunity site within the town centre to:

- Create new vitality and viability for town centre uses with the provision of a significant residential presence. For those who live in town centres; cafes, public houses and urban spaces function as their amenity space.
- Establish a high-quality urban realm that contributes positively to the townscape qualities and the special qualities of the Calthorpe Conservation Area.

1.5 This Statement describes and comments upon the proposals and discusses the key planning issues relating to the scheme. It assesses the Site within its local context and reviews the relevant planning history relating to the Site. The Statement considers the merits of the proposals firstly in the context of the development plan, and thereafter national policies.

1.6 This application is supported by the plans listed at **Appendix 1** and the technical documents and reports listed below. As such, the plans and documents should be reviewed in conjunction with this Planning Statement.

Report	Report Ref.
Air Quality Assessment	1rAQ10030r1
Archaeological Desk-Based Assessment	Banbury_ADBACM_25-05-23
Ecological Survey & Report	G59944
Biodiversity Impact Assessment/BNG Metric	Version 2
Daylight and Sunlight Assessment	1839-ep-23-3005

Energy Statement	CAL-HYD-XX-XX-RP-ME-003
Flood Risk Assessment	24447-HYD-XX-XX-FR-0001 P02
Drainage Strategy and Layout	22055-D100
Heritage Statement	Prepared by Bidwells, dated May 2023
Townscape Visual Impact Assessment	UDs64638-A4-0002
Land Contamination Assessment	1922759 R01
Landscape Design Statement	LA5592-LDS-01-Rev B
Noise Impact Assessment	21770R01aPKSW
Photograph/Photomontages Verified Views	0550 Banbury LA & TVA
Retail Impact Assessment	Prepared by White Commercial
Statement of Community Involvement	PF/10387
Transport Assessment	22-312-20 Rev 01
Framework Travel Plan	20-213-20 Rev 00
Tree Survey and Arboricultural Impact Assessment	BS5837 BJUFC May 2023
Health Impact Assessment	PF/10387

## 2.0 THE SITE AND SURROUNDING CONTEXT

### General Location

- 2.1 The Site is located in Banbury town centre to the south of the High Street. The eastern boundary is formed by Marlborough Road. Calthorpe Street forms the western site boundary.
- 2.2 Vehicular access to the site is gained from both Marlborough Road to the east and Calthorpe Street to the west.
- 2.3 The site lies in a highly sustainable town centre location in close proximity to a range of local services and facilities, in addition to a range of public transport services. There are supermarkets, bars, restaurants, cinemas, libraries, parks, surgeries and schools within a 400 metre (5-minute walk) of the site.
- 2.4 There are two bus stops in close proximity to the Site, located on Calthorpe Street along the western site boundary and the High Street approximately 100m metres to the east. From these stop, regular services connect the site to Leamington Spa, Stratford-upon-Avon, Chipping Norton and Oxford.
- 2.5 Banbury Railway Station is located approximately 800 metres to the east of the site. Chiltern Railways provide frequent services to London Marylebone (3 trains per hour) and Birmingham (2 trains per hour). In addition, the station is served by Great Western Railway and Cross Country Services to Oxford and Reading.
- 2.6 The site does not include any Locally Listed or Statutorily Listed Buildings. The site is located within the Banbury Conservation Area and within the setting of the following heritage assets:
- 7-9, Dashwood Terrace (No. 7 Danvers House, No. 8 Dashwood House & No. 9 Calthorpe House) (Grade II\*)
  - Gatepier, Dashwood Terrace (Grade II\*)
  - The Old Wine House, 27, High Street (Grade II)
  - 24, High Street (Grade II)
  - Former Mechanics Institute and Municipal Technical School, Marlborough Road (Grade II)
  - 35, High Street (Grade II)
  - 36-38 High Street (Grade II)
  - 55, Calthorpe Street (Grade II)
- 2.7 The Site is located in Flood Zone 1 and thus is situated in an area with very low risk of flooding.

### Site Description

- 2.8 The site extends to 1.58 ha (3.9 acres) and contains a large building extending to 3,939 sqm (42,403 sq ft) split into three retail units (Class E Use) and hardstanding surface car parking for 278 cars, operated by NCP Car Parks.

- 2.9 Two of the retail units are currently occupied by TK Maxx and Farmfoods. The third unit (Unit 1a – formerly Poundstretcher) has been vacant since July 2020 and has been actively marketed for retail uses with limited interest forthcoming which has not progressed.
- 2.10 The existing building has a height of approximately 2.5 storeys and is formed by red brick gabled facades and tile pitched roof fronts disguising a central flat roof. To the rear of the retail unit(s) is a strip of vegetation and a post and wire fence forming the boundary with residential properties along Dashwood Road to the south.
- 2.11 The creation of the existing flat, surface car park necessitated the re-grading of the land and installation of retaining walls at the eastern boundary with Marlborough Road and along the western boundary with Calthorpe Street. Vehicles enter the site via ramps.
- 2.12 The permeability of the existing site for pedestrians is currently constrained and the general appearance of the site is poor by reason of the brutal engineering. There are street trees present along the highway boundary with Marlborough Road and Calthorpe Street.
- 2.13 There is a line of trees running north-south across the car park. A high proportion of these trees are ‘Raywood’ ash with evidence of dieback, and many have grown over steel grills around their bases. The site also contains other small areas of poor quality vegetation at the site boundaries, particularly to the south and south-east.
- 2.14 There is a small short-stay surface car park to the south western corner of the site operated by the Council, containing 19 spaces (including 3 disabled bays). This car park is proposed to be retained. The scheme proposes the introduction of soft landscaping, reconfiguration of the car park layout and replacement boundary walls along Calthorpe Steet in order to enhance its appearance internally and in the streetscene.

