

# COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

**District:** Cherwell

**Application No:** 18/01158/F

**Proposal:** Change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area (Resubmission of 17/02167/F).

**Location:** The Old Malthouse, St Johns Road, Banbury.

**Response date:** 30<sup>th</sup> July 2018

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This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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## **Assessment Criteria** **Proposal overview and mix/population generation**

OCC's response is based on a development as set out in the table below. The development is taken from the application form.

<b>Residential</b>	<b>m<sup>2</sup></b>
1-bed dwellings	22
2-bed dwellings	3
<b>Commercial – use class</b>	<b>m<sup>2</sup></b>
B1a	849.6

Based on the completion and occupation of the development as stated above it is estimated that the proposal will generate the population stated below:

Average Population	33.71
Primary pupils	0.51
Secondary pupils	0.27
Sixth Form pupils	0
SEN pupils	0
Nursery children (number of 2 and 3 year olds entitled to funded places)	0.32
20 - 64 year olds	31.37
65+ year olds	3.81
0 – 4 year olds	1.14

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## **General Information and Advice**

### **Recommendations for approval contrary to OCC objection:**

IF within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via [planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)) as to why material consideration outweighs OCC's objections, and given an opportunity to make further representations.

### **Outline applications and contributions**

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

### **Where a S106/Planning Obligation is required:**

- **Index Linked** – in order to maintain the real value of s106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - £0**  
This is an estimate of the amount required to cover the extra monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether an s106 agreement is completed or not.

### **CIL Regulation 123**

Due to pooling constraints for local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.

That decision is taken either because:

- OCC considers that to do so it would breach the limit of 5 obligations to that infrastructure type or that infrastructure project or
- OCC considers that it is appropriate to reserve the ability to seek contributions to that infrastructure type or that infrastructure project in relation to the impacts of another proposal.

The district planning authority should however, take into account the whole impact of the proposed development on the county infrastructure, and the lack of mitigation in making its decision.

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## **Transport Schedule**

### **Recommendation:**

#### **No objection subject to:**

- **Planning Conditions** as detailed below.
- Note should be taken of the **informatives** stated below.

### **Key points**

- The applicant needs to provide more details regarding the gated access to the parking and refuse storage area. They say that the separate pedestrian gate is to be operated independently. However, in the event of refuse bins being placed in the collection area and there being a gate post separating the pedestrian gate from the vehicular gate, there is only 2m of width in between that post and the refuse bins to allow a motorist to pass. This could lead to the resident who has been allocated that space parking to the north of the gates and impeding access to the rear of the building for pedestrians.
- The applicant has not explained how the large communal refuse and recycling bins will be dragged to the kerbside on St. John's Road on collection days. These are too heavy for residents to drag.

### **Comments:**

#### **Vehicular Parking**

The applicant has provided 22 vehicular parking spaces within the curtilage of the building. However, they have not specified exactly how many parking spaces are to be allocated to each apartment or if spaces are going to be allocated at all. As mentioned in my previous responses of 20 November 2017, 15 December 2017, and 8 February 2018, there is a shortage of on-street parking in the streets surrounding St. Johns Road, a street which also has restricted parking due to the presence of a local Primary School. However, I consider the number of spaces provided to be an issue of amenity rather than highway safety so conclude that it is a matter for the Local Planning Authority.

Thirteen of the 22 vehicular parking spaces will be provided in an under-croft parking court on the ground floor of the building. Paragraph 7.44 of Oxfordshire County Council's Residential Roads Design Guide notes that parking courts work best when they accommodate up to 10 cars, to minimise the risk of more than one or two motorists needing to manoeuvre their vehicles in an enclosed space and use a narrow access at the same time. It also notes that vehicular parking courts that accommodate more than 10 vehicles should have an access from the main road of

4.1m in width. This is achievable except when refuse bins are put out for collection. Therefore, a refuse collection management plan must be put in place, via a planning condition,

The applicant has submitted an amended site plan which shows that they have removed the vehicular parking space immediately north of the doors of the refuse and recycling bin store. I have no objection to this being removed.

