



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

TO ACCOMPANY A PLANNING APPLICATION FOR

**CHANGE OF USE FROM B1(a) OFFICES TO PROVIDE 25
RESIDENTIAL APARTMENTS WITH ANCILLARY PARKING, BIN
STORAGE AND AMENITY AREA**

AT THE OLD MALTHOUSE, ST JOHN'S ROAD, BANBURY, OX16 5HX

ON BEHALF OF MORRISON PROPERTY CONSULTANTS LTD

JUNE 2018

PF/10009

LIST OF APPENDICES

Appendix 1 Marketing Brochure

1.0 INTRODUCTION

1.1 On 25th October 2017 two applications were submitted with regard to The Old Malthouse, St John's Road, Banbury, OX16 5HX, namely:

- 1) Planning Application Ref: 17/02167/F
- 2) Application for Listed Building Consent Ref: 17/02168/LB

The applications sought approval for:

'Conversion of building for B1(a) offices to 25 residential flats, with ancillary parking, bin storage and amenity area.'

1.2 The application for planning permission was refused for two reasons, namely:

- 1) *'The applicant has failed to demonstrate through a robust marketing exercise that the site is no longer viable to be retained for its existing employment use. The proposed development would therefore lead to the unjustified loss of employment land in a sustainable location and result in economic harm contrary to Policy SLE1 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.'*
- 2) *'The proposed development would result in 'less than substantial harm' to the significance of the listed building and conservation area through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is*

not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.'

1.3 The application for Listed Building Consent was refused for the following reasoning:

'The proposed development would result in 'less than substantial harm' to the significance of the listed building and conservation area through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.'

1.4 This submission seeks to address the concerns raised by the Local Planning Authority.

1.5 The development for which planning permission, and the works for which Listed Building Consent, remain are for:

'The change of use from B1(a) offices to provide 25 residential apartments with ancillary parking, bin storage and amenity area'.

1.6 The drawings submitted with this scheme – which revises the proposal for re-use of this listed building – are:

- 17_057 31 Location Plan
- 17_057 100 – Existing Site Plan
- 17_057 101 – Existing Ground Floor Plan
- 17_057 102 – Existing First Floor Plan
- 17_057 103 – Existing Second Floor Plan
- 17_057 104 – Existing Third Floor Plan
- 17_057 105 – Existing Roof Plan
- 17_057 106 – Existing North & East Elevations
- 17_057 107 – Existing South & West Elevations
- 17_057 108 – Existing Sections A-A & B-B
- 17_057 109 – Existing Sections C-C & E-E
- 17_057-234C Proposed Roof Plan
- 17_057-200E Proposed Site Plan
- 17_057-201G Proposed Ground Floor Plan
- 17_057-202G Proposed First Floor Plan
- 17_057-232C Proposed Second Floor Plan
- 17_057-233C Proposed Third Floor Plan

- 17_057-206E Proposed Elevations Sheet 1
- 17_057-235C Proposed Elevations Sheet 2
- 17_057-208G Proposed Sections Sheet 1
- 17_057-236A Proposed Sections Sheet 2
- 17_057-210A Proposed Detail Sheet 1
- 17_057-211B Proposed Detail Sheet 2
- 17_057-237A Proposed Detail Sheet 3
- 17_057-239A Truss diagram
- 17_057-240 Plan of existing and historic rooflights
- 17_057-241 Plan of proposed and historic rooflights
- 17_057-242 Plan of historic rooflights
- 17_057-230A Interior View, Central Space
- 17_057-231A Interior View, Central Space First Floor Level

1.7 In addition to this Planning Statement, the following reports accompany the submission:

- Design and Access Statement, Acanthus Clews Architects, May 2018
- Heritage Impact Assessment, R K Morriss and Associates, May 2018
- Marketing Details of the premises, White Commercial Surveyors Ltd, April 2018
- Viability Report Addendum, Devvia Property Consultancy Ltd, January 2018
- Viability Report, Devvia Property consultancy Ltd, December 2017

2.0 REASONS FOR REFUSAL

2.1 Each of the reasons for refusal on the aforementioned 2017 applications are now addressed.

Planning Application Ref: 17/02167/F

RfR1

2.2 In summary form, this reason for refusal contends that the Applicant has failed to demonstrate through a robust marketing exercise that the site is no longer viable to be retained for its employment use. The concern of the LPA appears to be that the marketing of the premises (for sale) by White Commercial during 2017, which led to the acquisition by the Appellant, may have deterred potential interest in the premises for an office use. This objection is founded upon the policy provisions of Core Strategy Policy SLE1.