### **Planning History**

- 2.15 There are no planning applications that have been submitted at the application site that are of relevance to the determination of this planning application.
- 2.16 Pre-application advice was sought, with discussions held with officers of the District Council on 17<sup>th</sup> March 2021 (ref. 20/03208/PREAPP) and 28<sup>th</sup> April 2022 (ref. 22/00492/PREAPP). Planning Officers confirmed that the redevelopment and regeneration of this site for residential/mixed use would make a positive contribution to the area and Banbury town centre generally and the principle of development is considered acceptable, subject to justifying the loss of the existing retail uses on-site. This issue is addressed in Section 5 of this Planning Statement.
- 2.17 The pre-application meetings enabled detailed discussion on the proposed quantum of development and on layout, design, open space and landscaping. The scheme has been revised as a consequence of these discussions.

### 3.0 THE DEVELOPMENT PROPOSAL

- 3.1 The proposal seeks to create a new residential community and high-quality urban realm within Banbury town centre.
- 3.2 The components of the development are set out below in more detail.

#### Residential

- 3.3 The Proposed Site Block Plan (Dwg. 20176-CWA-00-XX-DR-A-0105) accompanying this planning application demonstrates how the site can accommodate 230 dwellings within seven accommodation blocks.
- 3.4 A range of dwellings are proposed from 1 bedroom studio apartments to 4-bedroom town houses. The majority of units comprise apartments, which is considered appropriate for town centre living.
- 3.5 The proposed housing mix is set out in Table 1 below.

Table 1: Proposed Schedule of Accommodation

Housing Type	Quantity	Mix
1 bedroom Apartment	154	67%
2-bedroom Apartment	59	25.5%
3-bedroom Apartment	8	3.5%
3-bedroom Town House	1	0.5%
4-bedroom Town House	8	3.5%
<b>Total</b>	<b>230</b>	<b>100%</b>

- 3.6 It is proposed that 30% (69) of the dwellings will be affordable housing, all of which will be provided on-site. 70% (48) of these are proposed as social rented and 30% (21) as intermediate housing, including first time homes.

#### Appearance and Scale

- 3.7 The proposals are for a contemporary town centre development for modern living. The primary material is a red facing brick, with some variation to provide texture and reflect the local context. Accent materials have also been proposed, including a Hornton Stone colour pigmented concrete, in addition to some use of copper / bronze metal, used for articulation and detailing and selected to compliment the chosen brick shades as well as reflect local use of the stone. Window and door frames will be aluminium in a dark grey for a contemporary look.

- 3.8 The proposed buildings range from 2 storeys to 5 storeys in height. Taller buildings with flat roofs are located centrally within the site with podium steps between lower and upper ground floor levels and different elevational treatments on the top floor to reduce the perception of height. Smaller buildings with pitched roofs and use of plain clay tile and red facing brickwork are proposed at site frontages.
- 3.9 Building lines and roof lines are generally reduced or at most equal to adjacent buildings and heritage assets, retaining their hierarchical importance. The proposed roof lines do not intrude into the existing skyline and are not visible in long distance views.

**Recreational and Amenity Space**

- 3.10 The proposals provide 7,377 m<sup>2</sup> of amenity space, which can be broken down into three different typologies, as follows:

Table 2: Proposed Recreational and Amenity Space

Public Amenity - Ground	6,026m <sup>2</sup>
Private Amenity – Ground	894m <sup>2</sup>
Private Amenity - Roof	457m <sup>2</sup>
Total	7,377m <sup>2</sup>

- 3.11 Public amenity space is on accessible ground floor level and comprises a centrally located area of urban green space (denoted on the plans as a ‘People’s Plaza’) adjacent to the Methodist Church, a podium garden and a pocket park adjacent to Calthorpe Street. Residents of the development will have access to roof gardens and courtyards.
- 3.12 The scheme seeks to offer multi-generational play within the publicly accessible open space with informal areas for play integrated into the public realm. Further play provision for early years and primary school age groups is also accommodated within the semi-private communal podium and roof gardens. The proposals provide a total of 787m<sup>2</sup> of play space.
- 3.13 Existing mature trees with shrubs and groundcover beneath in peripheral areas are proposed to be retained, where possible. Ground level habitat is proposed to be enhanced by creating wildflower meadows, planting native trees, shrubs, grasses, ferns and pollinator rich species. The proposals also make use of roof space for habitat creation and biodiversity value. Each roof garden will provide both wildflower lawns and biodiversity planting.
- 3.14 The scheme will incorporate the use of sustainable urban drainage systems in the form of blue roofs, green roofs, permeable paving with some geo-cellular storage proposed below ground.

