

Application number(s):	23/01633/F
Application site:	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
Advisory Note: This scheme has been assessed on the information submitted by the applicant to the Council. The proposal has been assessed, as applicable, against the criteria set out in the design and conservation policies of the Cherwell Residential Design SPD adopted July 2018 and Cherwell Local Plan 2011-2031, the Saved Policies from the Adopted Local Plan 1996, The NPPG, the NPPF, the Banbury Conservation Appraisal (Sept 2018), Historic England guidance, The Burra Charter, The Washington Charter, and any supplementary guidance drafted by the local authority and related to this site.	

<input checked="" type="checkbox"/>	Setting Local Heritage Assets	<input checked="" type="checkbox"/>	Conservation Area	<input checked="" type="checkbox"/>	Setting of a Listed Building
<input checked="" type="checkbox"/>	Grade I	<input checked="" type="checkbox"/>	Grade II*	<input checked="" type="checkbox"/>	Grade II

Policies

Cherwell Local Plan 2011-2031 (2015)

- Policy ESD15** *“Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.” And 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.”*

New development proposals should: Conserve, sustain and enhance designated and non-designated ‘heritage assets’ including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated, furthermore development should respect the traditional pattern of the form, scale and massing of buildings...Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting...Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.. Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features...Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions...Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity.. Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy) Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape

schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality Use locally sourced sustainable materials where possible...Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette

B.266 Design standards for new development whether housing or commercial development are equally important. High design standards are critical in the town and village centres where Conservation Areas exist, but more generally in ensuring development is appropriate and secures a strong sense of place and clear sense of arrival at points of entry into the towns and villages. Particular sensitivity is required where development abuts or takes place within designated Conservation Areas.

Any application should include necessary information on Heritage Assets sufficient to assess the potential impact of the proposal on their significance. Further, where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.

- X Strategic Development: Banbury 7 - Strengthening Banbury Town Centre: This includes the application site within the Town Centre Shopping Area (extended). Paragraph C.158 of the Local Plan refers to 'land at Calthorpe Street' providing the opportunity to redevelop the town centre for a mix used scheme.
- X Other policies include Policy SLE2, Policy ESD1, Policy ESD2, Policy ESD3, Policy ESD4, and Policy ESD5. Given the past use of part of the site BSC2, may also be relevant.

Cherwell Local Plan 1996 Saved Policies

C18 Works to a listed building should preserve the building, its setting and any features of special architectural or historic interest.

C23 Presumption in favour of retaining positive features within a Conservation Area.

C28 Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

X C30: The design of the proposed scheme should show compatibility with the existing street scene and vicinity. 'That new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity;' and 'The Council wishes to secure environmental enhancement through new development. Proposals that would detract from the character of an area owing to obviously poor design will be resisted. Similarly proposals that would change the established character of an area, by, for example, introducing high-density housing development where low densities predominate, will normally be unacceptable.'

X C34 Buildings whose height or appearance would spoil views of St Mary's Church, Banbury, will not normally be permitted.

9.48 In implementing policy C34 the Council will have regard to the physical context of the development proposed. Proposals for new buildings of obviously poor design or ostensibly out of scale with their surroundings or of incongruous materials will normally be resisted. Regard will be taken of the topography of the site, existing trees, and other features of importance.

NPPF – Chapter 16

- Paragraph 194.** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Paragraph 195.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- Paragraph 199.** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- Paragraph 200.** Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Paragraph 201.** Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- Paragraph 202.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- Paragraph 203.** The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Other Relevant Policies and guidance

- CDC The Banbury Vision and Masterplan 2016 supplementary planning document** identifies Calthorpe as a potential new development area with the potential for 2-3 storey housing. It also

mentions town centre uses and parking. The indicative plan shows defined street frontage coupled with terraced houses to the south of the site whilst retaining parking to the north, see Figure 1.



The Banbury Vision and Masterplan Supplementary Planning Document (SPD) (December 2016) identifies the site as one that 'could be redeveloped for town centre uses and car parking.'

X

The Banbury Conservation Area Appraisal (2018) states under Opportunities and Options for Regeneration: '22.2.5.2 Former Calthorpe Manor grounds: This is the area bounded by South Bar Street, High Street and dissected by Calthorpe Road. Up until the middle of the 20th century this area was a mixture of dense terraced housing and commercial premises. The land was cleared and partially but unsuccessfully redeveloped. The area now needs a new comprehensive scheme to integrate it back into the town.' and 'The residential streets of Banbury (of whatever age of construction) each have a strong identifiable character and appearance. These are defined by the rhythm of the buildings, the uniformity of material, massing and architectural design, and the sense and form of enclosure. Development within these streets (be it an extension, replacement or infill) needs to conserve, sustain and enhance the underlying architectural character and sense of place. The axiom here is 'less is more' – less demolition and replacement with taller characterless buildings, less variation in architectural detail...' The section includes useful descriptions of the townscape, yards and alleys that make up the town centre.

