

# Planning Statement

Conversion of building from B1 (a)  
offices to C3 residential

At

**The Old Malthouse, St. John's Road, Banbury, Oxfordshire, OX16 5HX**

On Behalf, of

**Morrison Property Consultants Limited**

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# Contents

Pages

1.0 INTRODUCTION.....2

2.0 SITE AND SURROUNDING AREA .....4

3.0 PLANNING POLICY .....8

4.0 PLANNING PRINCIPLES .....10

5.0 SITE HISTORY AND SCHEME DEVELOPMENT .....15

6.0 THE DEVELOPMENT PROPOSAL .....19

7.0 DISCUSSION.....35

8.0 CONCLUSIONS .....46

## 1.0 INTRODUCTION

1.1 This planning statement is submitted by Fisher German on behalf of Morrison Property Consultants Limited. The application seeks full planning permission for the conversion of a Grade II listed building from offices to residential use at The Old Malthouse, St. John's Road, Banbury, Oxfordshire.

1.2 The application is supported by:

- 17\_057 200-Proposed Site Plan
- 17\_057 201C-Proposed GF Plan
- 17\_057 202C-Proposed FF Plan
- 17\_057 203C-Proposed SF Plan
- 17\_057 204C-Proposed TF Plan
- 17\_057 205-Proposed Roof Plan
- 17\_057 206-Proposed Elevations Sheet 1
- 17\_057 207-Proposed Elevations Sheet 2
- 17\_057 208C-Proposed Sections Sheet 1
- 17\_057 209-Proposed Sections Sheet 2
- 17\_057 R1 Design and Access Statement- House
- 17\_057-100-Existing Site Plan
- 17\_057-101-Existing GF Plan
- 17\_057-102-Existing FF Plan
- 17\_057-103-Existing SF Plan
- 17\_057-104-Existing TF Plan
- 17\_057-105-Existing Roof Plan
- 17\_057-106-Existing Elevations Sheet 1
- 17\_057-107-Existing Elevations Sheet 2
- 17\_057-108-Existing Sections Sheet 1
- 17\_057-109-Existing Sections Sheet 2
- Heritage Statement
- Car Parking Assessment
- Viability Statement [to be submitted separately]
- Ecology Study
- Structural Statement
- Marketing Statement
- This Planning Statement

- 1.3 This Planning Statement sets out the background relevant to the determination of the application, by describing the site and its general locality, before setting out details of the proposed development. The statement goes on to provide an overview of the planning policy context against which the development must be assessed, followed by a detailed consideration of the development proposals against the policy context and all other relevant material considerations.
  
- 1.4 The site has undergone a pre-application with Cherwell District Council. We have taken into consideration comments made by the Council and have updated our plans accordingly.

## 2.0 SITE AND SURROUNDING AREA

- 2.1 The Old Malthouse, formerly called the St. John's Works, lies on the south side of St. John's Road just to the south of the main town centre. Just to the east of the site is the South Bar. The site is located within walking distance to key facilities and shops.
- 2.2 The site is located in southern Banbury, which is positioned at Junction 11 of the M40 London to Birmingham Motorway.

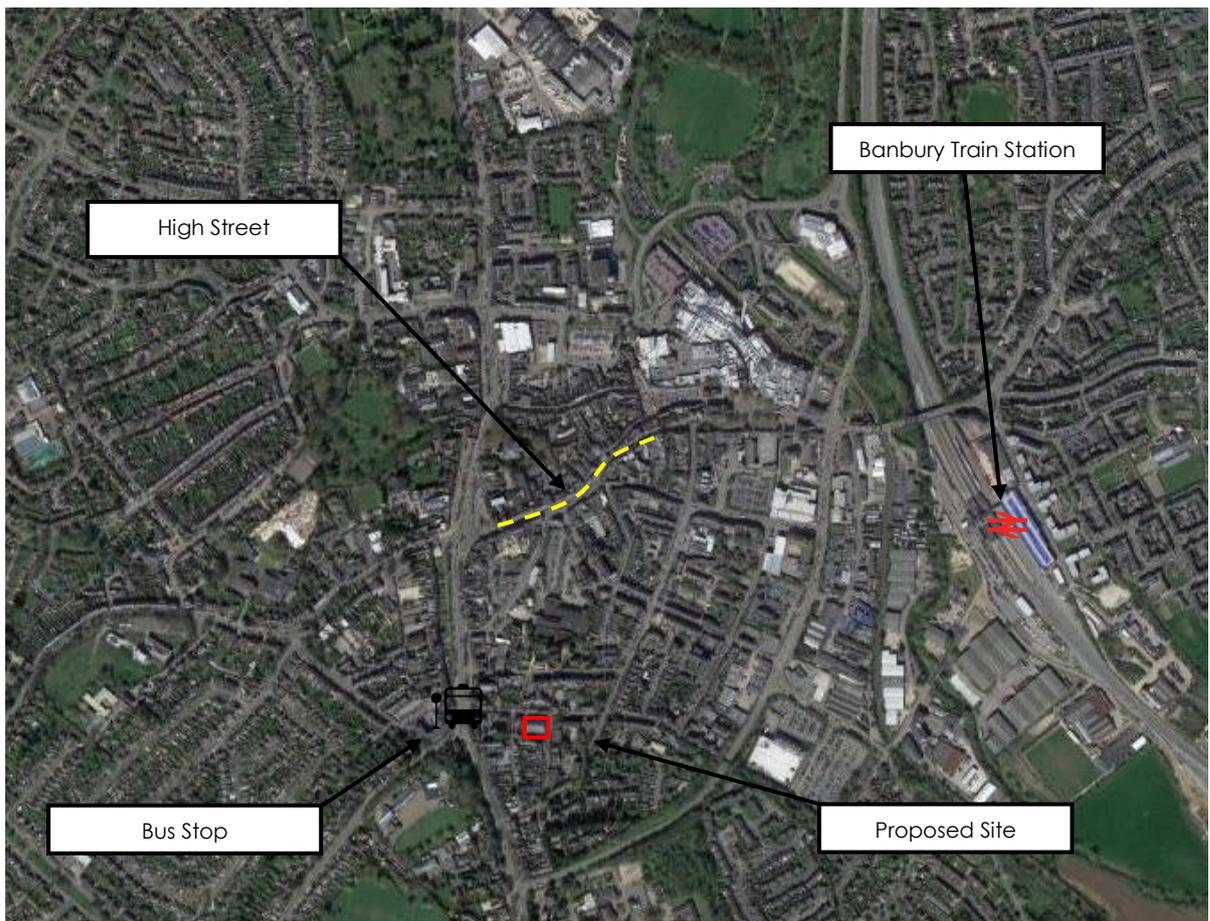


Figure 1.0 – Local context

- 2.3 Access to the site is from St. John's Road, which provides access to both front and rear parking for the site. The proposal is sited in an already well established residential area and neighbourhood in Banbury town centre.



**Figure 2.0** – Site context

- 2.4 The building is currently vacant and has been for a significant period. This comes after an unsuccessful period of advertising the premises as commercial office space, further details are provided in the supporting marketing statement.
- 2.5 Local bus stops are located close to the site with the nearest just a 140m walk to the west. Bus stops are located on Dashwood Road, Calthorpe Street, Horse Fair, High Street, George Street and West Bar Street.
- 2.6 Within 600m of the development site bus routes 488, 489, S4, X7, 6, 7, 502, B5, B8, B10 can be boarded. When combined the above services yield 19 buses per hour (around 1 bus departure every 3 minutes in the peak hours).
- 2.7 Banbury railway station is around 1.2km or a 15-minute walk from the site. Banbury is served by frequent trains between London, Oxford and Birmingham operated by National Rail. There are around 10 departures per hour (one train every 6 minutes on average).
- 2.8 The site is within 400m of the main shopping area having a wide range of shops and amenities; and within 720m of Castle Quay shopping centre, consisting of over 85 shops.