**Access and Parking**

- 3.15 Routes through the site have been retained and enhanced, with high quality, pedestrian-priority, landscaped public realm in place of the existing surface car park.

- 3.16 The existing vehicular accesses from Marlborough Road is proposed to be retained but remodelled with a shallower gradient and designed as a shared surface streets with pedestrian priority. The existing Calthorpe Street access is proposed to be regraded with a 1 in 12 ramp down to the proposed lower ground car park for private residents' parking.
- 3.17 A further access is proposed to make use of the existing retail service yard vehicle entrance to the south of the site, off Calthorpe Street. This access will serve the townhouses and associated car parking spaces.
- 3.18 The site access and internal road network has been designed to accommodate emergency service and refuse vehicles throughout the site.
- 3.19 A total of 75 allocated private car parking spaces is proposed for the larger dwellings. 63 of these are proposed to be located within a lower ground car park accessed from Calthorpe Street, allowing them to be concealed from view and without any negative impact to the character of the Conservation Area. 6% (4) of the lower ground car parking spaces are designated as accessible spaces and 8 spaces are proposed for two wheeled spaces. In addition to the lower ground car park, 9 surface level car parking spaces are proposed outside of the townhouses.
- 3.20 A minimum of 25% electric vehicle (EV) charging points have been designated, including 1 accessible bay.
- 3.21 Secure storage cycle parking is proposed for residents, with one space per one bed unit and two spaces per 2 bed or larger unit provided.
- 3.22 115 secure cycle parking spaces for visitors is provided (50% provision) and will comprise Sheffield-hoop type stands, all of which will benefit from natural surveillance and overlooking, lighting and a proportion of them are also under covered shelters.

**Sustainable Construction**

- 3.23 Roof plans have been prepared which show Photovoltaic (PV) panels proposed to upper-level flat roofs to all apartment blocks as well as to the internal site-facing roof pitches of the proposed townhouses.
- 3.24 Air Source Heat Pumps will also serve to all units, with small rooftop compounds proposed for apartment blocks and smaller, domestic scale units to the townhouses. For rooftop mounted plant, this will be acoustically and visually screened with roof parapets, and set back from site edges to minimise views from outside of the site.

#### 4.0 RELEVANT PLANNING POLICY CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be taken in accordance with the adopted development plan for the area unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration.

4.2 The current Development Plan covering Cherwell is made up of the following documents:

- Cherwell Local Plan 2011-2031 (Part 1), adopted 20th July 2015
- Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need, adopted 7th September 2020
- Saved policies of the adopted Cherwell Local Plan 1996, saved on 27th September 2007.

4.3 However, only the policies contained in the Cherwell Local Plan (Part 1) are of relevance to this planning application and are reviewed below.

##### **Cherwell Local Plan 2011-2031 (Part 1)**

4.4 The Policies Map indicates that the site is located within Banbury’s Town Centre Shopping Area. Accordingly, the important policy in the Cherwell Local Plan is Policy Banbury 7 Strengthening Banbury Town Centre.

4.5 Policy Banbury 7 supports residential development ‘*except where it will lead to a loss of retail or other main town centre uses*’. However, the policy has an internal conflict, and continues:

*‘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. Mixed use schemes will be encouraged.’*

4.6 The Part 1 Plan states (at Paragraph C.158):

*‘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.’*

4.7 Policy BSC 2: The Effective and Efficient Use of Land is also relevant to this proposal and states that the Council will encourage the re-use of previously developed land in sustainable locations.

4.8 With regard to the built and historic environment, Policy ESD 15 advises that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design

standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

4.9 Other relevant policies contained within the Cherwell Local Plan include:

- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy SLE4: Improved Transport and Connections
- Policy BSC1: District Wide Housing Distribution
- Policy BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing Mix
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- Policy ESD1: Mitigating and Adapting to Climate Change
- Policy ESD3: Sustainable Construction
- Policy ESD7: Sustainable Drainage Systems (SuDS)
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

#### **Other Material Considerations**

##### National Planning Policy Framework (NPPF) (July 2021)

4.10 The National Planning Policy Framework was revised on 20<sup>th</sup> July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

4.11 The following paragraphs are considered to be particularly relevant to this proposal:

##### *Delivering Sustainable Development*

- Paragraph 7
- Paragraph 10
- Paragraph 11

##### *Delivering a sufficient supply of homes*

- Paragraph 60

##### *Ensuring the vitality of town centres*

- Paragraph 86

##### *Making effective use of land*

- Paragraph 119

- Paragraph 120

*Conserving and enhancing the historic environment*

- Paragraph 199
- Paragraph 200
- Paragraph 202
- Paragraph 206

*Achieving well-designed places*

- Paragraph 216

Banbury Vision and Masterplan Supplementary Planning Document (SPD) (December 2016)

4.12 The Banbury Vision and Master Plan 2016 identifies the site within an ‘other potential development site’. The key initiatives identified to deliver a vibrant and attractive town centre include (being of particular relevance to this proposal):

- Preserving and enhancing the heritage assets and their settings within the town centre,
- Encourage high quality housing development on appropriate sites in the town centre.

