

Case Officer: James Kirkham

Recommendation: Approve

Applicant: Langham Holdings Ltd

Proposal: Conversion of upper floors to 3 apartments. New access in front facade

Expiry Date: 18 July 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of two Grade II listed properties adjoining one another in Banbury Town Centre on the High Street. The site is also located in the Banbury Conservation Area and within the setting of other listed buildings in the High Street.
- 1.2. The ground floors of the properties have shop fronts are currently occupied by Class E uses (including a newsagent and a crafting workshop). The first floors are currently vacant and do not appear to have been in active use for a number of years. The first and upper floors of 14 High Street are only accessible through a small rear window from a flat roof to the rear of the property.
- 1.3. The site lies within the area identified as the Town Centre and the Primary Shopping Area within the Development Plan.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission to convert the upper floors of the property to 3 dwellings. This would include the provision of a new segregated access to the shop frontage of 15 High Street to allow independent access to the flats from the frontage on the High Street. It is proposed to replace some of the windows and also provide some additional new windows in the rear elevation of the buildings.
- 2.2. Internally there would be a number of works proposed to accommodate the changes. These are covered by the associated listed building consent. The main ones include the provision of new partition walls and the removal of an existing staircase between first and second floor. A new staircase is proposed between ground and first floor to allow access to the flats.
- 2.3. The plans have been amended during the course of the application to address concerns raised by the Conservation Officer.

3. RELEVANT PLANNING HISTORY

- 3.1. Whilst there is some planning history for minor alterations, there is no planning history directly relevant to the proposal.

22/01528/LB - Conversion of upper floors to 3 apartments. New access in front façade - Pending

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
21/03408/PREAPP	proposed conversion of the upper floors to apartments and a new access in the front façade of the building

- 4.2. It was stated that the principle of the development was acceptable. Further details were required on the impact on historic fabric. Further thought was also required to the frontage changes and bin/cycle store provision needed to be considered.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **29 June 2022**, by advertisement in the local newspaper expiring **7 July 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **5 August 2022**.

- 5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BANBURY TOWN COUNCIL: Supports proposals.

OTHER CONSULTEES

- 6.3. CDC CONSERVATION: No objection subject to conditions on amended plans. Made numerous comments on the internal layout and shop front. The plans have now been amended which address the concerns subject to conditions.
- 6.4. CDC ENVIRONMENTAL PROTECTION: No objection subject to providing double/secondary glazing and acoustic trickle vents as stated in D&A. Request Construction Environmental Management Plan.
- 6.5. CDC BUILDING CONTROL: The proposal will require Building Regulations.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

PSD 1: Presumption in Favour of Sustainable Development
SLE2: Securing Dynamic Town Centres
SLE4: Promoting Sustainable Transport
Banbury 7: Strengthening Banbury Town Centre
ESD10: Natural environment
ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

C21 – Listed Buildings
C23 – Retaining features in a Conservation Area
C28 – Layout, design and external appearance of new development
C30 - Design

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Conservation Area Appraisal

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design and Heritage
- Residential amenity
- Other matters

Principle

8.2. The site is identified as being within the Banbury 'Town Centre' within CLP 2015. Policy SLE 2 of the Local Plan Part 1 ('CLP 2015') notes that: "Retail and other 'Main Town Centre Uses' will be directed towards the town centres of Banbury in accordance with Banbury 7. Policy Banbury 7 (Strengthening Banbury Town Centre) states that residential development will be supported in appropriate locations in the town centre except where it will lead to a loss of retail or other main town centre uses and that mixed use schemes will be encouraged. Policy Banbury 7 goes on to state that only A1 and A3 uses will be permitted on the ground floor in the primary shopping frontage. Residential development will not be permitted within the primary shopping frontage unless above ground floor level. The NPPF states planning should recognise that residential development often plays an important role in ensuring the vitality of centres and the PPG has recently been updated to further support the provision of housing in town centres.

8.3. With the exception of a small part of the frontage the use of the ground floor of the building is not proposed to be changed under this application. This is used as retail and would now be likely to fall within Use Class E for planning purposes. Whilst the loss of part of the frontage of the shop to create a new access is unfortunate there appears to be little alternative as rear access to the site does not appear to be available given the historic constraints of the site. In my view the retained ground floor unit would remain of a sufficient size to remain attractive to future occupants and the proposal would only lead to the minimal loss of floor space. Therefore, the loss of the small element of ground floor is considered to be justified in this case.

- 8.4. The use of the upper floors for residential in the town centre is considered acceptable and has been permitted at numerous other sites in the town centre. The upper floors of the building are currently vacant and therefore the reuse of them is welcomed and would contribute to the vitality of the town centre and provide a long term use for the upper floors of the building. It is therefore considered that the change of use of the upper floors of the building to residential would comply with Policies SLE2 and Banbury 7 of the CLP 2015 and Government guidance contained within the NPPF and could be supported.