X

Historic England's Conservation Area Appraisal Designation Management:

Historic areas are a link to our past that provides a sense of continuity and reassurance to a community. Historic England's notes "The way building traditions and settlement patterns are superimposed and survive over time will be unique to the townscape of each area. This local distinctiveness can provide a catalyst for regeneration and inspire well designed new development which brings economic and social benefits valued by both local planning authorities and local communities."

X

The Charter for the Conservation of Historic Towns and Urban Areas (Washington Charter 1987):

"All urban communities, whether they have developed gradually over time or have been created deliberately, are an expression of the diversity of societies throughout history. This charter concerns historic urban areas, large and small, including cities, towns and historic centres or quarters, together with their natural and man-made environments. Beyond their role as historical documents, these areas embody the values of traditional urban cultures. Today many such areas are being threatened, physically degraded, damaged or even destroyed, by the impact of the urban development that follows industrialisation in societies everywhere."

"This new text defines the principles, objectives, and methods necessary for the conservation of historic towns and urban areas." It also seeks to "promote the harmony of both private and community life in these areas and to encourage the preservation of those cultural properties, however modest in scale, that constitute the memory of mankind."

"Qualities to be preserved include the historic character of the town or urban area and all those material and spiritual elements that express this character, especially: a) Urban patterns as defined by lots and streets; b) Relationships between buildings and green and open spaces; c) The formal appearance, interior and exterior, of buildings as defined by scale, size, style, construction, materials, colour and decoration; d) The relationship between the town or urban area and its surrounding setting, both natural and man-made; and e) The various

functions that the town or urban area has acquired over time. Any threat to these qualities would compromise the authenticity of the historic town or urban area."

"The conservation of historic towns and urban areas concerns their residents first of all."

"Planning for the conservation of historic towns and urban areas should be preceded by multidisciplinary studies.

Conservation plans must address all relevant factors including archaeology, history, architecture, techniques, sociology and economics."

"ensuring a harmonious relationship between the historic urban areas and the town as a whole."

"Before any intervention, existing conditions in the area should be thoroughly documented"

" New functions and activities should be compatible with the character of the historic town or urban area.

Adaptation of these areas to contemporary life requires the careful installation or improvement of public service facilities."

" When it is necessary to construct new buildings or adapt existing ones, the existing spatial layout should be respected, especially in terms of scale and lot size. The introduction of contemporary elements in harmony with the surroundings should not be discouraged since such features can contribute to the enrichment of an area."

"Knowledge of the history of a historic town or urban area should be expanded through archaeological investigation and appropriate preservation of archaeological findings."

"Traffic inside a historic town or urban area must be controlled and parking areas must be planned so that they do not damage the historic fabric or its environment."

X

The Burra Charter (1979, last updated 2013) Article 1.2:

"Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups"

X

Cherwell DC's 'Guidance on heritage applications' can be found here:

<https://www.cherwell.gov.uk/downloads/126/conservation-and-heritage>

Historic England's Statements of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12

Historic England's 'Making Changes to Heritage Assets – Advice Note 2 February 2016'

Historic England's Conservation Principles, Policies and Guidance 2008

Historic England's The Setting of Heritage Assets, GPA3 2017

Historic England's Streets for All

CDC Residential Design Guide supplementary planning document 2018

Oxfordshire Health Impact Assessment Toolkit

Planning (Listed Buildings and Conservation Areas) Act 1990

X

Statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

X

Statutory duty of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Understanding the Site and Heritage Assets/Significance

Banbury:

Banbury is a rural market town with an intact medieval street pattern within its central core and is surrounded by 18th and 19th century suburbs, including Calthorpe Street, Marlborough Road, Marlborough Place, Dashwood Terrace and Dashwood Road. The c1800 map of Banbury shows an exceptionally complete and elegant network of streets and spaces. The significant urban fabric and grain of the town needs to be understood and respected to inform any future development.

Banbury Conservation Area:

The Banbury Conservation Area (a designated heritage asset or DHA) was designated in 1969, and last reappraised in September 2018. The Conservation Area comprises mainly traditional buildings forming strong frontages on burgage plots using a limited palette of materials, form and scale. Many of the buildings are listed and there are several landmark buildings which provide interest to the skyline and help orientation within the town.

The Application Site:

The site boundary sits wholly within Banbury Conservation Area, on land which once belonged to Calthorpe Manor. The 1441 map of the town (fig. 4 of the Banbury Conservation Area Appraisal) shows us Calthorpe Manor was bounded by South Bar Street, High Street and Newlands. This is reflected in the Banbury Conservation Area Appraisal which identifies the Calthorpe, the Main Route/Newlands/and Medieval Character Areas.