4.13 The Master Plan refers to Calthorpe Street Area, which extends east and west of Calthorpe Street, including the local authority-controlled car park (west of Calthorpe Street) and states:

*‘This area could be redeveloped for town centre uses and car parking.’*

4.14 The SPD is not prescriptive in the form of opportunities that have been identified, and is intended to present a vision on potential initiatives to enhance the sustainability of the town centre.

Emerging Local Planning Policy

*Cherwell Local Plan Review 2040*

4.15 Once adopted, the Cherwell Local Plan Review 2040 will replace the policies in the adopted Cherwell Local Plan 2015 and ‘saved’ policies in the Cherwell Local Plan (1996).

4.16 Consultation on the Draft Local Plan 2040 (Regulation 18) has been delayed (date to be determined). Accordingly, this emerging Plan will be afforded very limited weight in the decision-making process, until it has advanced substantially towards adoption.

4.17 A Draft Regulation 18 version of the Plan was put forward for review in the Council’s Overview and Scrutiny Committee Extraordinary meeting, dated 11th January 2023. This Plan provides useful insight into the Council’s current thinking for Banbury town centre and areas of change on the basis of a Town Centre and Retail Study (September 2021) evidence base document, which

was commissioned by the Council to understand the current strengths and weaknesses and health of the town centre to inform this Local Plan.

4.18 The Town Centre and Retail Study (2021), undertaken by Nexus Planning, makes the following recommendations for Banbury Town Centre:

- Contract the extent of the town centre to create a more compact layout and address the identified oversupply of retail floorspace
- Resist Out of Centre Expansion as any further expansion will be seriously detrimental to the town centre
- There should be greater encouragement for residential development in the town centre, to increase the vibrancy of the centre. This will create a stronger in-town community and provide a boost to the local economy from this captive market
- Support town centre masterplanning to ensure a comprehensive strategy
- Opportunities should be explored to improve the outdoor markets so that they become stand-alone attractions, including by making the market square an attractive destination
- The centre would benefit from further investment into its public realm and the quality of the environment, to create a more attractive and distinctive space. A Public Realm Strategy would be recommended to raise the profile of the centre
- Open up the Oxford Canal to the town centre
- Explore partnership options to provide charging points and to meet green agenda targets. Adopt a ‘plain English’ approach to car park messaging. Consider free car parking on market days to stimulate renewed interest in this struggling but important retail offer, and
- Raise the profile of the centre as a night-time economy destination. There should focus be a on making the town centre more attractive for residents and visitors to use in the evening and to attract new business to open new restaurants and provide more choice. This should be accompanied by improvements to accessibility, the public realm and the sense of safety.

4.19 The recommendation of the retail study of contracting the extent of the town centre to address an identified oversupply of retail floorspace is a direct contrast to the retail strategy of the currently adopted Local Plan, which promotes the extension of the town centre to facilitate additional town centre development to broaden the attraction of central Banbury (Paragraph C.160).

4.20 In undertaking a review of the Local Plan, the Council’s thinking has clearly changed in relation to the retail strategy for Banbury town centre. At Paragraph 5.48 of the draft Regulation 18 Plan, it states:

*‘5.48. The Council does, however, recognise that some out of town development has drawn some retailers out of the town centre, and along with the impacts of the Covid pandemic, and a change in retail habits, there has been some impact on the existing town centre. It is therefore important this Plan focuses on strengthening the town centre and support effective regeneration and improvements.’*

4.21 The Retail Study (2021) also identifies a number of sites suitable for redevelopment, together with areas that need regeneration. Building on the work of the Retail consultants, the draft Regulation 18 Plan put forward to the Overview and Scrutiny Committee identifies the application site ('Site 3: Calthorpe Street & Marlborough Road') as being important to meeting the Plan's objectives.

4.22 Paragraph 5.59 of the Draft Local Plan states:

*'The site is within the designated Banbury Conservation Area and is suited for residential development, with the existing retail operators being relocated within the town centre.'*

*'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 and appearance of the Banbury Conservation Area. There is a need to provide walking and cycling permeability.'*

4.23 Whilst it is acknowledged that this draft Plan will be afforded very limited weight in the decision-making process, it is clear that the proposed redevelopment of the site aligns with the current thinking of the Council in terms of the retail and town centres strategy and would be in accordance with the recommendations of the Town Centre and Retail Study (2021) evidence base document.

4.24 The planning merits of the proposal are considered in the context of this policy background.

## 5.0 PLANNING ASSESSMENT

### Introduction

- 5.1 A fundamental consideration in the context of both national and local plan policy is the status of this land and its sustainable location within Banbury town centre.
- 5.2 In the national planning policy context, the NPPF strongly supports the re-use of previously developed land and emphasises that local planning authorities should promote and support development of under-utilised land and buildings.
- 5.3 In the local planning policy context, a Strategy Objective of the Local Plan (SO 12) is to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and the setting of its towns and villages.
- 5.4 The Development Plan positively encourages the use of previously developed land for housing development, for the obvious reason of recycling land that is or has been developed and to reduce the need for development on undeveloped greenfield sites (Policy BS1 and BSC 2).
- 5.5 The proposed redevelopment of this previously developed site is therefore consistent with the development strategy of the District.
- 5.6 The site is located within Banbury's Town Centre Shopping Area and therefore the redevelopment proposals are to be assessed against Policy Banbury 7 Strengthening Banbury Town Centre. The analysis considers the site in the context of this planning policy.