2.3 Accompanying the application is the evidence of marketing which has taken place since 2016. The marketing of the premises first commenced on a letting basis. The Enquiry Schedule which identifies the level of interest since marketing commenced in May 2018 is attached as Appendix 5 to the Analysis of Local Office Market prepared by White Commercial. In the period June 2016 to February 2017 the premises were advertised for lease. No interest whatsoever was expressed to occupy the premises for office purposes.

2.4 In the period February 2017 to May 2017, the premises were advertised for sale. This marketing exercise did not reveal any interest in occupation of the premises by a Class B1 use. It is acknowledged that there was interest expressed in using the premises for a mixed use of office and residential. The intended split between office and residential is unknown.

- 2.5 The marketing for sale reveals an overwhelming interest in adapting the premises for residential development. While this opportunity was identified in the marketing details, such marketing would not have discouraged interest in the premises coming forward from potential office occupiers, if such demand existed.
- 2.6 In order to address the criticism within the decision notice as to the robustness of the marketing, the premises have been re-marketed for Class B1 purposes – without any reference to their suitability for residential use. Indeed, the method of marketing positively discourages expressions of interest from prospective residential developers. The marketing (for sale/to let) commenced on 1st May 2018. The method of marketing, by imposing a 95% overage covenant on a potential residential scheme, ensures that any interest in these premises is confined to occupation for business purposes. The office premises have been marketed at a valuation identified by the Planning Officer. The outcome of this marketing exercise will be reported to the LPA. A copy of the marketing brochure has been provided with the application and is attached as **Appendix 1**.
- 2.7 The Marketing Strategy for The old Malthouse (Appendix 4 to the Analysis of Local Office Market) explains the marketing strategy, including the use of media platforms on which the premises are displayed in the current marketing exercise.
- 2.8 The marketing exercise may reveal the existence of some level of interest. Such interest does not necessarily mean that a sale would be a viable proposition, or, indeed, a prospective occupier can proceed for a range of reasons. An expression of interest does not establish a cogent level of demand for a particular form of employment accommodation.
- 2.9 It is in any event not the role of the LPA to prevent otherwise acceptable development by urging a sale of premises for an employment use irrespective of the implications on costs. The

Framework (173) makes clear that *'planning for sustainable development requires careful attention to viability and costs ... in decision-taking'*.

2.10 A further fundamental consideration when evaluating the impact of the development on the supply of employment land is to assess whether the loss of these premises would have a serious consequence for the availability of premises for Class B1 purposes in Banbury. Evidence is available that there is a supply of c. 120,000 sq.ft. of office accommodation available in Banbury. Chris White states in the Analysis of Local Office Market (Section 8):

'We consider that the Old Malt House is not a significant property within the office property market in Banbury. The premises have limitations for modern office use as described below. The provision of an alternative use outside of Class B1 will have no significant impact upon the availability of office space and the availability of land and premises for employment purposes in Banbury and Cherwell District.'

As detailed above Banbury is not considered an 'office location' and yearly office lettings/purchases comprise a small proportion of the total stock of offices in Banbury. Even lower rental values in Banbury compared to the surrounding competing locations of Warwick Leamington and Oxford appear not to influence greater demand for office accommodation in Banbury.

Demand also seems to have been impacted by more efficient working practices of home working and also hot desking suiting more 'transient' staff but in effect reducing the requirements for office accommodation by occupiers and the costs of the business.