Whilst there are no listed buildings within the site boundary, the site can be seen in views and forms part of the setting of many listed buildings (DHAs) and local heritage assets (non-designated heritage assets NDHAs, formerly known as locally listed buildings).

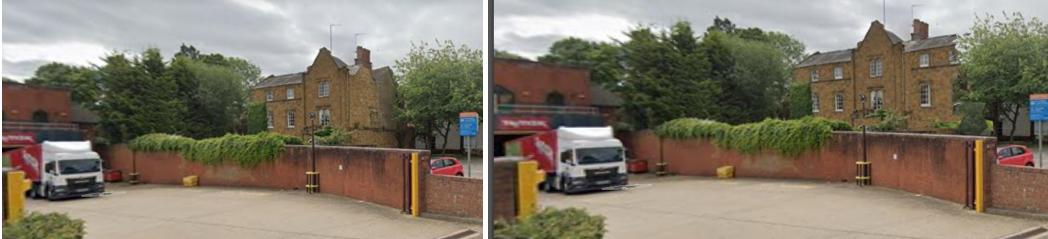
The most significant individual DHA is the Grade II* listed Calthorpe Manor which forms part of the southern boundary to the site. Calthorpe was first mentioned in documents of 1278-9 and remained at the centre of a large landed estate to the south of Banbury until 19th century boundary changes. The earliest part of the present manor is a successor to an earlier manor house built in the late 15th or early 16th century for the Danvers family who inherited the estate in 1394 and lived there until c1600 when it was purchased by Sir Anthony Cope., then Henry Hawtyn and between 1680 and 1841 it was owned by absentee landlords including Sir James Dashwood. From 1852 to 1872 Thomas Draper, a Mayor of the town, lived there and the house was described as standing in its own grounds, with 2 main carriage entrances, in Calthorpe Street and St John's Road, a coachman's cottage, stables, carriage house, orchard, vegetable garden, rustic summer house and a large pond with an island oil painting of the lake with a bridge by Miss Wakelin nee Stanley). The c1800 map (Harvey/Lobel), the 1882, 1885, and 1900 OS maps show Calthorpe Manor with a large fishpond, and the borough boundary cutting through part of the application site.

The Local Studies Catalogue contains additional information on the manor: Eleanor Draper's 'Notes on Calthorpe Manor House, Banbury, and its Inhabitants' published in 1915 by Potts includes an engraving by EG Brunton. This shows a NE view of Calthorpe House as it was when Thomas Draper purchased it. The north elevation facing what is now the TK Maxx service yard has since been truncated, with the west wing removed. The drawing shows this was a symmetrical facade centred on the gable (see rough mock up below). The 'oriel window' on the east elevation straddles a porch at ground floor. There is also a 19th Century oil on board painting of the fish pond at the manor which appears to show a small bridge at one end of the lake, with a small parkland or lawn set against a backdrop of mixed woodland. The engraving shows the south and east facades of the manor, with two tall statement trees west of the manor, and further trees planted in the lawns and parkland to the south.

Steane's 'Calthorpe Manor Banbury', gives details of the 1971 dismissed appeal for the demolition of the manor and associated articles. Banbury Library also holds some artefacts relating to the manor. Calthorpe Manor was not demolished in 1971, but significant parts remain as 7-9 Dashwood Terrace:



East Elevation/East and South elevations seen from car park.



South Elevation – this has been truncated, the right hand image shows a mock up of the symmetrical façade prior to part demolition of the ‘west wing’.

The manor land was later dissected by Calthorpe Street and the landscape supporting the manor was progressively eroded from the late 18th century up until the middle of the 20th century with a mixture of dense terraced suburbs and commercial premises. This expansion in residential development coincides with the arrival of the canal and railway. The majority of land was released by the Calthorpe Estate in 1833 when the manor was owned by absentee landlords.

The once well-defined Calthorpe Street arcs from the High Street southward to join South Bar. By 1966 the definition of Calthorpe Street had been eroded by extensive demolition. The land was then cleared and partially redeveloped. To the west side of Calthorpe Road, a surface car park and delivery yard was created, leaving views across the surface car park and delivery yard to the once hidden rear elevations of the High Street and South Bar Street. This includes the backs of several listed buildings. To the east of Calthorpe Road, the land was redeveloped for the 1988 Sainsbury’s supermarket and car park, which later relocated to the site of Banbury football club in 1994. TK Maxx, Farmfoods were the latest shops to be served by the NCP car park. There has been some modern development to the north end of Calthorpe Street on both the east and west side which bears little respect to the character of the conservation area.

The east of the urban block facing Marlborough Road is more defined, with some terraced housing, the Methodist Church Hall but the car park entrance and part retaining wall running north to meet the High Street do not create a positive frontage but allows wider views of St Mary’s tower. The east of Marlborough Road remains a strong and active mixed-use street frontage containing both listed buildings and non-designated heritage assets, with a mix of residential, retail, office and civic buildings. The dense terrace south of the library could influence some of the development on the site with regards to heights and proportions.