### Policy Banbury 7: Strengthening Banbury Town Centre

- 5.7 The context for Policy Banbury 7 is a number of themes. The following themes are relevant to this proposal (Paragraph C.157).
- We need to create more natural flows of people between the various quarters of the town centre.
  - We need to encourage a broad mix of uses within the town centre and ensure there is a 'human dimension' throughout the day.
  - We need to reflect and adapt to changes yet protect the asset of the town centre.
- 5.8 Thereafter the Part 1 Plan states (Paragraph C.158):

*'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.'*

5.9 Policy 7 supports residential development ‘*except where it will lead to a loss of retail or other main town centre uses*’. This proposal would result in the loss of two occupied retail units, and hence there is a conflict with the provisions of this policy. The issue is the level of harm that is to be associated with this conflict.

5.10 It is considered that the degree of this conflict should be given limited weight in the context of:

a) Policy Banbury 7 has an internal conflict, stating:

*‘The change of use of sites used for main town uses in the town centre for residential development will normally be permitted if proposals contribute to the regeneration of the town centre. Mixed use schemes will be encouraged.’*

b) It is considered that this proposal will provide a significant regeneration of this part of the town centre, providing vitality to the town centre through a new residential community, which will directly contribute to the viability of retail and non-retail uses in the town centre.

c) The Local Plan (Paragraph C.158) refers to the opportunity to regenerate this historic part of the town centre. Giving substantial weight to the use of suitable brownfield land also has the planning benefit of reducing the amount of greenfield land that might be required to meet future housing needs.

d) With regard to the reference in the Local Plan (Paragraph C.164) to land at Calthorpe Street being ‘*likely to contribute to ensuring that the retail needs of an expanding town are met*’, this strategy was based upon a capacity study commissioned in 2012. Since that date – and in response to the CV-19 health pandemic – a massive change has occurred with internet retailing, to such an extent that the assumptions as to the future need for floorspace, retail are now unreliable and unrealistic.

e) The House of Commons, Housing Communities and Local Government Committee issued a report in February 2019 titled ‘High Streets and Town Centres in 2030’. The Government concluded (38):

*‘We are convinced that high streets and town centres will survive, and thrive, in 2030 if they adapt, becoming activity-based community gathering places where retail is a smaller part of a wider range of uses and activities. Green space, leisure, arts and culture and health and social care services must combine with housing to create a space that is the “intersection of human life and activity” based primarily on social interactions rather than financial transactions. Individual areas will need to identify the mix that best suits their specific characteristics, local strengths, culture and heritage. Fundamentally, community must be at the heart of all high streets and town centres in 2030.’*

- f) The Committee considers that high streets and town centres will experience ‘large-scale structural change’ which will require intervention by local authorities. Intervention will, by necessity, include adjustment to planning policies and the rebalancing of planning decisions in order to respond to the structural economic change to town centres.
- g) The emphasis in the Local Plan on resisting the loss of any retail floorspace, and envisaging increased floorspace capacity is considered to be out of date with the economic realities of retailing. The provision of increased residential development in the town centre to enhance vitality is entirely consistent with the emphasis of the town centre being a ‘gathering place’.
- h) The Town Centre and Retail Study (September 2021), which forms an evidence base document for the preparation of the Cherwell Local Plan Review 2040, recommends the extent of the town centre is contracted to address an identified oversupply of retail floorspace and encourages residential development in the town centre to increase vibrancy.
- i) The Draft Local Plan 2040 (Regulation 18), which was put forward for review in the Council’s Overview and Scrutiny Committee Extraordinary meeting dated 11th January 2023, identifies the application site as being important to meeting the Plan’s objectives, stating:

*‘The site is within the designated Banbury Conservation Area and is suited for residential development, with the existing retail operators being relocated within the town centre.*

*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 and appearance of the Banbury Conservation Area. There is a need to provide walking and cycling permeability.’*

- j) The current leases for the existing retail units (currently occupied by TK Maxx and Farmfoods) expire within the next 12 months. It is understood that TK Maxx and Farmfoods are seeking to relocate to alternative premises in the town centre but with a reduced floorspace.
- k) The existing retail unit on the application site (Unit 1a, The Calthorpe Centre (formerly Poundstretcher)) has been vacant since July 2020 and has since been continuously and actively marketed for retail purposes with very limited viable interest forthcoming – demonstrating that the existing retail units are unsuitable and/or unviable for retention.
- l) The submitted Retail Market Assessment prepared by White Commercial confirms that there are currently 11 vacant retail units available in the town centre, including 4 within

the Castle Quay Shopping Centre, providing a comparable floorspace to the existing retail units on site (i.e. over 600 sqm). As such, it has been demonstrated that there is suitable, alternative vacant and available retail floorspace in Castle Quay (which is under Cherwell District Council's ownership and control) which could enable relocation for both of the existing retailers at the site.

