

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

District: Cherwell

Application No: 17/02167/F

Proposal: Conversion of building from B1(a) Offices to 25 residential flats, with ancillary parking, bin storage and amenity area

Location: The Old Malthouse St Johns Road Banbury

Response date: 21st November 2017

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.

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

Residential	
1-bed dwellings	23 No.
2-bed dwellings	2 No.
3-bed dwellings	X No.
4-bed & larger dwellings	X No.
Extra Care Housing	X No.
Affordable Housing %	X %
Commercial – use class	m ²
A1	
B1	
B2/B8	
Development to be built out and occupied out over	X yrs

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
20 - 64 year olds	31.37
65+ year olds	3.81

0 – 4 year olds	1.14
Nursery children (number of 2 and 3 year olds entitled to funded places)	0.32
Primary pupils	0.51
Secondary pupils	0.27
Sixth Form pupils	0.00
SEN pupils	

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Information

Recommendation of approval contrary to OCC objection:

If you are minded to recommend approval of the application contrary to an objection made by OCC in this response, OCC should be grateful if you would re-notify OCC (via MPAT) to explain why material considerations outweigh OCC's objections and also give OCC the opportunity to make further representations.

Outline applications – The impact of a proposal upon infrastructure and services is assessed based on the number and type of dwellings and/or the floor space. If mitigation of such impacts is required the S106 contributions/measures set out in the Schedules to this response are based on the unit mix / floor space stated in the Assessment Criteria set out on the first page of this response. Where mitigation measures/contributions are appropriate and once the unit mix/floor space is confirmed a matrix (if appropriate) will be applied to assess any increase in contributions payable. For smaller/medium size developments where unit mix is established prior to commencement of development the matrix sum can be fixed prior to commencement of development (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 payment where in a S106 agreement the triggers for payment of S106 contributions (in aggregate) deferred to post implementation of the development exceed £1m.

Administration and Monitoring Fee - £250 is an estimate of the amount required to be secured to address the corresponding extra monitoring and administration associated with the S106 agreement. The final amount will be determined prior to the completion of the S106 agreement in accordance with OCC's scale of fees 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 whether an agreement is completed or not.

CIL Regulation 123

OCC may conclude not to seek contributions to mitigate the impact of this development on certain infrastructure referred to in the Schedules to this response because of the constraints of pooling, (Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended)). 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 impact of the proposed development on the infrastructure, and the lack of mitigation in making its decision.

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Please note that this supersedes my response of 20 November 2017

Transport Schedule

Recommendation:

Objection for the following reasons:

- Insufficient vehicular parking spaces provided within the curtilage of the building.
- The applicant has not made it clear how people with disabilities will be able to access the development safely.

Key Points:

- The applicant proposes that a Caretaker will be responsible for dragging communal refuse bins to the refuse collection point at the front of the site on refuse collection days. This is not ideal as these refuse bins are heavy and difficult to drag for a distance of approximately 35m.
- Disabled access is from the rear entrance to the building located on the northern side of the under-croft car park on the ground floor of the building. However this is accessed through a pair of gates south of the highway boundary on St. Johns Road and from an access lane of approximately 4m in width and across the above mentioned car park. There is no marked out footway and no external lighting, and it is not clear how a pedestrian, a cyclist, or a wheelchair user would operate the access gates.
- The applicant has demonstrated that they can provide up to 22 vehicular parking spaces within the curtilage of the building and has used data from the Census of 2011 and the National Travel Survey to deduce that the level of car ownership in flats in this particular area of Banbury is an average of 0.75 vehicles per dwelling. However, even if this were to be the case here, I have observed on site visits conducted that there is very little spare on-street parking capacity in surrounding streets for visitors. This could lead to parking that could impede safe access to streets for other motorists.

Comments:

Vehicular and Pedestrian Access

As stated in my response to the request for pre-application advice of 1 September 2017 (Ref: 17/00211/Pre-app), pedestrians and residents who might park their cars at the frontage of the building appear to be able to access the development via the proposed front entrance. Motorists who need to park in the under-croft area to the rear of the main building will need to travel through an access to the western side of the building that is currently gated. The access from St. Johns Road has a bell-mouth of 7m wide and there is a gap of 7m between the gates and the carriageway

edge. This is sufficient space to allow one vehicle to wait while the vehicle owner unlocks the gate. The applicant needs to describe how the gates will be operated.

The access road that will lead from the gates to the turning area into the under-croft car park is 4.4m wide. This is not of sufficient width to allow the Local Highway Authority to adopt the access road. The applicant will also need to mark out an over runnable area for pedestrians, cyclists, and disabled users, both along the access road and through the western part of the under-croft car park to the rear entrance to the building and the cycle storage areas. This area should also be lit. The applicant should also consider providing a ramp to the main access so that disabled users can access the building without having to go through the car park.

Refuse Collection Arrangements

Since my response of 20 November 2017 I have been made aware of Drawing No. 17_057-200. This shows a communal refuse storage area approximately 35m south of the highway boundary along a private access road accessed through a lockable gate. They propose to have a temporary refuse collection area immediately south of the highway boundary where refuse bins will be left out for collection on the relevant day by way of a Janitor for the building being responsible for getting the bins to the collection point.

This proposed arrangement is not ideal as communal refuse bins are very large heavy objects for one person to move a distance of 35m. However, given that the building is listed it is difficult to see how a refuse storage point can be built at the front of the building near the highway. The applicant might be best advised to arrange for private refuse collection.

Vehicular Parking

The applicant has stated that they will be able to provide up to 22 vehicular parking spaces within the curtilage of the site. From Drawing No. 17_057-200 it appears that they intend to provide 13 spaces in the under-croft area on the ground floor of the building and 9 spaces immediately north of the existing front entrance to the building.