High value townscape view of the tower of St Mary’s Church, framed by the Methodist Church on the west and the Library on the east.

The vernacular 3-storeyed No 55 Calthorpe Street, the Grade II former Globe Inn, is the sole remaining historic building on the west side of Calthorpe Street, along with the 2 and 3 storeyed side elevations of Nos 31- 32 High Street to the north. The lime rendered vernacular 3-storeyed Nos 15-16 South Bar mark the south corner of the street. The north edge of the street has been infilled by a modern brick mixed use development and a block of flats of low townscape value. The south edge has no definition and is currently a surface car park operated by the Cherwell Council.

On the junction of the High Street with the east of Calthorpe Street stands 30 High Street, a 2-storey non-designated heritage asset, moving southward along Calthorpe Street there is a tall brick retaining wall which steps up the street, with a pairs of urban trees planted between the buttresses (8No total). The modern development of 4-storeyed flats which has taken the name of the former manor 'Calthorpe House' are built in red brick with modern render and grey cladding with black railings at ground floor and stainless steel glazed balconies to the upper floors. To the south of this lies the entrance to the NCP car park, beyond which lies a further non-designated heritage asset which was the gatehouse to Calthorpe Manor and it was in this location that the 19th century terrace known as Calthorpe Gardens stretched to the east.



Calthorpe House causes harm to the Conservation Area due mainly to the height, massing and design. There is further harmful modern development to the west of Calthorpe Street

The 2-storeys gatehouse buildings are predominantly in local reddish-orange brick with marlstone gables fronting Calthorpe Street, pintles on both the northern and the walls of the north gatehouse show the west entry to Calthorpe Gardens was gated. To the south of this and set back behind a surface car park, currently leased by the County Council, are the remains of the Grade II* listed Calthorpe Manor, now 7- 9 Dashwood Terrace. The south corner of Calthorpe Street with South Bar has a bland 3-storey brick building with retail and offices, there are white rendered industrial buildings to the west side adjoining the back of the Banbury Community Church/7 Dashwood Road. There are southward views of St John's tower along the length of Calthorpe Street and from Marlborough Road, and views from the south of Calthorpe Street looking north to St Mary's, which is also visible from the NCP car park and from Marlborough Road. There are also views from the junction of South Bar with Calthorpe Street of the spire of the Methodist church on Marlborough Road, the spire is also seen in views from the High Street and from Gatteridge Street and Marlborough Road. The top of the library can be seen in views across the site from Calthorpe Street. There are southward views of the gatehouse and Calthorpe Manor, and eastward views of the manor from Calthorpe Street. The Manor would also have direct views towards St Mary's, these views may have been partly compromised by recent development.



Eastward view of the truncated west gable of Calthorpe Manor and the spire of the Methodist Church from South Bar at the top end of Calthorpe Street

Designated Heritage Assets (DHA) in or near the site and their settings:

Banbury Conservation Area

Calthorpe Manor 7-9 Dashwood Terrace, Danvers House, Dashwood House and Calthorpe House (Grade II*)

Banbury Library and Borough House, the former Mechanics Institute and Municipal Technical School (Grade II)

The Old Wine House, 27 High Street (Grade II)

57-59 High Street (Grade II)

Globe Inn, 55 Calthorpe Street (Grade II)

9-11 South Bar Street, may contain fragments from the Old Workhouse near the site (Grade II)

21-22a South Bar and 24 South Bar (Grade II)

St Mary's Church (Grade I)

St John's Church (Grade II)

Potential to affect listed buildings on South Bar and the High Street, as described in the Heritage Statement

Local heritage assets/non-designated heritage assets (NDHAs)

30 High St

52 High Street

Calthorpe Manor Gatehouse

Methodist Church and Manse (6.75 of the Heritage Statement suggests the minister's house has been demolished but this is the manse)

18-23 Marlborough Road

Masonic Hall

The former Dashwood Primary School, now Dashwood Court

19 Dashwood Road

1-6 Dashwood Terrace

Banbury Community Church/7 Dashwood Road

Potential to affect buildings on South Bar and the High Street, as described in the Heritage Statement – Figure 12 should include 30 High Street as a NDHA.

Archaeology: we defer to OCC's Archaeologists

The site lies in an area of potential archaeological significance.

Significance

The site is part of an important urban block in the centre of Banbury and lies within the Banbury Conservation Area. Whilst there are several of important listed buildings and non-designated heritage assets, with a number of key views and focal points, the quality of the streetscene has suffered due to a lack of vision in the late 20th century and early part of the 21st century. The Calthorpe Manor Gatehouse remains are a non-designated heritage asset on the east of Calthorpe Street just south of the NCP car park entrance, this also marks the line of the former Calthorpe Gardens terrace.