Figure 3.0 – Old Malthouse frontage photograph

2.9 The building is Grade II Listed and lies within the Banbury Conservation area.



Figure 4.0 – Old Malthouse frontage photograph 2

- 2.10 The Old Malthouse is a three-storey red bricked building which used to operate as a maltings.
- 2.11 The listing of the building applies to the external shell of the property after the building has undergone a series of internal changes.
- 2.12 Figure 5.0 shows the gated access which leads to the parking area at the rear of the building.



**Figure 5.0** – Old Malthouse gated access

- 2.13 The site currently comprises twenty-nine car parking spaces, of which, 20 are to the rear of the property alongside a storage area and nine are situated to the front of the property.

## 3.0 PLANNING POLICY

3.1 The site is a Grade II listed building and is within the Banbury Conservation Area and Historic Town Core which is of medium archaeological interest. The site is located within the Town Centre of Banbury.

3.2 The key policy which the application would be considered against is Policy ESD 15 of the Adopted Cherwell Local Plan 2011-2031. This states:

### **POLICY ESD15 - The Character of the Built and Historic Environment**

*Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged.*

3.3 Other relevant policies to this proposal from the Cherwell Local Plan are listed below:

### **POLICY PSD1 – Presumption in Favour of Sustainable Development**

### **POLICY SLE2 – Securing Dynamic Town Centres**

### **POLICY SLE4 – Improving Transport and Connections**

### **POLICY BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density**

### **POLICY BSC3 – Affordable Housing**

### **POLICY ESD1 – Mitigating and Adapting to Climate Change**

### **POLICY ESD10 – Protection and Enhancement of Biodiversity and Natural Environment**

### **POLICY ESD15 - The Character of the Built and Historic Environment**

3.4 Relevant policies from the Cherwell Local Plan 1996 (saved policies) are listed below;

### **POLICY SLE 1: Employment Development**

Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.

### **POLICY H21 – Conversion of Buildings in Settlements**

*Within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance. In all instances proposals will be subject to the other policies in this plan. The Council has approved a design guide relating to the conversion of farm buildings, which is available from the Department of Development and Property Services. The aim of all successful conversion should be the retention and re-use of an interesting old building, whether or not it is listed as being of architectural or historic interest, and it is essential that conversion proposals fully respect the intrinsic character of the building.*

### **POLICY C18 – Development proposals affecting a listed building**

*In determining an application for listed building consent the council will have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The council will normally only approve internal and external alterations or extensions to a listed building which are minor and sympathetic to the architectural and historic character of the building.*

- 3.5 Other relevant policies to this proposal from the Cherwell Local Plan saved policies are listed below:

**POLICY C23 - Features in conservation areas**

**POLICY C28 - Layout, design and external appearance of new development**

**POLICY C30 - Design of new residential development**

**POLICY ENV1 - Development likely to cause detrimental levels of pollution**

**POLICY INF1 – Infrastructure**

- 3.6 The planning merits of this proposal are discussed in Chapter 6 of this report however, the policies above highlight the importance of the protection and preservation of heritage assets in the District. This proposal allows this Grade II listed building to be enhanced and preserved by conversion into a more suitable residential use. The site has been vacant for some time, with no new occupants coming forward. The conversion of the building secures a long-term future for the site, preserving the listed building and supporting the local economy, with residential development in the town centre.

## 4.0 PLANNING PRINCIPLES

4.1 The starting point for decision making is the development plan, i.e. Cherwell Local Plan 1996, the Cherwell Local Plan 2011-2031 (Part 1) and associated Supplementary Planning Documents ('SPDs'). S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of any formal application would need to consider whether the proposal constitutes sustainable development having regard to Development Plan policy and the NPPF as a whole.

### **National Planning Policy Framework**

#### **Sustainable Development**

- 4.2 The Framework sets out the Government's economic, environmental and social planning policies for England. It states in paragraph 6 that the Framework's policies in paragraphs 18 to 219, taken as a whole, articulate the Government's vision of sustainable development, which should be interpreted and applied locally. The Framework sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.
- 4.3 As noted above, the Framework confirms (paragraph 12) that its publication, "... does not change the statutory status of the Development Plan as the starting point for decision making." However, Planning Authorities should have an "up to date" Local Plan by which to assess applications. Where an up to date plan is not in place, the weight of 'other material considerations' will be stronger in the determination of applications.
- 4.4 At the heart of the Framework is a "*presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking*". The Framework in paragraph 14 states "*proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.*"
- 4.5 For decision-taking this means:

- *“Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *Specific policies in this Framework indicate development should be restricted.”*

4.6 Paragraph 17 of the Framework contains a set of core land use principles which should underpin both development management and plan making. These principles are that planning should:

1. Be genuinely plan-led with plans being kept up-to-date and based on joint working and co-operation to address larger than local issues. Plans should provide a practical framework within which applications can be decided;
2. Not simply be about scrutiny;
3. Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet housing, business and other development needs, taking account of market signals and setting a clear strategy for allocating sufficient land;
4. Always seek to secure high quality design and a good standard of amenity;
5. Take account of the different roles and character of different areas, promoting the vitality of main urban areas, protecting the green belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
6. Support the transition to a low carbon future, taking full account of flood risk and coastal change, encourage the reuse of existing resources, and encourage the use of renewable resources;
7. Contribute to conserving and enhancing the natural environment and reducing pollution;
8. Encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environment value;
9. Promote mixed-use developments and encourage multiple benefits from the use of land;
10. Conserve heritage assets in a manner appropriate to their significance;

11. Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
12. Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

### **Transport**

- 4.7 The Framework recognises the important role transport has in the delivery of sustainable development. Paragraph 32 requires plans and decisions to take account of the opportunities for sustainable transport modes, the achievement of safe and suitable access to the site and the need to consider potential mitigation of development impacts. It states that: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

### **Housing**

- 4.8 Paragraph 47 sets out the steps which local planning authorities should take to boost significantly the supply of housing. It requires all local planning authorities to be able to “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.
- 4.9 Paragraph 111 states that the effective use of land should be encouraged by re-using land that has previously been developed (brownfield land). Paragraph 187 of the Framework is also of direct relevance which states:-
- 4.10 “Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”
- 4.11 Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The National

Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed.

- 4.12 Paragraph 159 deals with housing needs and states that Local Planning Authorities prepare a Strategic Housing Market Assessment to assess their full housing needs and should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period. The Oxfordshire SHMA demonstrates a need for one and two bed units, it also notes that the development of smaller units helps unlock some family housing as they enable households to downsize. This proposal will help meet this requirement. The units are appropriate when considered in the context of the street and town centre location. The units will also make best use of listed building, as they utilise the space of the building appropriately.

#### **Design**

- 4.13 The Framework requires development to be of a high standard of design, indicating that this goes beyond aesthetic considerations and that decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

#### **Promoting Healthy Communities**

- 4.14 This section of the Framework provides a number of general principles which should be used to inform plan-making and decision-taking in respect of facilitating social interaction and creating healthy, inclusive communities. It also provides specific criteria in relation to the identification and protection of Local Green Spaces. Such designations are to be made as part of the plan-making process, and paragraph 77 sets out the limited circumstances in which such designations will be appropriate.

#### **Fixing the Foundations (2015)**

- 4.15 Following the General Election in May 2015, the Government published in July 2015 a 15 point plan to boost the UK's productivity growth. Chapter 9 sets out the approach to housebuilding, and states: *"The UK has been incapable of building enough homes to keep up with growing demand. This harms productivity and restricts labour market flexibility, and it frustrates the ambitions of thousands of people who would like to own their own home."*

- 4.16 This highlights the continued emphasis on boosting significantly the supply of housing, and sets out the further steps which the Government will take to ensure local authorities work together to meet the full housing needs for a market area.

## 5.0 SITE HISTORY AND SCHEME DEVELOPMENT

5.1 The sites current planning use is for employment. The following applications for the site have been identified from the Council's online planning portal:

- Ref. No: 00/01103/F – Installation of 2 No. 0.3 metre microwave dishes to roof. Status: Application Permitted.
- Ref. No: 96/00648/LB – Non-illuminated fascia sign. Status: Application Permitted.