The listed nature of the building and the lack of car parking also detracts from the premises attraction, where more modern office premises are cost effective to run, offer flexibility to modern day user requirements and have the ability to change and alter the accommodation quickly to suit changing operational requirements together with economic running and maintenance costs which are all vital for the continued use of office buildings.

*From the substantial marketing carried out by White commercial on both a local, regional and national basis it is clear that there is little demand for The Old Malthouse as office premises. We consider that in our opinion that this limited interest is because of the characteristics of the property which generally do not suit modern day office requirements. This is evidenced from the schedule of interest which has been prepared detailing the response to these marketing efforts as detailed in **Appendix 5.**'*

2.11 Although these premises are not allocated for employment, the underlying thrust of paragraph 22 of the Framework remains appropriate, namely:

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for the purpose.'

2.12 The wording of Policy SE1 states that all sites and premises in employment use are protected for employment purposes. National planning policy imposes a test of a 'reasonable prospect' of the premises being used for that purposes. Policy SLE1 – which has been found to be consistent with national planning policy (test of 'soundness') – should be read in this context. In short form, is there a reasonable prospect that the premises have a future employment use.

2.13 Even if it is concluded that the premises may have some realistic potential for continuing employment use, such a situation should not be determinative of the merits of this application. The provisions of Core Strategy Policy SLE1 are not prioritised over the provisions of Policy ESD15 – The Character of the Built and Historic Environment.

2.14 As a listed building, there is a statutory duty under Section 66(1) of The Listed Buildings Act 1990. It would be entirely appropriate to make a balanced planning judgement in favour of a residential use where such a use may be considered the optimal viable use for the conservation of the asset. In so doing, the LPA may consider the impact on the portfolio of employment land and premises, the significance of the change of use of these premises from office use to residential use. The underlying purpose of both Policy SLE1 and ESD15 should be considered in the determination of this application.

2.15 This proposal should be welcomed for its introduction of a vibrant new use which will create vitality as a place to live close to the town centre. A residential use has secure viability to ensure that the building is restored and is well maintained in the future. The past history of different occupations with varying degrees of investment in this listed building is avoided.

2.16 A further planning advantage which to be weighed in the planning balance is the delivery of homes on a small site. The eNPPF (69) states:

*‘Small sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly. **To promote the development of a good mix of sites, local authorities should: ...***

... (c) – support the development of windfall sites through their policies **and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.**’ [emphasis added]

2.17 The Government has made statutory provision for buildings with Class B1 use to be re-used for housing (GPDO 2015), recognising that such buildings potentially provide a useful source of new housing in sustainable locations. The limitation that such provision does not enure for listed buildings is not on account of a resistance in principle to such a change of use. Rather, in the context of listed buildings, the Government has ensured that full control over works to facilitate such a change of use remains within the LPA. It is submitted that ‘*great weight*’ should be given to this proposal for the provision of housing on a small site that is suitable for housing.

Conclusions in response to RfR1

2.18 The HEDNA 2017 states (1.27):

‘At a District level, Cherwell’s office market is relatively modest, which approximately 2 million sq. ft. of existing office space. Approximately half of this space is located in Banbury (CoStar, 2016). The majority of office stock in Cherwell is small and medium sized stock with few larger office premises. The amount and size of office space available suggests that the majority of demand is from local or regional businesses. This compares with the office floor space for Oxford, where approximately 4.5 million sq. ft. exists, the majority of which is large scale office developments. Therefore, analysis suggests that development is expected to be more successful if directed towards the occupational needs of small to medium size businesses or office/industrial uses, unless larger requirements were identified say perhaps in the south through overspill from Oxford.’

2.19 The conclusion from this analysis is that potential interest in The Old Malthouse for continued office use is not likely to be sourced from inward investment by an occupier who is presently located elsewhere in the country.

2.20 Any interest in seeking premises of this form and character is likely to:

- be already known to White Commercial as a leading commercial agent in the area;
- emerge readily in response to the re-running of the marketing exercise.

2.21 The current marketing exercise will establish whether there is any substantial interest in this property for continued B1 use. An update on the marketing exercise will be provided to you shortly.