Views are identified in the Banbury on Figure 22 of the Banbury Conservation Area Appraisal (CAA) - the visual analysis map. However, there are other important views adjacent to the site which need to be considered, including Figure 20 of the CAA which identifies the spire of the Methodist Church which is visible in views from the entrance to Calthorpe Street from the west, from the High Street and from Marlborough Road. There are oblique views of important buildings such as the listed library from the street with full views from the application site. There are also views to St Mary's steeple (Saved Policy C34) from within the site and St John's is prominent in views looking south along Calthorpe Street and the steeple of the Methodist church is seen in views along Marlborough Road from the High Street and in views from South Bar. There are also views towards Calthorpe Manor, whose setting has been eroded from its once extensive grounds. These are considered to be of high historical, communal and evidential significance within the context of Banbury.

The density of parts of the Conservation Area has altered over time but historic maps show the traditional form of the town, and historic drawings and photographs help to show the general massing, scale, form and materials that unifies the urban fabric.

APPRAISAL:

- **Demolition of modern buildings in Banbury Conservation Area**
- **Setting of listed buildings - including views**
- **Setting of Local Heritage Assets (non-designated heritage assets) - including views**
- **Banbury Conservation Area**

Current proposal:

The proposal is for a redevelopment on the current commercial site for a residential led mix use development with a total of 230 residential units as well as redeveloped public car park and associated landscaping.

The principal of redeveloping this site is welcomed as there is certainly the potential for this site to be regenerated in a way that could make a very positive contribution to the town centre of Banbury. In terms of incorporating commercial uses and climate change there is a need for working close to home and connections with sustainable transport, and this site is well placed to positively contribute to the vibrancy of Banbury.

- *Topography of the site/site sections*
- *Design, layout, scale, proportion, form, massing and materials*
- *Permeability*
- *Security through design and active frontages and mixed use*
- *Healthy Place Shaping, the public realm and landscaping*
- *Heritage Statement, Design Parameters and the Setting of Heritage Assets (Historic England's guidance GPA3)*
- Archaeological Desk Top Assessment Defer to our archaeological colleagues at OCC.
- Ground contamination report –defer to the Planning Case Officer
- SUDs information –defer to the Planning Case Officer
- Summer and winter sun-path analysis –defer to the Planning Case Officer
- Arboricultural Report - There are mature trees within the site, an Arboricultural assessment should be undertaken to establish any that need to be retained, their root protection area. Any felled trees should be offset by new planting as part of the landscaping scheme. Defer to landscaping colleagues.

Historic England Guidance:

Historic England's Design in the Historic Environment lists 8 principles from Building in Context

<https://historicengland.org.uk/advice/planning/design-in-the-historic-environment/>

1. Baseline Understanding/2. Context/3. Character/4. Streets and spaces/5. Views/6. Scale/7. Materials/8. Visual Composition

Historic England and Arup's Increasing Residential density in Historic Environments includes several case studies of increasing density relevant to the specific place and provides the following design advice:

1. A creative and imaginative design response to the prevailing historic character of a place is likely to help to optimise the use of the site, ensuring an efficient use of land. Architecture which draws upon significant elements of a site or a place's past can help reinvigorate the future of historic places;
2. A range of housing types allows greater flexibility for the urban form to respond to the historic character of place;
3. Design competition and design review can encourage innovative design solutions that optimise housing density, especially in fine grain historic places;
4. Good practice can inspire high density development elsewhere in historic places, raising the bar for other schemes.

For example:

- The delivery of high quality, spacious public realm.
- Re-establishing, or re-integrating development into the historic street pattern.
- Building scale, height and massing that reflects neighbouring buildings, previous buildings on site, and responds to and protects the settings of nearby heritage assets and important views.
- The use of local materials.
- Mirroring or interpreting architectural detailing and scale of neighbouring buildings.
- Setting a palette of options to ensure coherence and visual interest.

8. High density development is often compatible with the character of an historic place and can provide an opportunity to reconnect a fractured, fragmented, or damaged historic townscape; and
9. The integration of new high density development with the historic context can determine its relative success.

<https://historicengland.org.uk/images-books/publications/increasing-residential-density-in-historic-environments/160718-increasing-residential-density-in-historic-environments-final-report/>

Historic England’s ‘Making Changes to Heritage Assets – Advice Note 2 February 2016’:

“41. The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.”