5.2 Although documents are not readily available upon the Council's planning portal, in 1989 planning consent was granted for the conversion of the Old Malt House to 'cellular offices'; it was refurbished again in 2003 for 'WRAP', a recycling organisation, and remained as this use until it was vacated in 2016.

5.3 Application no. 15/01389/F saw a planning permission conditionally granted for a 3-bedroom dwelling at the rear of The Old Malthouse.

5.4 This application highlights the acceptability of increasing the number of residential units in the area. Thereby, the conversion of unused office space to residential use is appropriate and encourages the preservation of this heritage asset.

### Pre-application

5.5 A pre-application was undertaken with Cherwell District Council to establish the acceptability of the proposal in September 2017. The Council stated in their pre-application response that *"The site is located within the built up limits of Banbury and is close to the town centre which offers a wide range of services and facilities. The Cherwell Local Plan Part 1 2015 has a strong urban focus and directs new housing growth to existing towns including Banbury. It is therefore considered that the principle of utilising the building for flats may be considered acceptable in general sustainability terms..."* The Council raised some specific comments which we have responded to as follows:

<b>Council's comments</b>	<b>Mitigation</b>
Insufficient information regarding the business use of the building and its marketing	This planning application provides the relevant information regarding the marketing of the building as commercial office space. This information illustrates the best way to secure the buildings future is by converting it to a residential use. Marketing information is discussed in the supporting Marketing Statement with copies of particulars.
Conversion to residential use would have an adverse impact upon the surrounding residential properties	This building is located within a residential area in the town centre of Banbury, where residential development is encouraged as established in the pre-application response. This is reinforced by an extant permission for a 3-bedroom dwelling on the site. However, to mitigate any adverse impacts on neighbouring amenity we have updated the plans with revised layouts and frosted windows to secure the privacy of surrounding neighbours.
Conversion of the third floor would have an impact upon the historic fabric and external envelope of the building	A viability study has been undertaken for the proposal which has established that the proposed development would not be viable without converting the third floor.
Conversion of the third floor would have an adverse impact upon the listed building	A heritage appraisal has been undertaken by Richard K Morriss on the site which concludes that the listing of the building applies to the external shell rather than the internal layout. Therefore, we believe the conversion of the third floor has negligible impacts upon the heritage asset. The conversion will also provide a long term future for the vacant building.
New openings on the roof would have adverse impacts on the building and can be seen from Calthorpe Road	The proposal includes skylights which are sympathetic to the listed building to ensure their impact is minimised. There is substantial foliage growing which screens the views of the roof from Calthorpe Road, therefore, mitigating the impact of the skylights. Historically, there has been a number of skylights in this roof.
New flats in the roof space would be compromised by insufficient head space	Plans illustrate that headspace in all units is sufficient.

<b>Council's comments</b>	<b>Mitigation</b>
A number of bedrooms and living spaces are not served by windows and therefore do not offer sufficient residential amenity for future occupiers	The layouts of this scheme have been revised, with improved natural lighting.
Ground floor units adversely impacted by noise from cycle and bin storage and parking areas	To overcome this the proposal seeks to implement obscured windows, secondary glazing and shutters on the ground floor units. The scheme also seeks to allocate parking next to appropriate windows.
Vacant building credit should not apply to the building and the scheme should provide affordable housing	A viability study by Devvia has been undertaken at the site to establish whether it would be possible economically for the scheme to incorporate provision of affordable housing. The study concludes that the provision of affordable units in the scheme would make it unviable.
This scheme would require including provision of open space	The scheme has implemented an area of amenity space behind The Old Malthouse and fulfils this requirement.
Likely that the scheme will require greater parking provision than the building can facilitate (25 x 1-bedroomed flats = 35 parking spaces)	A parking space assessment has been undertaken by consultants EAS and is submitted as part of this application. The assessment at the site concludes that the proposed 22 parking spaces is sufficient parking provision for the development and wider area. Also, sufficient cycle storage provision is included in the undercroft parking.
Contribution of £25,000 to improve bus services	A viability study has been undertaken at the site to establish the possibility of contributing towards improving bus services. The viability study concludes that the scheme will be unviable and undeliverable providing a contribution of £25,000 towards bus services.
Cycle and bin storage should be separate from one another	Our plans have been revised to reflect this.
Bat survey will need to be undertaken to ensure that the proposed works will not impact upon potential bat roosting	A bat survey has been undertaken by consultants Turnstone at the site which concludes that bats are not roosting in the loft of The Malthouse.
Accessibility	Full disabled access is provided from the main gates on

<b>Council's comments</b>	<b>Mitigation</b>
	the ground floor. The central lift provides disability access to the second floor.

## 6.0 THE DEVELOPMENT PROPOSAL

- 6.1 The proposal is for the conversion of the Grade II listed building from offices to residential use.
- 6.2 The offices would be converted into the following housing mix:
- 23 x 1 bedroom
  - 2 x 2 bedroom
- 6.3 It is proposed that 22 allocated car parking spaces be provided.
- 6.4 Bin storage and cycle storage are provided on site, meeting the Council's standards.
- 6.5 No works have been indicated to the pediment or parapet. We have proposed to remove all existing rooflights and all rooflights shown on the drawings are new conservation style rooflights to be sympathetic to the listed building. We have indicated 1no. new sash window at second floor level to elevation 3, and 2no new sash windows in existing openings at ground floor level on this elevation. We have also proposed to reinstate a former door to elevation 4, as well as indicating 5 no. new sash windows on this elevation, 4no. within existing openings or to replace existing windows, and 1no. completely new window at ground floor level. These have all been designed to be sympathetic to the listed building and conservation area.