RfR2

2.22 In response to the advice provided in the Framework (128), a Heritage Impact Assessment is submitted to describe the impact of the proposed conversion scheme on the significance of The Old Malthouse.

2.23 In the period since the determination of the last application, the modern office partitioning on the first floor has been removed for investigative work. This has revealed the significance of the roof carcasse, which is one of the architectural values of this building. This investigative work has had two other benefits:

- 1) It has revealed where original rooflights were installed – the submitted scheme revises the pattern of proposed roof lights to more closely follow the original pattern.
- 2) Visual experience of the roof carcasse has identified the unsympathetic form and character of the twentieth century interventions, specifically:
 - the way in which an axial partition beneath a series of RSJs had been inserted;

- the way in which the ceiling had concealed the roof carcasse by obscuring the trusses from view;
- the insertion of additional timbers in the trusses which confused their significance as an architectural and historic feature
- the wholesale addition of cut steel fish-plates at the main jointing of the trusses

2.24 This scheme presents a welcome opportunity to remedy the adverse impact on the significance of this listed building from its former use as offices and to enhance the significance of the listed building through the new works to accommodate a residential use.

2.25 The investigative work reveals that the original rafters had at one time been covered with lath and plaster. (It is not known when this covering was removed.) The existence of rooflights suggests that it is likely there existed a loft throughout the building.

2.26 The scheme now presented creates an enhanced opportunity for the roof structure to be appreciated. The *'significance'* of this listed building is enhanced by these works. The architects have produced a skilful design (refer to Design and Access Statement), enabling residents and visitors to appreciate the roof structure as one of the key features of significance for this heritage asset. Acanthus Clews state (3.1):

'The design concept was developed primarily around the trusses to ensure that these can be read throughout the building with minimum alteration to the historic structure.'

2.27 The Historic Buildings Consultant concludes in the Historical Impact Assessment that (Section 8):

*'If there is any 'harm' to the fabric of the building through minor changes to the roof trusses and some added windows, this is considered to be at the 'negligible' end of the 'less than substantial harm' spectrum of the NPPF and **in terms of the overall impact on the building, offset by several elements of the scheme that clearly enhance the building's significance** – including the restoration of former window openings and the improvements and repairs to the parapets and pediment on the main facade.'* [emphasis added]

2.28 The Historic Buildings Consultant concludes that the proposals have no impact upon the significance of any nearby listed building or the Banbury Conservation Area. The significance of these designated heritage assess is preserved (Section 66(1); Section 72(1)).

2.29 The reason for refusal of the earlier application makes reference to Policy ESD15 of the Cherwell Local Plan 2011 – 2031, and saved policy C18 of the Cherwell Local Plan 1996. Policy C18 from the adopted Local Plan provides little assistance in decision-taking as the wording principally recites the provision of statute (Section 66(1)).

2.30 The Design and Access Statement describes at Section 3.10 other alterations to the exterior of the building, including a very modest number of new openings to provide adequate natural light and ventilation to all apartments. The DAS states (3.10):

- *'New windows and doors will be double glazed units to match existing adjacent details.*
- *In addition, it is proposed to remove 2no. existing modern windows to the rear elevation and replace these; one with a double glazed sash window, to match the existing adjacent windows, and the other with a new door onto the external terrace.*

- *It is proposed to install secondary glazing to the ground floor windows to the north and west elevations, to minimise the impact from traffic noise and parking vehicles on occupants of flats 1 & 2. This will also improve the thermal efficiency of these units.*
- *In addition, it is also proposed to add an obscure film to the lower sashes on these ground floor windows to improve the privacy for the occupants.*
- *It is also proposed to add an obscure film to the lower sashes at second floor level on the west elevation to prevent overlooking from these units into the adjacent residential property.*

2.31 The Historic Buildings Consultant has considered the impact of these alterations on the significance of the asset and states (7.1):

‘The proposals are mainly internal and will impact mainly on the surviving partitions created within the building in the very recent past, many of these having already been removed as part of the investigative works. The exterior brick walls of the building will be little altered, but there will be improvements to the altered primary openings on the rear wall in particular, which can only enhance the elevation in heritage terms.