The Conservation Area – Management Plan

Historic England’s Conservation Area Appraisal, Designation and Management: *‘Change is inevitable, and often beneficial, and this advice sets out ways to manage change in a way that conserves and enhances the character and appearance of historic areas. Conservation areas can contribute to sustainable development in all its three dimensions as outlined in the NPPF. However, 512 conservation areas were recorded as ‘at risk’ by local planning authorities in Historic England’s national survey in 2017 through pressure for inappropriate new development, vacancy, decay or damage (the gathering of local authority information on conservation areas at risk has provided information on over 80% of conservation areas in England).’*

The Banbury Conservation Area is a designated heritage asset (DHA) and comprises mainly traditional buildings forming strong frontages on burgage plots using a limited palette of materials, form and scale. The designation aims to manage and protect the special architectural and historic interest of the urban grain of the town and the features that make it unique. Any new development should preserve or enhance the character or appearance of the conservation area, “the special architectural or historic interest of which it is desirable to conserve or enhance”. This enables the achievement of higher standards of design in new developments and secures the conservation of existing important features and characteristics. Information supporting planning applications must demonstrate the proposal, and its impact on the conservation area, in sufficient detail to enable a thorough assessment.

The Banbury Conservation Appraisal (CAA) identified the following summary of issues and opportunities:

- *The future preservation and enhancement of the special character of the conservation area will owe much to the positive management of the area by homeowners, landowners, highways, and service providers. In addition to national statutory legislation and local planning control, the following opportunities for enhancement have been identified: ...*
- *Promote economic regeneration through a series of heritage-led schemes*
- *Management and regeneration of degraded areas*
- *Locally significant buildings, structures and areas have been identified and added to the district-wide register of Non-designated Heritage Assets...*
- *Ensure the protection of historic detail and the reinstatement of missing architectural details*
- *Ensure that all new development is sustainable, high quality, and responds to its historic environment*
- *Promote the sympathetic management of the public realm*

Section 22 Opportunities and Options for Regeneration from the Banbury CAA provides a useful overview of Banbury in 2018. Section 22.2.5.2 The Areas in need of enhancement, includes the development site:

‘Former Calthorpe Manor grounds. This is the area bounded by South Bar Street, High Street and dissected by Calthorpe Road. Up until the middle of the 20th century this area was a mixture of dense terraced housing and commercial premises. The land was cleared and partially but unsuccessfully redeveloped. The area now needs a new comprehensive scheme to integrate it back into the town.’

Historic Banbury achieved its housing density through terraces of housing. *“Traditionally Banbury has a strong active street frontage, typically back of pavement or behind small gardens enclosed by railings running parallel with the street, of single pile, with phased rear wings extending along deep burgage plots. These rear wings were often service wings or developed as additional housing, making a very dense urban fabric which was permeable due to the many narrow lanes that ran between the urban blocks.”* and *“The urban grain of historic Banbury includes strong street frontage with a high degree of permeability, development on this site should address these characteristics so that the site integrates well with the town and surrounding streetscape. This will present a challenge in terms of vehicular access which is discussed above. A strong street frontage of appropriate scale in relation to the existing streetscapes could help to layer the site, by reducing the impact of slightly taller buildings in the core of the site by effectively layering the development. The additional footprint could compensate for the reduction in the proposed number of floors proposed.”*

The Banbury Vision and Masterplan 2016 supplementary planning document: Banbury 7 Strengthening of Banbury Tow Centre – Calthorpe Street

Refer to the document for illustrations.

Calthorpe Street is highlighted on the map on page 38 as ‘Two/three storey residential blocks and new car parking’ and on page 43 ‘The area could be redeveloped for town centre uses and car parking.’

‘The vision is to create a vibrant and attractive town centre, but with continued pressures from out of town retailing and internet shopping the future role and viability of the town centre, as in other towns, is being tested. The town centre must deliver an entertainment, cultural and leisure quarter, quality food retailing and new niche and speciality shops together with festivals and events. This should be complimented with improved access, an enhanced business and professional sector together with new town centre housing and improved community facilities.’ Page i

‘The quality and character of the environment is a part of what creates that sense of place that unifies towns and sometimes makes them memorable. It provides the setting for daily life and enables a healthier lifestyle with better links to open space and sports facilities. Proposals include providing a north-south green lung that improves access to the town centre and opens up the canal and river; new public spaces and green links connecting the neighbourhoods together; attractive gateways in to the town; a richer more diverse bio-environment; and new open space and amenity areas to serve the needs of residents.’ Page ii

Introduction:

Access: The current scheme proposes access to the underground car park form a long ramp off Calthorpe Street. There is a lane immediately to the north of Calthorpe Manor that is proposed to serve the townhouses, this could be tree-lined to add to the greening of setting of Calthorpe Manor.

As part of the Preapp we included *“Green lung, softening development, healthy place shaping, mental health: Trees in urban areas improve the environmental quality of the environment in a number of ways. Trees absorb noise and pollution, provide oxygen and moisture, provide privacy and can help stabilise land. They can also support wildlife. Care is needed in the selection of species, method of planting SUDS and natural watering and long term maintenance. Trees should be grown as assets rather than liabilities. <https://historicengland.org.uk/images-books/publications/streets-for-all/heaq149-sfa-national/> page 48”*



Cathay Manor Gardens – people scale green lungs

Layout, scale, massing, skyline, design, materials in the submission: The proposals do not knit well with the urban fabric of the Banbury Conservation Area. The proposal is for 230 residential units ranging from 2 up to 5-storeys, on a

site with natural topography that falls south to north, and west to east.