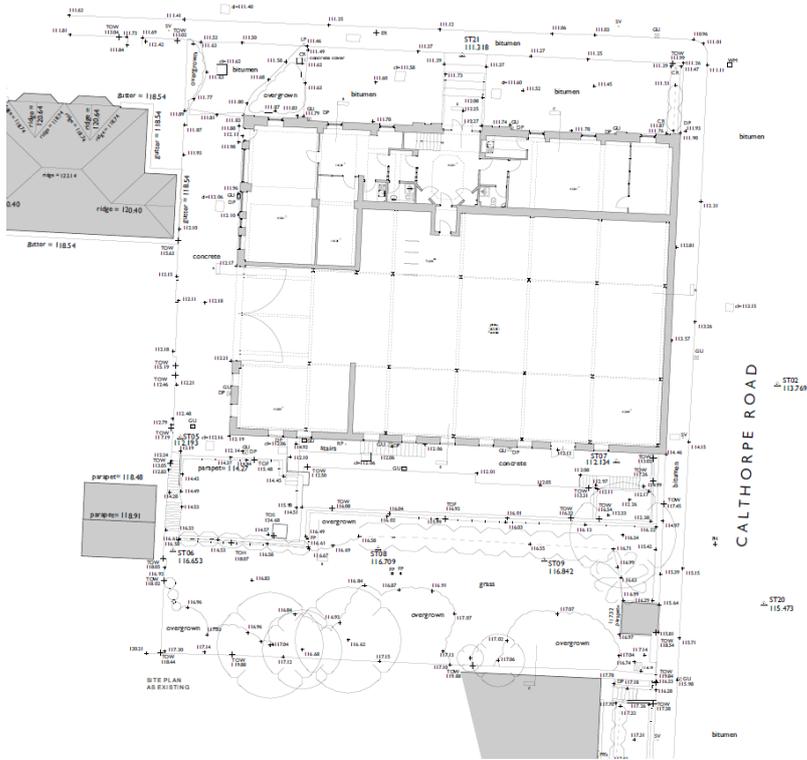


Figure 6.0 – Existing site plan

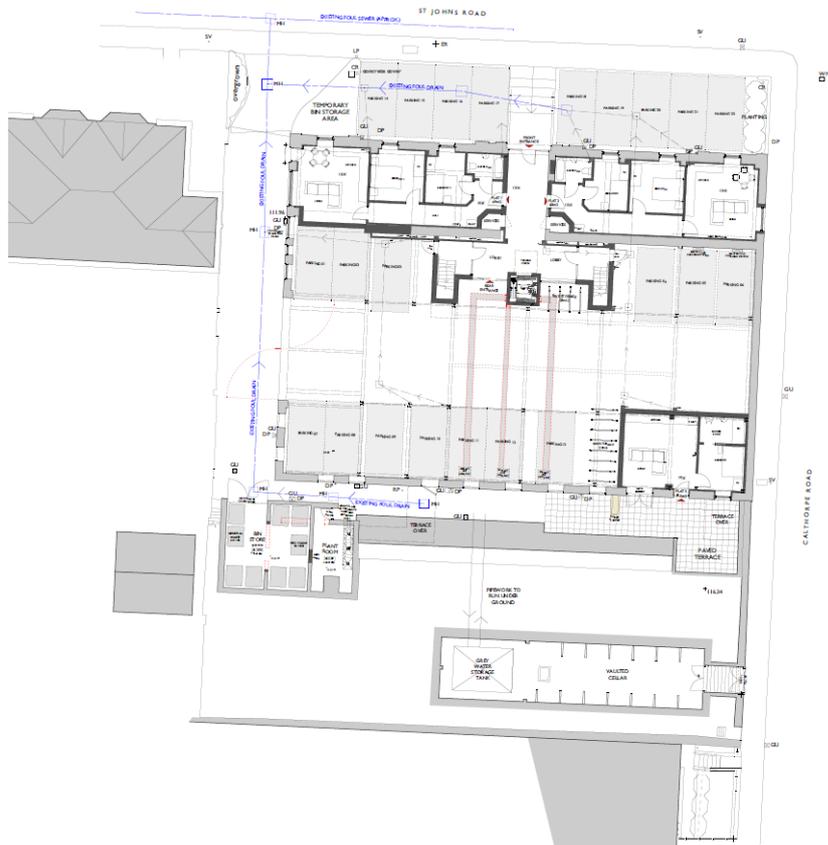
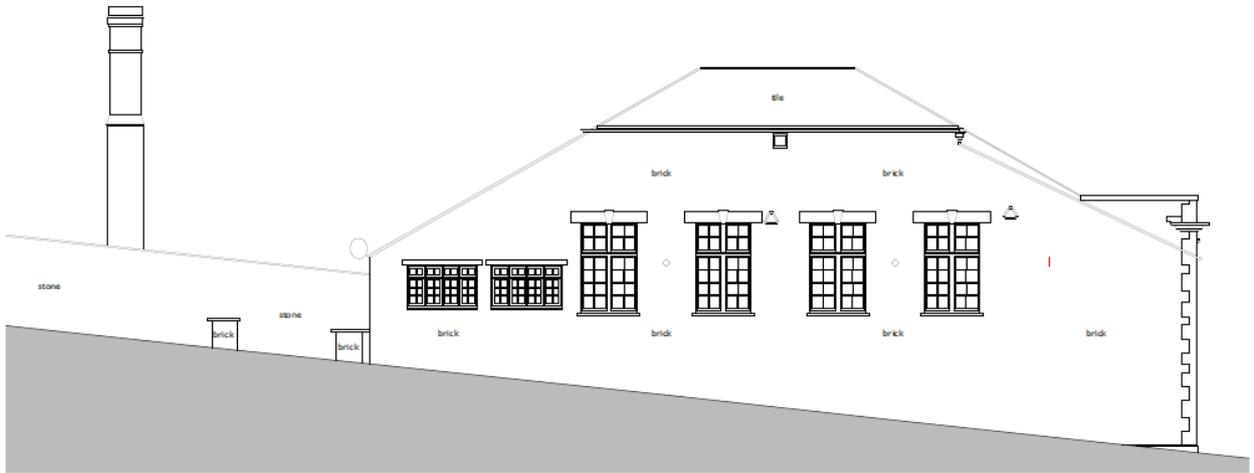
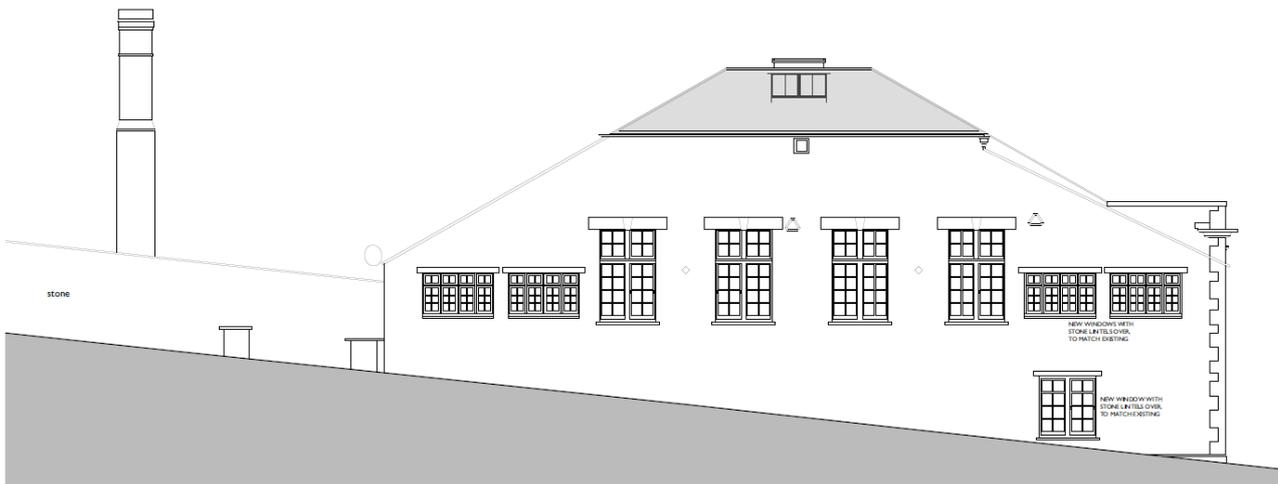