The applicant needs to provide more details regarding the gated access to the parking and refuse storage area. They say that the separate pedestrian gate is to be accessible independently. However, in the event of refuse bins being placed in the collection area and there being a gate post separating the pedestrian gate from the vehicular gate, there is less than 2m of width in between that post and the refuse bins to allow a motorist to pass. This could lead to the off-side of the vehicle colliding with the inner gatepost. The applicant should provide a vehicle tracking drawing which shows that a normal-sized car can pass through the gated entrance to the development when the bins are placed out for collection.

I strongly advise the Local Planning Authority inserting a condition relating to the vehicular access to the development to ensure that a key fob system is fitted that allows both gates to open at the same time and for there not to be a gate post immediately east of the larger of the two gates.

#### **Pedestrian Access to the Under-croft and Rear Access to the Building**

The applicant has provided an over-runnable area for pedestrians which is 2m wide. They will need to provide more details of how the gate for pedestrians, including disabled users is to be operated. They have described it as being accessible independently. This is important as this gate leads to the door from the under-croft of the building which is the only access to the building for wheelchair users.

#### **Cycle Parking**

Considering my comments of 15 December 2017, the applicant has now provided 39 sheltered, secure, cycle parking spaces. I think this is enough spaces to meet likely demand and it is only one space from meeting Oxfordshire County council's current residential cycle parking standards.

#### **Refuse Collection**

The applicant needs to provide details of how large communal refuse bins will be dragged from the refuse storage area to the collection area on bin collection days. The bins must be dragged 20m northwards from the refuse storage shed. It is not reasonable or safe to ask residents to do this because of the size and weight of the communal bins. Paragraph 6.8.11 of *Manual for Streets* refers to BS5906: waste Management in Buildings – Code of Practice (2005), when it recommends that four-wheeled communal bins should not be dragged more than 10m to a collection point.

I strongly advise that a condition is put in place which asks for a Refuse/Waste Collection Management Plan to be approved prior to the commencement of development. Failure to make waste collection arrangements safe for operatives and residents could result in injuries to residents and in a refuse vehicle having to reverse an unsafe distance up the driveway to the refuse storage area.

## **Drainage**

The applicant has not provided any drainage information. Therefore, I strongly advised that a planning condition be provided in relation to this. Surface water drainage run-off rates from brownfield sites must not exceed those from green-field ones and the applicant is strongly advised to consider adopting sustainable urban drainage (SuDS) principles and techniques. For redevelopment and re-use of an existing building SuDS techniques could take the form of rainwater harvesting, rain gardens, permeable paving, pond and use of infiltration techniques to achieve reductions in surface water runoff volumes and rates, and achieve compliance with wider SuDS objectives such as improving water quality, creating biodiversity and amenity.

## **Planning Conditions:**

In the event that permission is to be given, the following planning conditions should be attached:

### **Refuse Collection Arrangements**

Prior to the commencement of development, a Refuse and Recycling Collection Management Plan for the development must be submitted and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the proposed development, construction shall only commence in accordance with the approved details.

**Reason:** In the interests of road safety.

### **Gated Access**

Prior to the commencement of development, a plan showing how pedestrians and residents with disabilities will access the development via gates south of St. Johns Road must be submitted and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the proposed development, construction shall only commence in accordance with the approved details.

**Reason:** In the interests of providing safe and suitable access to the development for all transport users in accordance with the National Planning Policy Framework.

## **Drainage**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS
- Network drainage calculations

- Phasing
- No private drainage into the existing highway drainage system.

**Reason:** In the interests of road safety.

### **Construction Traffic Management Plan**

Prior to the commencement of the development, a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

**Reason:** In the interests of road safety in accordance with the National Planning Policy Framework.

### **Travel Information Pack**

Prior to the first occupation of the development, a Travel Information pack shall be submitted to and approved in writing by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

**Reason:** In the interests of ensuring that opportunities for travel by sustainable modes are maximised in accordance with the National Planning Policy Framework.

**Officer's Name: Will Marshall**

**Officer's Title: Senior Transport Planner**

**Date: 27 July 2018**

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## **Education Schedule**

### **Recommendation:**

**No objection.**

The nature of this proposed development is expected to result in only a small number of additional school pupils, and no contribution is sought towards school capacity.

**Officer's Name: Barbara Chillman**

**Officer's Title:** Pupil Place Planning Manager

**Date:** 27 July 2018

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