We confirmed at preapp that the development did not need to be a slavish copy of typical Banbury terraces but the basic proportions of a Georgian or Victorian façade, with the balance of solid to void, could translate to a modern development. Layering can help to break down the massing of buildings. More contextually scaled buildings lining the street would not only provide a strong street frontage but would help to reduce the impact of taller buildings behind. Building on the street frontage could also remove a storey or two from the proposed taller buildings, making the whole proposal have a greater respect for the scale of the historic town. The retention of key views and way-markers within the town also need to be considered as part of this.

We made comments at preapp regarding the need to marry the proposals into the interesting skyline within Banbury, and respect the scale, massing and views within the town. We highlighted the need to respect the setting of Calthorpe Manor and encouraged the introduction of tree planting. There is a rhythm to the historic rooflines of Banbury with diminutive 2-storey vernacular buildings through to three and a half storey buildings which include semi-basements to the south of the library.

Views and sectional elevations:

We agreed some key views at Preapp, and these have been helpful in assessing the proposals before us. Please also note there are more distant views beside Morrisons, where both the spire of the Methodist Church and the tower of St Mary's can be seen. We also asked for wireframes of building heights behind the sectional elevations to help assess their impact.

The proposals consist of Blocks A-G – brief observations:

Block A and B:

The height of Block A is considered to be too high in the setting of the Grade II* Calthorpe Manor and the associated NDHA gatehouse, there is a similar case for impact of Block B on the NDHA. The block is generally quite monolithic without interest in the skyline. The form of the two gables add some interest but their success would be dependent on materials and articulation.

Blocks C and D:

Blocks C and D would tower over the residential housing on Marlborough Place.

Block E:

This block is too tall and considered harmful to the townscape of the Conservation Area and setting of Calthorpe Manor.

Blocks F and G:

The principle of strengthening the urban edge is welcomed but the massing and articulation require further development to ensure they enhance the Conservation and setting of listed buildings. It should be noted that many of Banbury's buildings have vernacular building heights, the proposed buildings all seem to have high floor to floor heights.

Calthorpe St Elevation: The ridge line is very plain, it would be better if the building stepped up the hill from the 2-storey building on the high street to the height of Calthorpe House, taking note of the treatment in massing between the heavier masonry eaves line and the lighter clerestory. The proportions and articulation of Block G also need refinement.



The brick walls are an alien characteristic, railings on dwarf walls can be seen on Marlborough Road

Marlborough Road Elevation: There is perhaps scope to start the terrace with a slightly taller bookend given the adjacent 3 storey property on the High Street, the infill between this and the terrace of 3 properties doesn't sit well and we recommend this is revisited along with the gabled treatment and articulation of Block F. The roof railings behind the block are also a concern.

Gatehouse:

This could be an acceptable massing, but the images in the D&A statement show there to be issues with the articulation and in particular the ground floor openings to the car park ramps look very odd. At preapp we wondered if the car park access might be better sited off Calthorpe Street due to the level change.

It would be confusing to call this another gatehouse when it is adjacent to the historic gatehouse.



Townhouses:

Due to the deep plan depth, the ridge ends up quite high in close proximity with Calthorpe Manor. The north gables detract from the precedent of a simple townhouse. The eaves should be lowered if the plan depth remains the same.

*We have marked-up the proposed site plan to show broad principles of a layout that might address some of the surrounding site constraints identified above – see Appendix.

Site levels:

Excavation and unknown below ground archaeology. The scheme relies heavily on excavating the site to provide basement parking, a desk top assessment was recommended in the Preapp advice. We defer to the current OCC Archaeologist's comments, to be backed up by further investigation as required.

There have been historical industrial uses of the site, It is not known if the likelihood of ground contamination has been assessed.

Materials and Details:

Banbury Conservation Area's character is made up of a rich mix of buildings in various architectural styles, scales and heights. 'Buildings are predominantly in stone or brick with some painted brick nearby, the good local supply of building materials means that lime rendered buildings are uncommon. Roofs are generally of Welsh slate, with some remaining Stonesfield slate and plain clay tile, although some have been replaced unsympathetically with heavier concrete tiles. Chimneys are a predominant feature in rooflines, which are mostly of generous pitch, some having originally been thatched.'