*No major changes are proposed for the **front elevation** other than remodelling the modern central doors and, more importantly, rebuilding the presently degraded parapet and central pediment. This will be a significant enhancement of the listed building.*

*Towards the west end of the **rear elevation**, two of the windows on the ground floor and one on the first floor will be restored to their earlier form and another new window of identical design will be added towards the eastern end at ground-floor level. At the extreme western end of the ground floor an original doorway will be restored to its original purpose.*

These proposals are considered to enhance the significance of the listed building, restoring primary features to the elevation; the creation of a new, matching, window at the eastern end is considered to be proportionate.

*On the **west gable** the two existing doorway openings at the right-hand, or southern, end of the ground floor will be converted back into windows to match the prevailing pattern on this elevation – but the openings will remain full height.*

In addition, a new central window of the same design as the others will be added at second-floor level in an area of what appears to be disturbed brickwork – and possibly an earlier opening.

These changes are considered to be an enhancement of the existing situation and the new upper window a proportionate change echoing the historic character of the building – and possibly marking the re-opening of an earlier blocked opening.'

2.32 The form of alterations are described at Section 3.1 of the DAS:

'Principally the proposed scheme exposes the trusses to the apex of the roof to allow them to be enjoyed throughout the building, on view to both residents and visitors. It is proposed to open up a volume of space centrally (see image 03), to form an atrium at first floor level which exposes four of the nine trusses and releases a large volume of open space which was not previously visible due to the horizontal subdivision of the building.'

2.33 The DAS articulates that design approach which has been taken to the insertion of rooflights, stating (3.7):

'The locations and rhythm of the proposed rooflights have been carefully considered alongside the historic photographs and physical evidence at roof level, to provide a balanced roofscape. The existing roof structure and finishes have been much altered throughout the life of the building and crucially, the proposals aim to locate rooflights within, or close to, the locations of the historic rooflights where historic fabric has already been lost, to ensure the impact on the historic roof structure is kept to a minimum.'

2.34 The opinion of the specialist Historic Buildings Consultant is set out at paragraph 7.1.2.02 of the HIA, stating:

'The creation of apartments within the roof space around the 'atrium' could echo the earlier internal loft arrangements of the building and the impact on historic fabric is minimal. The recreation of a series of roof lights in the roof slopes to light these apartments reflects the earlier roof form.'

2.35 In the context of the heritage environment, Policy ESD15 states that:

'New development proposals should ... conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF)'

2.36 The decision-taking balance is provided by the Framework (134), which states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

2.37 'Public benefits' are referred to in the Planning Practice Guidance (Paragraph 020 Reference ID 18a-020-20140306):

'Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessibly to the public in order to be genuine public benefits.'

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation.'*

2.38 The Planning Practice Guidance addressed the consideration of a viable use at Paragraph 015 Reference ID 18a-015-20140306. It is stated (*inter alia*):

'The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation. ...

... It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is

minimised. The policy in addressing substantial and less than substantial harm is set out in paragraphs 132 – 134 of the National Planning Policy Framework.’ [emphasis added]

2.39 It does not form any part of the LPA’s objection to the earlier applications that the original use of the premises as a malt house is viable. As such, an alternative use has to be found.

2.40 If, notwithstanding the conclusions reached in the HIS, it is concluded the proposal results in some degree of harm to the significance of the Listed building, it is submitted that the impact represents the least level of harm when considered in the context of:

- the initial changes to the fabric of the building;
- the resilience of a residential use to maintain the premises in the long term, because of the resilience of such a use.

2.41 It is submitted that this proposal satisfies all the circumstances of a heritage benefit in that

- the proposal will **sustain** a new use of this historic asset and, through the high quality design, will **enhance** the significance of the asset;
- the proposal to introduce a residential use **removes the risk** to the heritage asset for its future;
- **secures the optimum viable use** of the heritage asset in support of its long term conservation. In this context, it is evident that the absence of a use of the premises will lead to a continuing deterioration in the asset.