5.11 It is submitted that in the context of limited market interest forthcoming for the currently vacant retail unit on the application site, in addition to the good availability of suitable, vacant retail units within Banbury town centre, the loss of the existing retailers on the site (TK Maxx and Farmfoods) as a consequence of the redevelopment proposals should be afforded limited weight.

5.12 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is submitted that the conflict with Policy Banbury 7 and the limited harm associated with this and the loss of retailers on site are outweighed by other material considerations, as follows:

- The proposal would provide 230 additional homes to Banbury, including 69 affordable dwellings
- The redevelopment of this site would reduce the need for development on undeveloped greenfield sites. It would not lead to the loss of agricultural land or result in any encroachment into the countryside
- The effect of the proposal will create new vitality and viability for town centre uses with the provision of a significant residential presence. For those who live in town centres; cafes, public houses and urban spaces function as their amenity space
- Establish a high-quality urban realm that contributes positively to the townscape qualities and the special qualities of the Banbury Conservation Area
- The site lies in a highly sustainable town centre location in close proximity to a range of local services and facilities, in addition to a range of public transport services
- The scale of development is appropriate to Banbury and has been designed to respect the existing settlement and be fully integrated
- It would minimise the need to travel and promote the use of transport other than the private car

5.13 The accompanying Heritage Impact Assessment confirms that the proposal would cause less than substantial harm to the significance of designated heritage assets and this harm is outweighed by the public benefits of the proposal set out in Paragraph 5.12 above. Furthermore, environmental and technical reports establish that there are no significant adverse impact in terms of the effect:

- On townscape and visual effects
- On highways and parking
- On ecology and biodiversity
- On flood risk and drainage
- On daylight and sunlight
- On archaeology

## Heritage

- 5.14 A Heritage Statement accompanies the submission of this planning application and considers the impact of the development on the significance of the heritage assets identified, including the contribution made by their setting.
- 5.15 The proposals are considered to have had special regard for the desirability of preserving the special interest of listed buildings and their setting. The Heritage Statement confirms there will be a minor beneficial to minor adverse impact on the Grade II\* Listed Danvers House, whilst the scheme will result in neutral impacts on the Church of St Mary and Church of St John Evangelist.
- 5.16 With regard to the Banbury Conservation Area, the Heritage Consultant considers the removal of the existing poor-quality buildings and introduction of high-quality structures which enhance the townscape will have a moderate beneficial impact on the Conservation Area.
- 5.17 The identified levels of minor adverse impact are considered to represent ‘less than substantial harm’ in the context of Paragraph 202 of the Framework. The impacts arising from the development of the site should be considered in the context of public benefits arising from the proposals in accordance with Paragraph 202 of the Framework. When considering the scheme as a whole, the careful consideration of the detailed design and materiality of the building and the enhanced landscaping around it results in the scheme having minor beneficial (heritage) impact overall. The additional public benefits are set out in Paragraph 5.12 of this Planning Statement.
- 5.18 It is concluded that the proposed development is in accordance with Paragraph 202 of the Framework. The development proposal is considered to lead to less than substantial harm to the significance of designated heritage assets and this harm is outweighed by the public benefits of the proposal.

## Townscape and Visual Effects

- 5.19 A Townscape and Visual Appraisal (TVA) has been prepared by Bidwells to make a qualitative assessment of the potential townscape and visual effects arising from the proposed development.
- 5.20 A Townscape and Visual Baseline was submitted to Cherwell District Council to accompany pre-application discussions undertaken on 28<sup>th</sup> April 2022 (ref. 22/00492/PREAPP). The assessment methodology, proposed area of study and critical receptors were agreed with Planning Officers. Further discussion on the selected viewpoints was carried out with Conservation Officers following the Pre-application meeting, in which additional viewpoints were agreed.
- 5.21 The appraisal of townscape and visual effects concluded that the proposal would result in some initial adverse effects. However, these effects are considered to be mitigated through design and once the proposed landscape scheme has reached maturity.
- 5.22 The report considers that the proposed is well-integrated and designed responsively to the local townscape context. The proposal replaces an area of poor quality urban real with a high quality

design and a high-quality urban realm that contributes positively to the townscape qualities and the special qualities of the Banbury Conservation Area.

5.23 The proposed development is considered to result in the following positive effects:

- Improvement to the local townscape character with the replacement of a negative space with positive, active architecture that engages with its context;
- Restoration of a vernacular sense of enclosure along Calthorpe Street and Marlborough Road, introducing a contemporary re-interpretation of the local character; and
- Improvement of the legibility of the Methodist Church from the High Street junction with Marlborough Road.

5.24 It is submitted that the proposal complements and enhances the character of its context through sensitive siting, layout and high quality design and is therefore in accordance with Local Plan policy ESD 15.

### Highways and Parking

5.25 The existing accesses onto Calthorpe Street and Marlborough Road are proposed to be retained and improved. The northernmost access onto Calthorpe Street will function as the primary site access, by way of a gated access to an undercroft car park serving 63 car parking spaces. This access is proposed to operate with a traffic light system to control movements through the car park in a safe and efficient manner. Both the shutter gate and stop line have been positioned to ensure waiting vehicles can safely manoeuvre off the carriageway, without blocking.