The predominant building material is local red brick and marlstone, some brick is painted, a few buildings are stuccoed (which we have found has inherent maintenance issues). Joints are tight and mostly consist of lime mortars avoiding the need for visible expansion joints. Roofs are of traditional symmetrical pitch covered in Welsh slate or plain tile, little stone slate roofs survive, there are no thatched roofs in this part of the Conservation Area. Eaves, verges and ridges are traditional, chimneys add interest to the skyline and add to the rhythm of elevations. There is some terracotta detailing on Marlborough Street. Rainwater goods are traditionally cast iron, SVPs tend to be located to the rear of properties. Metal railings still exist but most were removed for the war effort, some dwarf walls remain. Windows are traditionally timber sash and case, a very efficient window design. Doors are traditionally timber panelled, the grander properties have over lights. Above ground services detract from the streetscene, there

are also unauthorised satellite dishes on elevations.

As we have strong concerns with the general scale and massing proposed, we have not commented on the details but consider so much brick could have an oppressive character. Similarly we have not gone into detail on the proposed window and door designs.

In addition to the urban design, landscaping, massing, and building design, the materials and details in any forthcoming revised scheme will be important in the context of the Banbury Conservation Area and setting of listed buildings.

LEVEL OF HARM

We are certainly encouraged by the principle of redeveloping this complex town centre site, which is significantly impacted by the intricacies of this proposal and therefore care must be taken to address the concerns brought forward as part of these discussion to allow for good Place-Making principles to be embedded in early stages of design development for a successful redevelopment scheme in the town centre of Banbury. However, the proposals in this application due mainly to their scale and massing would result in significant, but less than substantial harm - towards the upper end of the scale, to the character and appearance of the Banbury Conservation Area and the existing townscape. The proposed building heights towards Calthorpe Manor and the associated gatehouse are considered to dominate their setting, and interrupt views to the south, resulting in less than substantial harm above that which already exists. Whilst we recognise that harm has already been caused by the modern development at Calthorpe House, due to the design and scale, and the loss of the landscape setting of the manor, the proposed development would add to this in an incremental way, resulting in accumulative harm to the Conservation Area and setting of Calthorpe Manor.

The proposal whilst creating a stronger frontage to parts of the urban block, does illustrate significant levels of harm to the historic urban fabric of the place and impacts the visual quality around the Conservation Area. There is scope for a development here to make a positive impact on the Conservation Area through further interrogation of the scheme to address the issues highlighted above in terms of scale, massing, setting, views, permeability, design and materials.

No Harm

Less than Substantial Harm

Substantial Harm

Public Benefit (NPPG)

Yes to some aspects

No to some aspects

Comments

I defer to the Planning Case Officer to comment on Cherwell Retail Study 2021 and Bidwell's Retail Impact Assessment, but I make the following general observations:

The principal shopping core in Banbury had been somewhat blighted by the Pandemic, the general change in shopping habits to online, and the shift of key stores to the Banbury Gateway shopping park. It would be timely to redraw the primary retail frontage in Banbury. We are very keen to ensure that the core of the historic town including Market Square, High Street, Parsons Street, White Lion shopping precinct, Butchers Row, Broad Street, and Castle Quay linking to Canalside are consolidated for retail and commercial purposes, with housing above 'the shop'. From a heritage perspective we would rather see historic shopfronts filled than creating new shops on the application site. To allow for changing market trends, buildings should allow for a degree of flexibility.

It would be interesting to chart Banbury's centre in terms of uses, for ground and upper floors – numbers of food shops/hairdressers and barbers, estate agents, banks, pubs etc. Figure 2.2.1 in the D&A Statement attempts this for the ground floor but some buildings have the wrong colour hatch.

Public Art – Heritage Benefit:

The Charter for the Conservation of Historic Towns and Urban Areas (Washington Charter 1987) highlights the need to understand the place and the benefits of community involvement. This relates well to SPD 4.130 Public Realm, Public Art and Cultural Well-being:

Contributions towards public art should be targeted to the historical and cultural interpretation of the Calthorpe Manor area and how it has developed over time would form a worthwhile part of this redevelopment and strengthen the sense of place. This could be integrated into the proposed landscaping scheme. Public Art should be more than a simple interpretation panel although hoardings during construction can be used as such. The following publication includes a few quotes and ideas about understanding

https://www.heritagecouncil.ie/content/files/bored_of_boards_1mb.pdf

Recommendation

The scheme as submitted would not be supported from a heritage perspective as the scale and massing of the proposed is considered too high for Banbury. The floor to floor heights are generally taller than traditional floor heights, and the monolithic treatment of the roofline of the larger buildings needs to be broken down. The scheme needs to make a more sensitive response to the historic townscape of Banbury. With some adjustment, based on the comments above, there could be an acceptable development but we are not there yet.

The key points to note are that development should be sympathetic and conserve, sustain and enhance the special architectural or historic interest considered to be of national importance and therefore worth protecting, including setting - Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Banbury Conservation Area is defined as an area of special architectural or historic interest ‘the character or appearance of which it is desirable to preserve or enhance - Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

No objections

Objections

Engage in further preapp

Supporting information required

Refer to comments above.

Conservation Officer: Joyce Christie

Date: 17.10.2023