Conclusions in response to RfR2

- 2.42 The expert position of the Historic Buildings Consultant is that this proposal enhances the significance of the asset; causes no harm to the setting of any nearby listed buildings or the Conservation Area. Paragraph 134 of the Framework is not engaged by this proposal.
- 2.43 As such, if the LPA – notwithstanding the expert opinion – conclude that paragraph 134 is engaged by this proposal, then public benefits outweigh the negligible harm, particularly in the context of realising the optimum viable use of the building.
- 2.44 It is submitted that RfR2 could not form the basis of a demonstrable objection to the present proposal.

Listed Building Consent Application Ref: 17/02168/LB

RfR1

- 2.45 The reason for refusal alleges harm to the significance by reasoning of:
- the alterations to the roof;
 - subdivision of the internal space;
 - number and extent of rooflights.
- 2.46 The investigative work has enabled the design and number of rooflights to be reviewed. The scheme comprises a lower number of rooflights to be proposed. The exposure of the roof carcasse has revealed the positioning of former rooflights. As explained in the Design and Access

Statement, the position of the rooflights follows the location and rhythm of the original form of the building.

- 2.47 The internal arrangement now proposed for The Old Malthouse enables the significance of the roof trusses to be more appreciated than occurred when the building was in use as an office.

Conclusions in response to RfR1

- 2.48 The expert opinion of the Historic Buildings Consultant is that these proposals overall ‘*clearly enhance the building’s significance*’ – and that paragraph 134 of the Framework is not engaged. If, contrary to this opinion, it is concluded that some harm is caused, then the public benefits (as explained in the PPG) outweigh this low level of harm.

Other Planning Considerations

Affordable Housing

- 2.49 The ability of the scheme to support the provision of affordable housing was examined in depth in the previous application. The Planning Officer in his Report to the Committee (8.38) states:

‘the applicant has now agreed to pay a commuted sum to the provision of affordable housing based on the difference between the residual land value of the site without affordable housing less the residual land value of the site with affordable housing. This is the method outlined in the Affordable Housing Viability Study Update Report 2013 which formed part of evidence based for the Local Plan. Given the particular circumstance of this case the housing officer has agreed to this. This would need to be secured through a Section

106 agreement. The proposal is therefore considered to comply with Policy BSC3 of the Local Plan.'

2.50 These viability circumstances remain pertinent to the present proposal. The Applicant remains willing to meet the commuted sum which has been previously agreed with the Housing Officer.

Other matters

2.51 There are no other technical or environmental considerations which amount to a serious objection to development.

3.0 OVERALL CONCLUSIONS

3.1 The Framework urges Local Planning Authorities to adopt a *'positive strategy for the conservation and enjoyment of the historic environment'* (Framework 126). LPAs are urged to take into account:

'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' (126)

3.2 While Policy SLE1 may seek the retention of employment uses within existing buildings, such a policy has to be considered in this context with:

- compliance to national planning policy, as to whether there is a *'reasonable prospect'* that an employment use can be maintained (Framework 22);
- any substantial interest for a continued business use which is viable within these premises;
- whether, in undertaking the planning balance, the proposed residential use is an appropriate use of the premises (for the purposes of its conservation).

3.3 A new viable use is required to secure the future of this building which is consistent with its significance. For the reasoning set out in the Design and Access Statement and the Historic Impact Assessment, it is submitted that the proposed re-use of The Old Malthouse for residential purposes, and the works required to facilitate such a use, enhance the significance of The Old Malthouse.

3.4 The Applicant's position is that the planning balance in the Framework (134) is not engaged. The proposals do not harm the significance of the Conservation Area and nearby listed buildings.

3.5 Even if – contrary to the professional opinion of the Historic Buildings Consultant – a judgement is formed that a measure of harm is caused to the significance of The Old Malthouse, it is submitted that the level of harm is at the lowest level within the scale of *'less than substantial harm'*. In undertaking a balance within the Framework 134, the public benefits outweigh the low level of harm. The proposal secures the optimum viable use of the premises for its ability to sustain the significance of the asset for the long term.