5.26 The proposed visibility splays from each access exceed the recommended distance in accordance with Manual for Streets (MfS) guidance, with 43 metre splays to be provided.

5.27 The new site accesses and internal road network has been designed to accommodate emergency and refuse vehicles throughout the site, which are able to enter and exist the development in a forward gear, thereby ensuring a safe and efficient means of access.

5.28 It is considered that the proposed access arrangements are appropriate to serve the proposed development. A Stage 1 Road Safety Audit has been undertaken and accompanies this planning application.

5.29 The planning application is supported by a Transport Assessment prepared by Calibro, which reviews the highways and transport implications of providing 230 residential dwellings on the site.

5.30 The proposed development is forecast to generate some 54 and 53 two-way vehicle trips in the traditional morning (08:00-09:00) and evening (17:00-18:00) peak periods, respectfully. Over the course of an hour this equates to broadly one additional vehicle every 60 seconds. The Highways Consultant considers that the development proposals will have no material impact on the operation of the highway network.

- 5.31 In order to determine the likely change in traffic volume during peak periods, the Transport Assessment compares the anticipated trip generation potential of the proposed development to the extant land-uses on the site.
- 5.32 The proposed development will generate a maximum of 53 fewer vehicular trips during the morning peak period, whilst the evening peak period exhibits a reduction of 63 trips in the immediate locality of the site. Junction capacity modelling indicates that all junctions will continue to operate within theoretical capacity with the development in-situ. The analysis shows that the development would result in an indiscernible and immaterial change to the operation of the network, as evidenced by minimal changes in junction delay and junction queuing.
- 5.33 The report has demonstrated that the impacts of the proposed development are not deemed severe in accordance with Paragraph 111 of the Framework.

#### Car Parking

- 5.34 The submitted Transport Assessment considers the impact of the loss of the site's existing public car park on the surrounding area. In order to determine the existing demand for parking at the site, 30-minute parking beat surveys were undertaken over a Thursday (market day), Saturday and Sunday across 15 car parks within a 400-metre (5-minute walk) distance from the site. The surveys were undertaken at the following times:
- Saturday 11<sup>th</sup> April – 09:00-19:00
  - Sunday 12<sup>th</sup> April – 10:00-17:00
  - Thursday 16<sup>th</sup> April – 07:00-19:00
- 5.35 The demand for the existing NCP operated public car park peaks at 103 vehicles, which is equivalent to 41% of the total capacity of 254 spaces.
- 5.36 The survey of the 15 car parks within a 400 metre distance of the site demonstrates that there is significant spare capacity within the town centre car parks to accommodate the demand for the existing public car park on-site. The surveys indicate that at peak demand, the town centre provide some 22% residual capacity with 201 spare spaces.
- 5.37 Therefore, it has been demonstrated that the proposed redevelopment of the public car park would not materially affect the ability of visitors to park in Banbury town centre using alternative car parks within close proximity (400 metres) of the site.

#### **Ecology and Biodiversity**

- 5.38 The submitted Preliminary Ecological Appraisal demonstrates that none of the habitats identified on-site were considered to be of significant ecological value and are not considered to represent a constraint to the proposed works.

- 5.39 The existing retail building (TK Maxx and Farmfoods) was considered to provide moderate suitability for roosting bats. Accordingly, Bat Surveys were undertaken in June 2022 and July 2022. This confirmed that bat activity was very low with very infrequent foraging Common Pipistrelle logged within the survey area. Therefore, no evidence that indicated the presence, or potential presence, of roosting bats in areas to be impacted by the proposals was found.
- 5.40 Common species of bird may use the site for nesting both within the existing building and the rear yard. As such, works should ideally be undertaken outside of the bird nesting season.
- 5.41 No other legally protected species or species of particular nature conservation value are considered likely to be present or represent a potential constraint to the proposed works.
- 5.42 The proposals will include the following measures designed to provide long-term ecological and biodiversity enhancements:
- Retention of two areas of woodland, including 9 no. higher value trees.
  - Planting of 126 native, broad-leaved tree species across the site, in addition to planting native shrub planting
  - Biodiverse green roofs on flat roofs, comprising a diverse range of flowering species as well as other vegetation planted and managed to form a varied vegetation structure and composition
  - Provision of a rain garden, comprising a diverse range of flowering species
  - Sustainable urban drainage features, including a diverse range of flowering plants
  - Areas of grassland and mixed scrub
  - Provision of bat boxes and swift bricks, integrated into the building structure to the south east of the site
- 5.43 The submitted Biodiversity Net Gain Assessment Report and Biodiversity Metric has demonstrated that the proposed development is capable of delivering an 18.58% net gain in biodiversity on-site.
- 5.44 It has been demonstrated that biodiversity is enhanced by the proposals and the development would not prejudice any protected species in accordance with the guidance contained within Paragraph 174 of the Framework.

### **Flood Risk and Drainage**

- 5.45 The site is shown as being in Flood Zone 1 and thus is situated in an area with very low risk of flooding.
- 5.46 The proposed foul water drainage strategy is to discharge foul water flows into foul sewers in Calthorpe Street and High Street. The estimated peak foul water flow for this development is 7.0 L/s. Thames Water have confirmed that the adopted sewer network has capacity to receive these flows.

