

Case Officer: James Kirkham **Recommendation:** Approve

Applicant: Langham Holdings Ltd

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

Expiry Date: 18 July 2022 **Extension of Time:** No

1. APPLICATION SITE AND SUMMARY OF SIGNIFICANCE

- 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 listed building consent 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. 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.

22/01527/F - Conversion of upper floors to 3 apartments. New access in front facade - 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.

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.

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. The 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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building

- C21 – Proposals for re-use of a listed building

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)

8. APPRAISAL

- 8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).
- 8.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 190 of the NPPF states that: *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.*
- 8.4. Paragraph 193 of the NPPF directs that: *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.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 8.5. The NPPF 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.
- 8.6. 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.
- 8.7. 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.

- 8.8. 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.
- 8.9. Internally the works have been considered by the Conservation Officer who now raises no objection to the works subject to conditions. During the course of the application the plans have been amended to reduce the impact on historic fabric such as chimney breasts and other details. The proposal does not result in the loss of the stair between first and second floor however this is considered to be justified to provide a new use for the building and retained other features such as the cranked chimney breasts.
- 8.10. Whilst much of the upper floor have been altered there are a number of features including areas of skirting, floor boards, stair cases, internal doors window surrounds and some other historic features which contribute to the significance of the asset. Full details of these matters can be secured by condition.
- 8.11. 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.

9. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 numbered 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 saved Policy C18 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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of any works, a schedule of repairs/replacement to the floors, walls and ceilings of each room of the building including relevant drawing and method statements for undertaken the works shall be submitted and approved in writing. The details shall demonstrate how impact on historic features and fabric will be reduced during the works. Within the room in the attic to be used as habitable accommodation this shall include details of the new partition all beneath the existing purlin. The development shall not be carried out 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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of any internal works to the flooring, ceilings and walls of the building, a schedule of works and method statement detailing any re-wiring, plumbing, ventilation, fire prevention methods, sound proofing and thermal upgrading shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how the works will limit the impact on historic fabric and also include the position and appearance of vents

and. The development shall not be carried out 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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the details on the approved plans, prior to any works to any existing stair in the building, including removal, full details of any such works proposed shall be submitted and approved in writing. The details shall include how the historic elements of the stair shown to be removed, including the historic balustrade and newel will be retained. The development shall thereafter be carried out in accordance with the approved details.

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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the installation of the new stair in the building, full details of the stairs and the works required to accommodate them shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the installation of any new internal walls hereby permitted, details of new internal walls and their junction with the existing historic fabric of the building, including chimney breasts, shall be submitted, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the removal of any internal doors, a schedule and full details of existing internal doors and proposed internal doors within the building, and where appropriate scale drawings including a cross section or photographs, to include finish, shall be submitted to and approved in writing by the local planning authority. The doors shall not be installed within the building other than in accordance with the approved details. All existing internal doors shall remain on site unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C18 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first occupation of the development, details of the screens to protect occupants in the rooms with low window sills shall be submitted and approved in

writing by the Local Planning Authority. This shall include details of the appearance and how they will be fixed to relate to the window. The development shall thereafter be carried out in accordance with the approved details.

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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the installation of any secondary glazing, details of how the glazing will be installed to reduce impact on historic features such as timber window surrounds shall be submitted and approved in writing by the Local Planning Authority. This shall include details of the appearance and how they will be fixed to relate to the window. The development shall thereafter be carried out in accordance with the approved details.

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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the removal of any existing internal wall or creation of new openings, full details of any structural works to accommodate these alterations shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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 saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: James Kirkham

DATE: 5 August 2022

Checked By: Nathanael Stock

DATE: 19.08.2022