Figure 7.0 – Proposed site plan



**Figure 8.0** – Existing east elevation



**Figure 9.0** – Proposed east elevation



Figure 10.0 – Existing west elevation

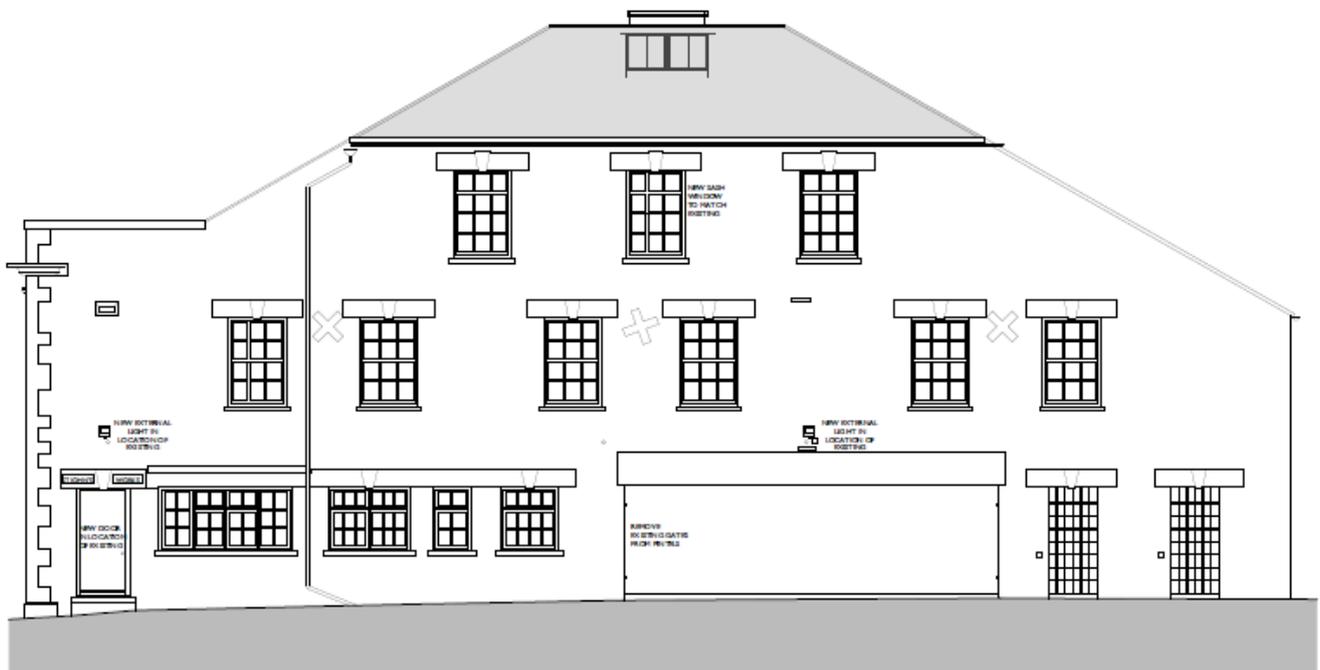


Figure 11.0 – Proposed west elevation



Figure 12.0 – Existing north elevation

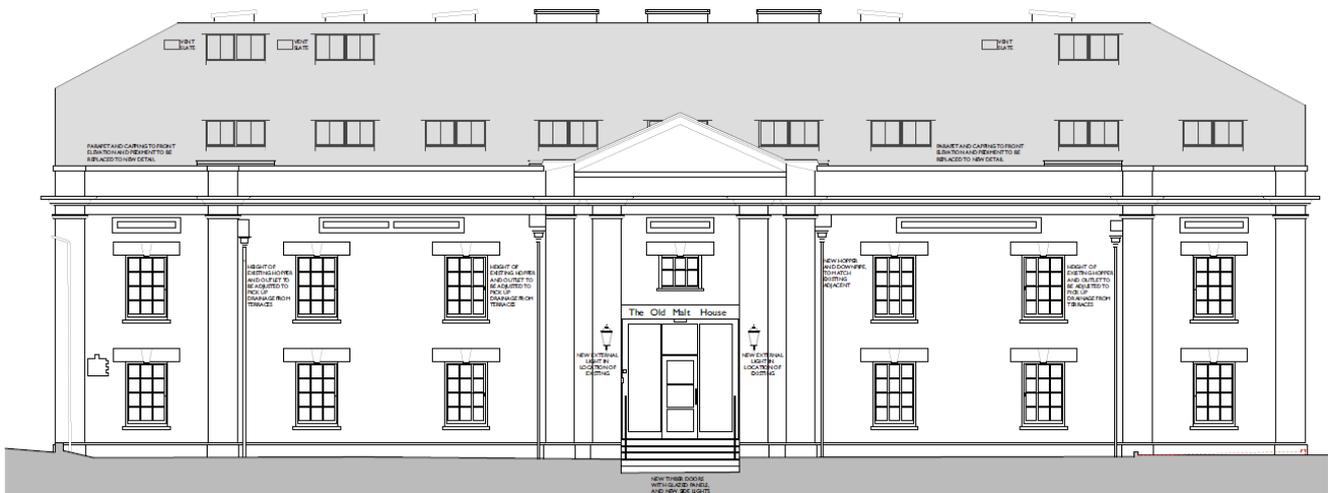


Figure 13.0 – Proposed north elevation



**Figure 14.0** – Existing south elevation



**Figure 15.0** – Proposed south elevation

6.6 As shown in the above illustrations the proposal includes the implementation of more windows and skylights to allow natural light into the units. Nevertheless, the character of the building will be preserved and remain in keeping with the surrounding built environment.