3.6 Finally, the Government has made clear that the planning system is not simply to be about scrutiny. The Minister's Foreword to the NPPF tellingly states:

'Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.'

This proposal should be welcomed in:

- breathing a new lease of life into The Old Malthouse which has been vacant for almost two years;
- creating a viable use which will secure the restoration and enhancement of the significance of this listed building – particularly with a use which will secure future maintenance. No public interest is served in restricting the use of this building to a use which has an uncertain future, or is unlikely to generate investment for future maintenance.
- broadening housing choice within a highly sustainable location on the edge of the town centre. The form of housing within internal amenities should be seized upon as a welcome addition to the housing stock.

- creating vitality within St John’s Road, and providing a safer environment for pedestrians with activity in the premises at all times – avoiding periods of vacancy associated with a commercial use.

3.7 For all these reasons, it is submitted that the planning balance in the overall public interest lies firmly in favour of a grant of planning permission and listed building consent for a new use of these premises for residential purposes.

APPENDIX 1

Marketing Brochure

The Old Malthouse

St Johns Road Banbury OX16 5HX



For Sale £750,000
To Let £90,000 pax
9,145 Sq Ft Business Premises

WHITE COMMERCIAL SURVEYORS LTD

Charter Court, 49 Castle Street
Banbury, Oxfordshire, OX16 5NU

01295 271000

whitecommercial.co.uk



Sq Ft	Sq M	Use	For Sale	Rent Per Annum	Approx. Building Insurance Per Annum	2017 Rateable Value	EPC Rating
9,145	849.60	B1	£750,000	£90,000	£3,000	£62,500	N/A

LOCATION

Banbury is conveniently positioned at Junction 11 of the M40 London to Birmingham Motorway.

Strategically situated within an established residential area close to the inner relief road and to Banbury town centre, The Old Malthouse affords excellent access to Banbury Town and the established professional areas of South Bar and West Bar.

DESCRIPTION

The Old Malthouse is a Grade II listed building which was built by the Austin Brewery Company as a malting house in c. 1830 and converted to offices in the 1990's. Behind its attractive façade has been created a spacious office building, suitable for use as offices or other uses within Class B1.

The twenty-nine car parking spaces are currently provided with the unit, twenty of which are in the covered area to the rear of the ground floor where there is also a storage area.

TERMS

The premises are available for sale at £750,000 or to let on a new fully repairing lease at £90,000 per annum exclusive with a rent free period to be agreed for fit-out.

We advise that there will be a 95% overage provision in favour of the Vendor if the premises are subsequently developed for residential purposes.

BUILDING INSURANCE

A building insurance cost of approximately £3,000 per annum will be payable (based on 2017-18 figures).

RATES

We understand from the Valuation Office website that the 2017/18 rateable value for the premises is £62,500. This is not what you pay; please contact White Commercial for further information.

ACCOMMODATION

Gross internal areas measured in accordance with the current R.I.C.S. Code of Measuring Practice.

Floor	Sq M	Sq Ft
Ground	157	1,690
First	579.6	6,239
Second	113	1,216
TOTAL	849.60	9,145

SERVICES

Mains water, electricity and drainage are connected.

VAT

All terms quoted are exclusive of VAT, which is payable.

LEGAL COSTS

Each party will be responsible for their own legal costs.

VIEWING AND FURTHER INFORMATION

Contact Chris White or Harvey White

Tel: 01295 271000

Email: chris@whitecommercial.co.uk

harvey@whitecommercial.co.uk

These particulars are intended as a guide and must not be relied upon as statement of fact. They are not intended to constitute part of any offer or contract.

If you wish to stop receiving information from White Commercial Surveyors please email info@whitecommercial.co.uk or call us on 01295 271000. Please see www.whitecommercial.co.uk for our privacy policy. April 2018.



01295 271000