Oxfordshire County Council's current vehicular parking standards for residential developments within urban areas of Cherwell District are set out below:

Number of bedrooms per dwelling	Number of Allocated Spaces	Number of Spaces When 2 Allocated Spaces per Dwelling are Provided		Number of Spaces When 1 Allocated Spaces per Dwelling are Provided		Number of Unallocated Spaces When no Allocated Spaces are Provided
		Allocated Spaces	Unallocated Spaces	Allocated Spaces	Unallocated Spaces	
1	1	N/A	N/A	1	0.4	1.2
2	2	2	0.3	1	0.6	1.4

The applicant has not stated exactly how many spaces will be allocated per flat. If no spaces were to be allocated to any of the flats, the applicant would need to provide 1.2 x 23 spaces, and 1.4 x 2 spaces, giving a total of 30.4 spaces. If one space was

to be allocated per dwelling, the applicant would need to provide 1.4×23 , plus $2 \times 1.6 = 35.4$ spaces. If one space were to be allocated per one-bedroom dwelling and two spaces per two-bedroom dwelling, the applicant would need to provide 1.4×23 , plus $2.3 \times 2 = 36.8$ spaces.

The applicant has used data from the census of 2011 to establish the level of car ownership in flats in or near to Banbury town centre and the number of people in the same area who commute to work by car to argue that Oxfordshire County Council's current parking standards are maximum standards and do not need to be met in this instance. They argue that the development is located within an area defined as a Type 1 Accessibility area within Cherwell District Council's Interactive Local Plan and that development proposals which offer vehicular parking standards that are significantly below maximum standards are required to contain supporting information concerning the likely impact on nearby street parking and the availability of public transport. I have been informed that the Interactive Local Plan is not an adopted policy of Cherwell District Council and has been superseded by the Cherwell District Local Plan 2011-2031. Therefore, the policy guidance the applicant has used is not necessarily valid.

I would also argue that the Census of 2011 is now six years old, and the number of flats within the local area could have changed in this time. Therefore, the assumptions that the applicant makes about levels of car ownership among dwellers in flats in this area might not be up to date.

The areas where residents who might not get allocated a parking space within the curtilage of the building are: Calthorpe Road, Dashwood Road, Newland Road, and Old Parr Road. On a site visit I conducted on Friday 17 November 2017 between 8am and 8.30am I observed that these were all residential streets which were already heavily parked on. I observed that Calthorpe Road and Newland Road already had a high number of flats on them which could mean there are already a high number of buildings which are reliant on on-street parking and need more than one parking space. I carried out an additional site visit at 9pm on Thursday 7 December 2017, and found that there were a total of three on-street parking spaces available on the above-mentioned surrounding roads.

There are extensive parking restrictions on St. Johns Road and Lucky Lane due to the presence of St. Johns Priory School. Therefore, I do not think there is sufficient on-street parking space to accommodate what could be an overspill of up to 15 cars arising from this development and have to recommend objection on these grounds. Significant overspill parking could lead to residents parking in unsafe places, within and outside of the curtilage of the building, and could hinder access to this and other properties for emergency service and refuse vehicles.

However, the applicant might wish to conduct a parking survey of the surrounding area to see how much parking space might be available in surrounding streets. In the past this has been done using surveying techniques such as the Lambeth Methodology. More information about this can be accessed at: <http://www.trafficsurveys.co.uk/lambeth-methodology.htm>.

The perpendicular spaces will need to meet the following dimensions:

Perpendicular (e.g. driveways and parking courts)	Length (m)	Width (m)
Space for people with mobility difficulties	5.5	2.9 +
Standard space (unobstructed)	5.0	2.5
Standard space (obstructed on one side)	5.0	2.7
Standard space (obstructed on both sides, includes car ports and under-crofts)	5.0	2.9
Inside garage	6.0	3.0

For more information on car parking and other issues with the layout of the development, please see the County Council's Residential Roads Design Guide which can be accessed at: <https://www.oxfordshire.gov.uk/cms/content/transport-development-control-tdc>.

Cycle Parking

The applicant has provided 26 cycle parking spaces. Oxfordshire County Council's minimum cycle parking standards for residential developments are set out below:

	Residential
Long stay/ employee/ resident	1 bed - 1 space; 2+ beds - 2 Spaces ***
Visitor	1 stand per 2 units where more than 4 units

Under this guidance, the applicant would need to provide 39 cycle parking spaces. This could include Sheffield Stands where two bikes could be locked to one stand. When designing the Sheffield stands, the applicant must pay particular attention to the space and dimensions shown in paragraphs 2.43 and 2.44 of Oxfordshire County Council's current Cycling Design Guide which can be accessed at: <https://www.oxfordshire.gov.uk/cms/content/transport-development-control-tdc>.

Given the location of the development it is vital that cycling to and from it is encouraged and made as attractive as possible to residents. Therefore, all cycle storage areas must be sheltered and secure.

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 plan showing the location of refuse collection facilities 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.

Disabled Access

Prior to the commencement of development, a plan showing how residents with disabilities will access 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 providing safe and suitable access to the development for all transport users in accordance with the National Planning Policy Framework.

Vehicular Parking

Prior to the commencement of development, a plan showing all internal vehicular parking spaces which will be part of 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.

Cycle Parking

Prior to the commencement of development, a plan showing all internal cycle parking spaces which will be part of 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 ensuring that opportunities for travel by sustainable modes are maximised 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. This should include the following where applicable:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.

- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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: 15 December 2017