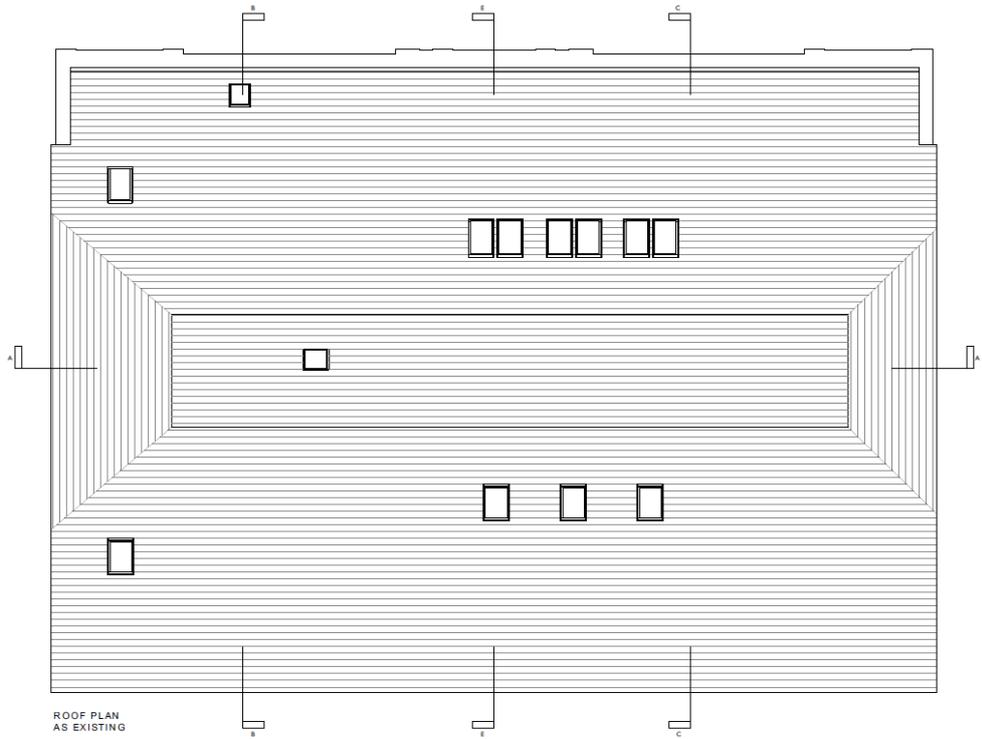


Figure 16.0 – Existing roof plan



Figure 17.0 – Proposed roof plan

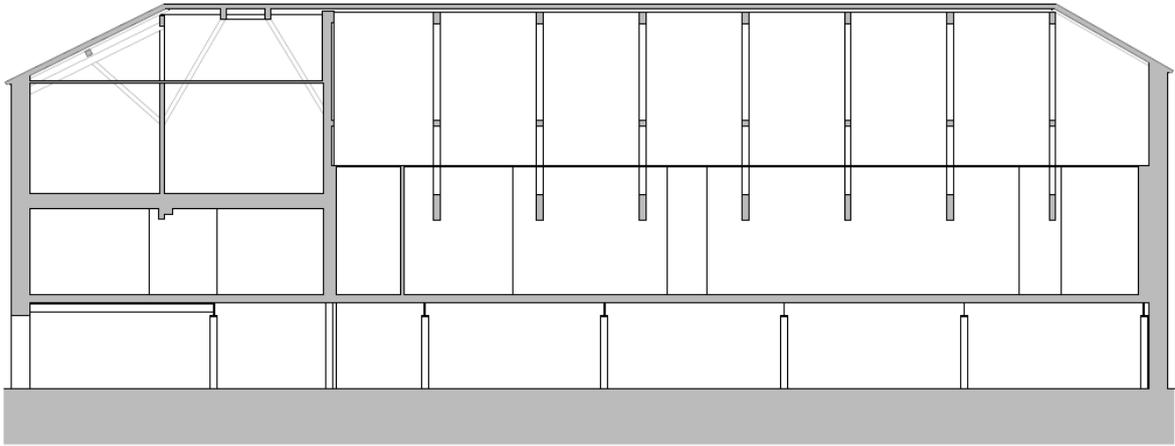


Figure 18.0 – Existing section A-A



Figure 19.0 – Proposed section A-A





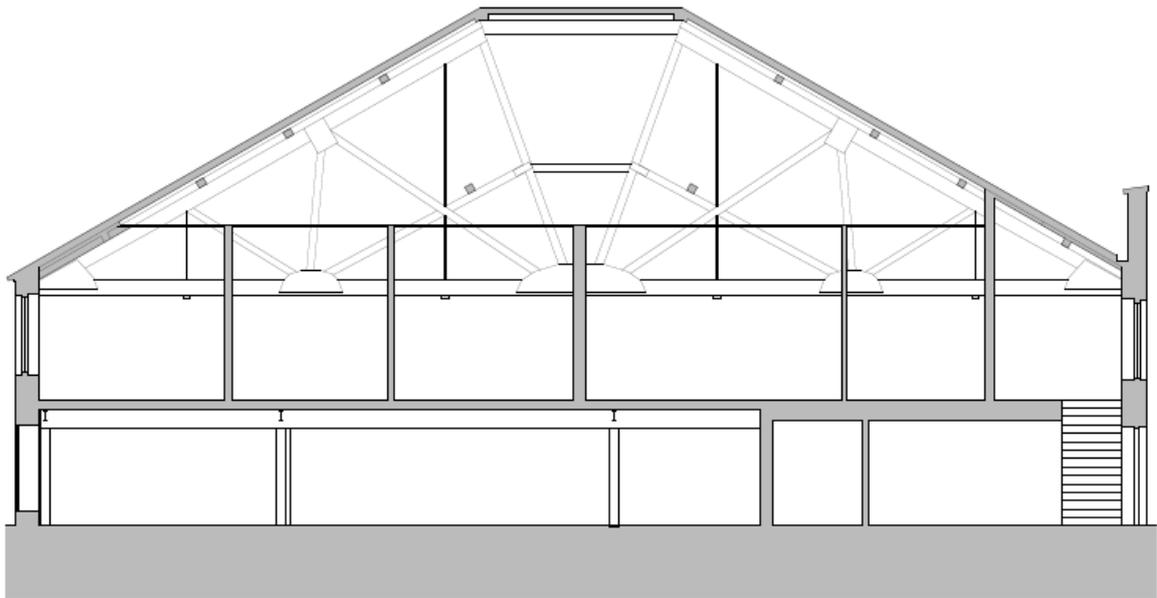


Figure 24.0 – Existing section E-E

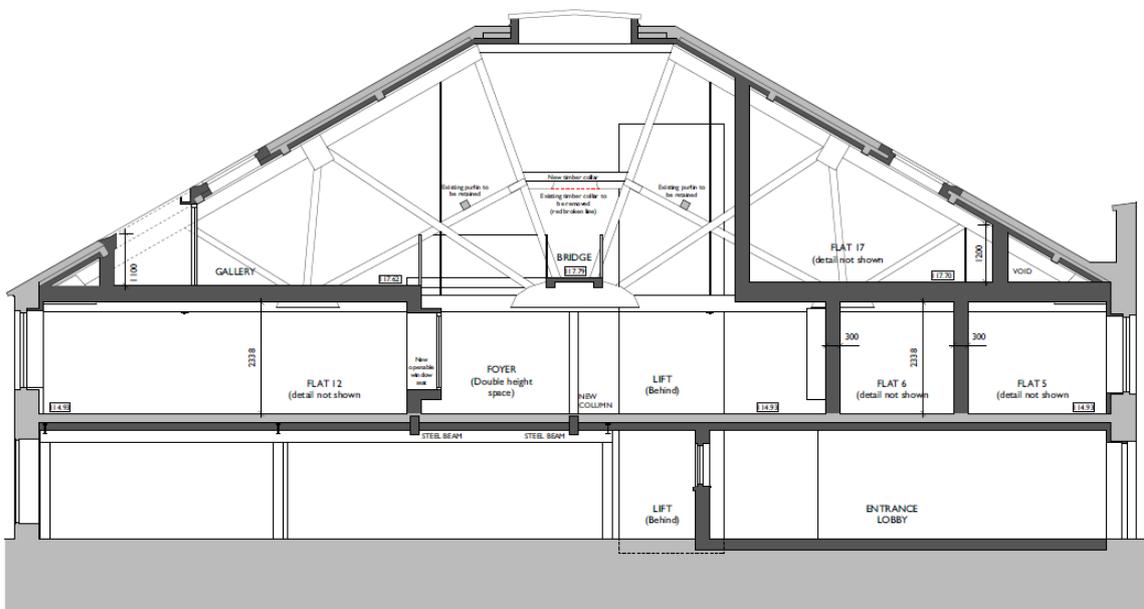


Figure 25.0 – Proposed section E-E

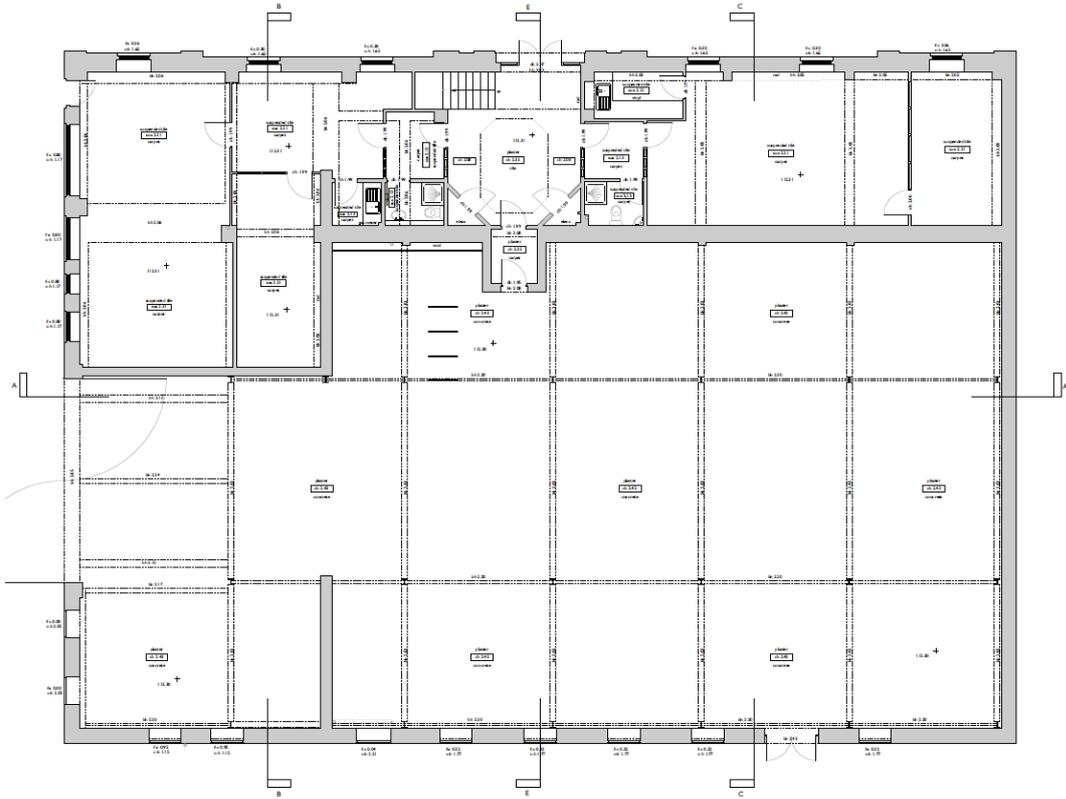


Figure 26.0 – Existing ground floor plan

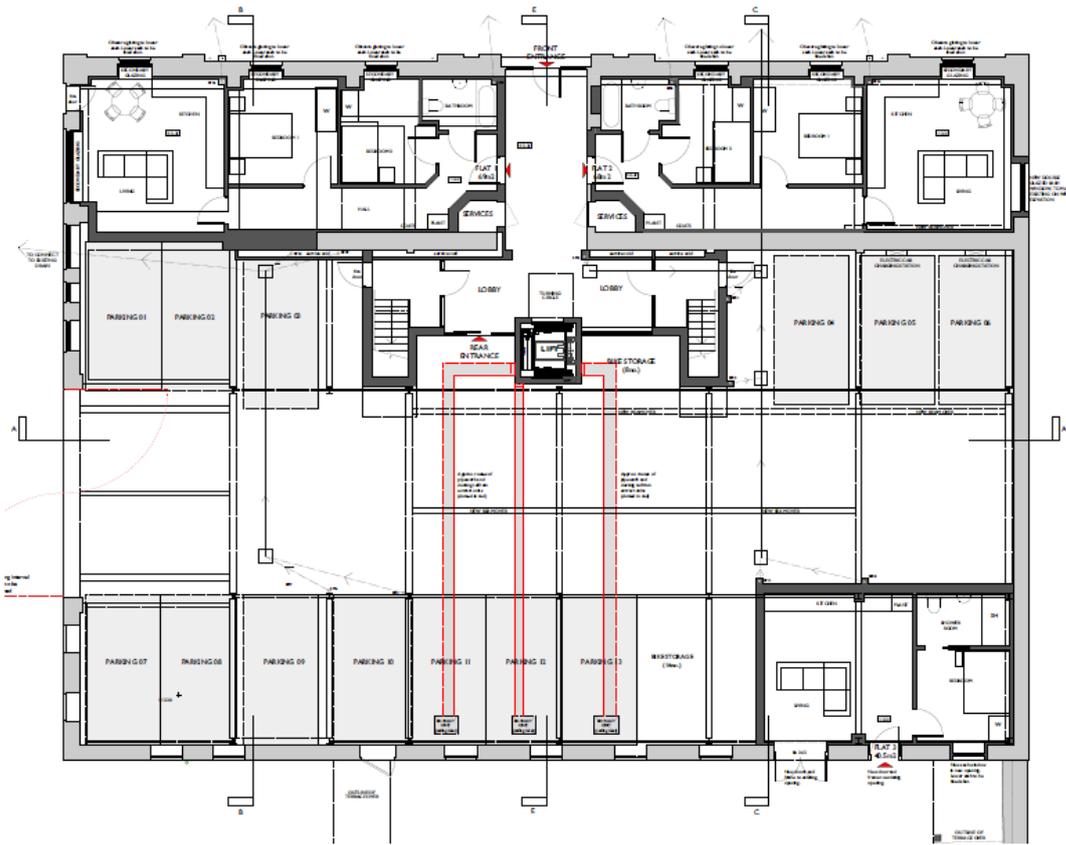


Figure 27.0 – Proposed ground floor plan

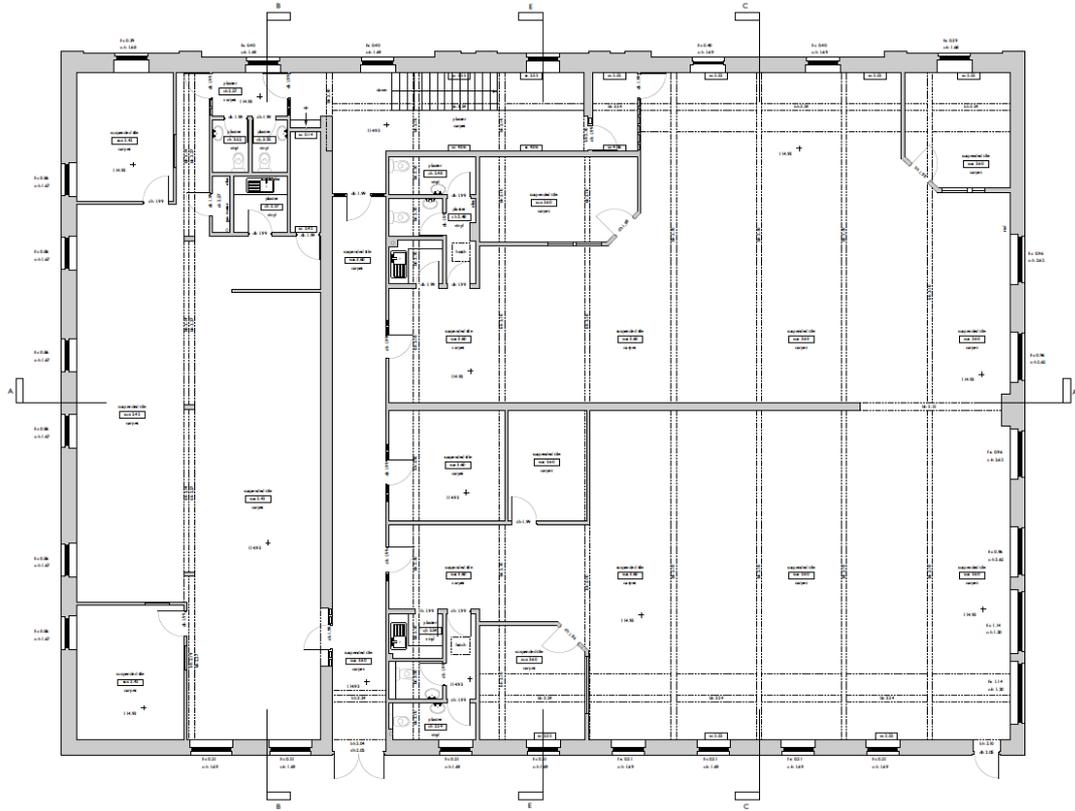


Figure 28.0 – Existing first floor plan



Figure 29.0 – Proposed first floor plan

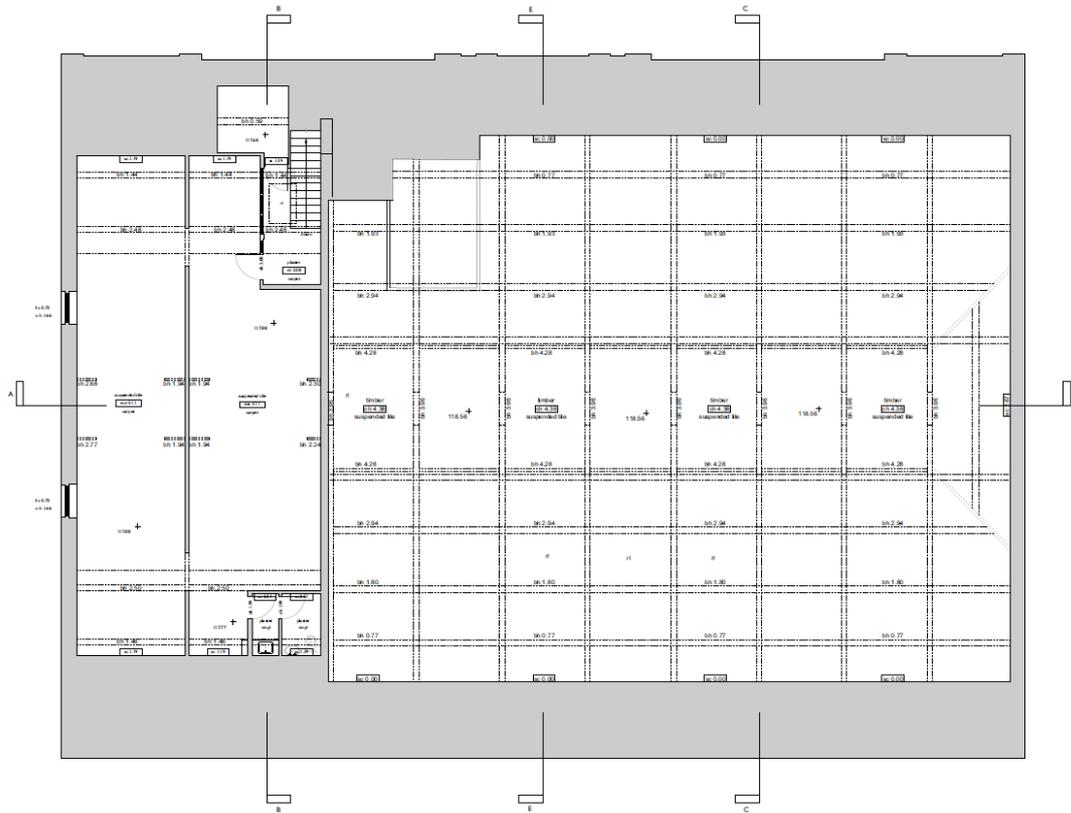
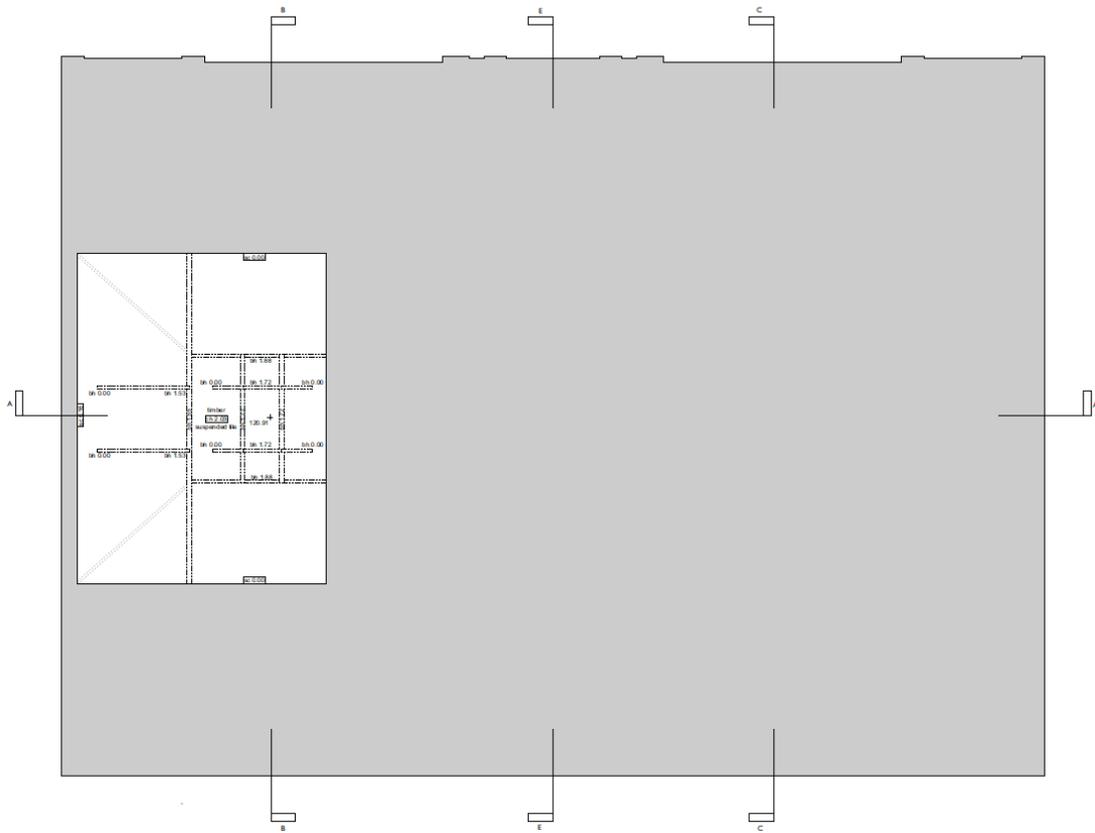


Figure 30.0 – Proposed second floor plan



Figure 31.0 – Proposed second floor plan



**Figure 32.0** – Existing third floor plan



**Figure 33.0** – Proposed third floor plan

- 6.7 The above figures indicate the proposed sections and floor plans of the proposal. All units exceed the national internal space standards.
- 6.8 The proposal includes a lift which will operate between the ground and first floor. Providing disabled access.
- 6.9 Trusses throughout the building may have to be adapted as currently some are positioned in a manner which restrict the development. Minor adaptations will allow access to particular units, although overall original trusses shall be maintained and there is a conservation benefit with some able to be revealed, as they are currently enclosed by modern suspended ceilings in places. This pre-application is supported by a heritage assessment which considers the history of the building and demonstrates the proposal is a sympathetic conversion for the building proving a longer term future for this historic asset.

## 7.0 DISCUSSION

- 7.1 In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application would be considered against the provisions of the adopted Development Plan, unless the material considerations indicate otherwise.
- 7.2 In this case the Development Plan comprises the saved policies from the Cherwell Local Plan 1996, the Cherwell Local Plan 2011-2031 (Part 1) and associated Supplementary Planning Documents ('SPDs').
- 7.3 Other material planning policy considerations include the National Planning Policy Framework ('NPPF') (2012), National Planning Practice Guidance ('NPPG') and the emerging Part's 2 and 3 of the Cherwell Local Plan 2011-2031.