5.47 The overall surface water drainage strategy is to use attenuation and restricted discharge in conjunction with other SuDS features to meet requirements of interception, treatment and biodiversity. The proposed SuDS features are:

- Green roofs – a roof covered by plants to provide treatment at source to surface water. The proposed green roofs will have discharge points that will convey surface water to the drainage network
- Blue roofs – to store surface water runoff at source, which provides hydraulic control by slowing the rate at which water enters the drainage system.
- Permeable paving – a block paved surface with a filter medium beneath it that contains surface water run off
- Geo-cellular tanks

5.48 The site will be split into two catchments which will discharge surface water to separate locations. The north catchment is expected to discharge via the existing manhole in the private car park to the north and the south catchment is expected to discharge into the existing adopted sewer in Calthorpe Street to the west of the site.

5.49 The development will incorporate sustainable drainage systems in accordance with Paragraph 169 of the Framework. The submitted Drainage Statement confirms that there will be no increase in the residual flood risk to the site or other areas as a result of the development proposals, in accordance with Paragraph 167 of the Framework.

### **Daylight and Sunlight**

5.50 A Daylight and Sunlight Assessment has been undertaken by GIA. Technical analysis has been completed using the methodologies set out within the Building Research Establishment Guidelines entitled ‘Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2022).’

5.51 A three-dimensional computer model of the site and the surrounding properties has been created to allow for a detailed daylight and sunlight assessment. The report concludes that the impact of the scheme on surrounding residential properties in terms of daylight and overshadowing is wholly acceptable.

5.52 In addition, an assessment of sunlight amenity to surrounding and proposed amenity areas has been undertaken, which shows that all surrounding amenity areas fully comply with the BRE target criteria.

5.53 All of the rooftop and public amenity spaces within the scheme will achieve the targets for sunlight, meaning residents will have access to well-sunlit amenity areas. Whilst not all of the courtyard amenity areas achieve the target sunlight hours, they are still considered a valuable

amenity to future residents, and on balance, lower levels of sunlight within the courtyards are therefore considered acceptable.

### **Archaeology**

- 5.54 The whole site was developed in the later 19<sup>th</sup> and 20<sup>th</sup> century and residential properties were constructed east of Calthorpe Street. Several large industrial buildings were constructed across the central and southern part of the site in the 20<sup>th</sup> century, including a motor works in the south eastern part of the site, a furniture factory in the south western part of the site and a printing works in the central part of the site. In the 1980s, the site was redeveloped, and a superstore was built at the southern end of the site and the central and northern parts of the site were made into a car park.
- 5.55 The site has been subject to an Archaeological Assessment, undertaken by Oxford Archaeology. The report concludes that there may be pockets of survival of archaeological remains in areas which remained in use as yards or car parks in the 20<sup>th</sup> century.
- 5.56 The report recommends that test pits or trenches may be required to investigate the survival of archaeological remains in areas with less intensive former development. It is considered that archaeological investigation could be conditioned as part of any planning decision for the proposed redevelopment of the site.

## 6.0 PLANNING BALANCE AND CONCLUSION

- 6.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the need to achieve the economic, social and environmental objectives in mutually supportive ways as set out in paragraph 11 of the NPPF.
- 6.2 Local Plan Policy Banbury 7 Strengthening Banbury Town Centre is most relevant to the proposed development. This policy supports residential development in the town centre except where it will lead to a loss of retail or other main town centre uses. This proposal would result in the loss of two retail units, and hence there is a tension with the provisions of this policy.
- 6.3 Conflict with development plan policy is not directly determinative of the merits of a planning application. The statutory formula of Section 38(6) requires other ‘material considerations’ to be taken into account.
- 6.4 An assessment of Banbury’s retail market has been undertaken which demonstrates limited market interest has been forthcoming for the currently vacant retail unit on the application site, in addition to demonstrating availability of suitable, vacant retail units within Banbury town centre to accommodate the site’s existing retailers.
- 6.5 In addition, the emphasis in the Local Plan on resisting the loss of any retail floorspace, and envisaging increased floorspace capacity is considered to be ‘out of step’ with the economic realities of retailing. The provision of increased residential development in the town centre to enhance vitality is entirely consistent with the conclusions of up-to-date evidence base documents commissioned by the Council to inform the preparation of the Cherwell Local Plan Review 2040.
- 6.6 As such, it is submitted that the loss of these two retailers as a consequence of the redevelopment proposals should be afforded limited weight.
- 6.7 It is considered that this proposal will provide a significant regeneration of this part of the town centre, providing vitality to the town centre through a new residential community, which will directly contribute to the viability of retail and non-retail uses in the town centre.
- 6.8 In the planning balance required to respond to the changing economic circumstances, the loss of the two retail units and a privately operated car park is outweighed by the overall benefits of this scheme to the town centre. The accompanying technical assessments demonstrate that the development will not give rise to any significant adverse impacts by way of heritage and townscape, highways and parking, ecology, biodiversity, flood risk or residential amenity.
- 6.9 For the reasons set out above, and taking into account the proposals and supporting plans, it is respectfully requested that planning permission is granted.

**Appendix 1**  
**Drawing Register**





