

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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Transport Schedule

Recommendation:

Objection for the following reasons:

- Lack of information concerning refuse collection arrangements.
- 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.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to mitigate the impact of the development plus planning conditions and informatives as detailed below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Public transport services	£25,000	November 2017	RPI-x	The cost of increasing the frequency of bus services between the A4260/Dashwood Road bus stop and Banbury Town Centre.
Total	£25,000			

Key Points:

- The applicant has not shown on a plan where they intend to put the communal refuse store. This should be located within 5m of the edge of the carriageway on St. Johns Road so that refuse can be collected safely.
- 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. Although they refer to this area of Banbury as having Type 1 Accessibility characteristics as set out in Cherwell District Council's Interactive Local Plan, the Interactive Local Plan is no longer part of the development plan process and has been superseded by the Cherwell

District Council Local Plan 2011-2031. Therefore, I uphold the argument I made in my pre-application advice of 1 September 2017 that Oxfordshire County Council's maximum parking standards need to be met.

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 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

The drawings provided with the application differ from those submitted with the request for pre-application advice in August 2017. For example, Drawing No. 17_057 201C that has been submitted with this application does not display the whole curtilage of the site, although the applicant states in the Design and Access Statement that refuse collection facilities will be provided. These are not shown on this drawing. I stated in my response to the request for pre-application advice on 1 September 2017 that, due to the number of flats, and that a communal refuse collection area will need to be provided, the refuse collection area will need to be located in an area where a refuse collection vehicle can get within 5m of it. I do not see any proposed refuse collection facilities on the plans provided. Therefore, I have to object on these grounds.

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 201C it appears that they intend to provide 13 spaces in the under-croft area on the ground floor of the building. I assume that the other 9 spaces will be the existing ones that are immediately north of the existing front entrance to the building. Although these 9 spaces were shown on the plan that accompanied the request for pre-application advice, they are not included in the plans submitted with this planning application. The applicant will need to confirm that they still have control of this area of the curtilage of the building. However, I would question whether all of these 9 spaces

could be provided because of the need to provide a refuse collection area within 5m of the highway boundary on St. Johns Road and a ramp to the main entrance.

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 x 23, plus 2 x 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 x 23, plus 2.3 x 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.

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 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>.

Please note that the applicant will need to provide perpendicular car parking spaces that 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>.

Car-Free Development

The proposed development site is located 0.4 miles from shops and amenities in Banbury town centre and 0.7 miles from Banbury bus and railway stations. It is also 200m from a bus stop that is served by one bus service per hour to Oxford (Mon – Saturday), one to Deddington, and 4 buses per day to Oxford on Sundays. It is also served by an hourly service to Chipping Norton (hourly, Monday – Friday), and two buses per hour to Easington via Banbury town centre, Monday – Friday. Therefore, the applicant might want to consider marketing the proposed development as a car-free one. That said, it would be difficult to stop people who owned cars from buying/renting properties in a car-free development. Therefore, this might not overcome the problem of the overspill parking.

Cycle Parking

The applicant has provided 24 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.

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£25,000 Public Transport Service Contribution indexed from November 2017 using RPI-x

Towards: The cost of increasing the frequency of bus services operating between the A361 Oxford Road/Dashwood Road bus stop and Banbury town centre.

Justification: The contribution is necessary to make the development acceptable in planning terms because, based on current evidence, the applicant will not be able to provide the required number of vehicular parking spaces within the curtilage of the building. There is also no evidence to suggest that the surrounding streets near the development could accommodate the amount of overspill parking that might arise from the development. Therefore, I recommend that the applicant consider providing a car-free development. If the development was to be served by more regular bus

services to Banbury town centre and railway station, it might make it more attractive to people who do not own cars and provide safe and suitable access to and from Banbury town centre for them.

The contribution is directly related to the development in that the building in which the flats would be built is 200m from the A361 Oxford Road/Dashwood Road bus stops which are served by buses going to and from Deddington, Oxford, Banbury town centre, bus station and Hospital, and Chipping Norton. There are currently two buses per hour to the town centre and Hospital. A more regular service would benefit residents directly as they would be within easy walking distance of accessing this improved service.

The contribution is fair and reasonable in scale and kind in relation to the development. The calculation of £1000 per residential dwelling is one that is applied to all applications for residential development within the Cherwell District when the County Council request financial contributions for improvements to bus services.

Calculation: £1000 x 25 dwellings = £25,000

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: 20 November 2017