### Housing

- 7.4 Paragraph 159 of the NPPF deals with housing needs and states that Local Planning Authorities prepare a Strategic Housing Market Assessment to assess their full housing needs and should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period. The Oxfordshire SHMA demonstrates a need for one and two bed units, it also notes that the development of smaller units helps unlock some family housing as they enable households to downsize. This proposal will help meet this requirement. The units are appropriate when considered in the context of the street and town centre location. The units will also make best use of listed building, as they utilise the space of the building appropriately.

### Design

- 7.5 The Framework requires development to be of a high standard of design, indicating that this goes beyond aesthetic considerations and that decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 7.6 Paragraph 58 deals with design and states that planning policies and decisions should aim to ensure developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development

- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live work and visit
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of the development) and support local facilities and transport network
- Respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping.

7.7 The Framework requires any applications for development on sites which have the potential to impact on heritage assets with archaeological interest to be supported by appropriate levels of assessment. Furthermore, if there is less than substantial harm identified to any designated heritage assets, paragraph 134 of the Framework requires this harm to be weighed against the public benefits of the proposal.

7.8 There will be very minor differences in terms of the overall design of the building. It is proposed that additional windows will be included alongside changes of doors to ensure the building is habitable. Windows will replicate the shape and design of existing windows. The shape of the original building will remain alongside red brick and white render which will conform with the surrounding buildings. The additional windows will be sensitive to the heritage of the building and it is proposed that the standard rooflights are rationalised and replaced with conservation rooflights. Appendix 1 includes examples of the high-quality development we're seeking to achieve, using the existing structure/materials to frame the development.