Heritage, design, impact on the character of the area

- 8.5. As noted above the site consists of two Grade II Listed buildings and is also located in the Conservation Area. As such internal works to the building require listed building consent which is considered in the accompanying report. The site is also located in close proximity to a number of other Grade II listed buildings.
- 8.6. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 ('CLP 1996') exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. Saved Policy C18 of the CLP 1996 advises of the desirability of preserving the listed building or its setting or any features of special architectural or historic interest. Normally alterations will be approved where they are minor and sympathetic to the architectural and historic character of a building. Saved Policy C21 of the CLP 1996 states that sympathetic consideration will be given to proposals for the re-use of an unused listed building provided that the use is compatible with its character, architectural integrity and setting and does not conflict with other policies in the plan. This policy is consistent with guidance contained within Paragraph 196 of the National Planning Policy Framework ('NPPF').
- 8.7. Policy ESD15 of the CLP 2015 states 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, and should respect the historic environment including Conservation Areas and listed buildings.
- 8.8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise, Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF advises great weight should be applied to the conservation of heritage assets and any harm should require clear and convincing justification. It states that where a proposal leads to 'less than substantial harm' to a heritage asset this should be weighed against the public benefits of the scheme.
- 8.9. The subject buildings were originally townhouses converted into shops. The listing description indicates that the interior is likely to have been remodelled in the 20th century. Having visited the site it is clear that the interiors of the building have been remodelled and extended, but there are some remaining areas of historic fabric which contribute to the significance of the buildings. This includes historic staircases and floorboards, skirting boards and some historic windows and doors.

The significance of the building is considered to derive from its architectural and historic interest.

- 8.10. The external changes to the building largely relate to the replacement and additional of new windows. These include a mix of sliding sash windows and casement windows. Where windows are replaced, modern windows would be replaced with more traditional style windows. The arrangement and style of windows is considered to be acceptable subject to condition. Whilst a typical section of a timber sliding sash window has been provided with the application this does not include details of the recess of the window from the brick face or the cill or header details. Furthermore, there are no details of the timber casement windows proposed. Therefore, conditions would be required in this respect.
- 8.11. The alteration to the shop front to create a new access for the residential properties is not ideal and disrupts the unity of the shop frontage. It is noted that other such interventions have happened in the street with varying degrees of success. Amended shop front details have been sought and these are considered to be an improvement on the initial proposals. However, full details of the shop front would need to be provided.
- 8.12. Overall, the proposal is considered to lead to some low level of 'less than substantial harm' to the listed building mainly through the alterations to the shop frontage. This carries great weight. The extent of harm can be reduced through a design solution controlled by condition. Looking at the justification and public benefits to weigh against this harm it is acknowledged that there are limited other access opportunities to access the upper floors in this case given the historic constraints of the site. The proposal would also include benefits of providing a new long term viable use to the upper floors of the listed building and make a small contribution to housing supply and the vitality and viability of the Town Centre. Given the particular circumstances of this case the benefits of the scheme and justification are considered to outweigh the harm caused to the heritage asset.

Residential amenity

- 8.13. Policy ESD15 of the CLP 2015 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.14. The proposed development seeks to reuse an existing building and has to work with the constraints of this. Whilst unit 1 has a rather limited outlook, given its relationship with existing buildings, having regard to the town centre location of the site, the listed status of the building and the reuse of the existing building this is not considered to constitute a level of harm that would outweigh the potential benefits of the scheme.
- 8.15. The units are all considered to be of a sufficient size to provide a good standard of amenity for future residents and appear to comply with the Nationally Described Space Standards for one bedroom dwellings. There is no external amenity space for the proposed residents; however, given the development is working within the constraints of the existing building and no extensions are proposed, on balance this is considered to be acceptable.

Other matters

- 8.16. The proposed development would not have access to any cycle store provision and given the constraints of the site and the fact no outdoor space is available, alongside the limited scale of the development, on balance this is considered to be acceptable.

- 8.17. External bin stores are also not available given the lack of outdoor space. However, it is noted that provision is made in each flat for a storage area where bins could be kept until collection day. It is recommended that these be conditioned to be ventilated to encourage use of these spaces by residents.
- 8.18. The proposed development does not provide any parking on site. Given its scale and the town centre location, the Local Highway Authority has raised no objection to this and it is a sustainable location close to services, facilities and public transport. I therefore consider the lack of parking provision to be acceptable.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposal would result in some minor less than substantial harm to a heritage asset however this is considered to be outweighed by the benefits of the scheme (as outlined elsewhere). The principle of using the upper floors for residential accommodation is acceptable and will contribute to the town centre and housing supply in a highly sustainable location. The development is considered to comply with the Development Plan and it is therefore recommended that planning permission be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings ref. WG1103-001, WG1103-007B, WG1103-008B, WG1103-009B, WG1103-010A, S1 and GSG-001.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Notwithstanding the details on the approved plans and prior to any works to the existing shop front, full details of the proposed new shop front and access to the flats including, sections drawings, materials and finish shall be submitted and approved in writing by the Local Planning Authority. The new shop front shall thereafter be completed in accordance with the approved details prior to the first occupation of any dwelling hereby permitted and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of

the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to any works to any external windows or doors, a schedule identifying the window/doors to be repaired and those to be replaced shall be submitted and approved in writing by the Local Planning Authority. Where this proposes the replacement of historic windows it must be supported by suitable evidence to demonstrate that the condition of any historic window is not suitable for repair.
 - Where repair is proposed, full details of the proposed repairs to said items, including a method statement for the works, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.
 - Where new windows or doors are proposed full details of the doors and windows, at an appropriate scale including a cross section, cill, headers and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority.

The doors and windows shall not be provided other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of any dwelling hereby approved, full details of the ventilation systems to the internal bin stores shall be submitted to and approved in writing by the Local Planning Authority. The internal bin storage and ventilation shall be provided in accordance with the approved details prior to the first occupation of the dwellings and shall be retained as such thereafter.

Reason: To provide adequate bin store for residents and protect the amenity of the local area and setting of the listed building in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within the National Planning Policy Framework.

Case Officer: James Kirkham

DATE:

Checked By: Nathanael Stock

DATE: 19.08.2022