## Impact on the character and appearance of the area

7.9 This proposal will have little to no effect upon the character and appearance of the area. However, over a long-time period this conversion will help maintain the character and appearance of the building and area. Currently this building is not being used as office space and has been empty for a significant period of time. If this was to continue the building could lead to disrepair which would have a detrimental effect upon the character of the building and the surrounding built environment.

7.10 The conversion does not propose any major external alterations to the building other than required refurbishment to enhance the appearance of the building.



**Figure 25.0** – View of The Old Malthouse from Calthorpe Road

- 7.11 The proposal includes new openings on the roof, implementing conservation rooflights. These however, are sympathetic to the heritage of the building and replace existing skylights which have an adverse heritage impact. Nevertheless, as seen in figure 25.0 the roof is somewhat screened from Calthorpe Road, thus, minimising the impact.

## Residential amenity

- 7.12 The Old Malthouse is an existing building situated within a very well established residential area in the town centre, therefore, effects on residential amenity are negligible.
- 7.13 The council highlighted concerns during the pre-application that some of the proposed units would overlook neighbouring residential properties and therefore impact upon residential amenity. These comments have been taken into consideration and plans have been updated accordingly. Windows to the adjacent property are now frosted to mitigate any adverse amenity impacts. On the scheme, this equates to two windows, with limited outlook on the adjacent property. The windows on the adjacent building are frosted and secondary windows on the side elevation.

- 7.14 The proposed units on the third floor will meet the lifetime home standards and provide future occupiers with sufficient headspace.
- 7.15 The revised plans have ensured the layout of the proposal maximises natural light. This secures the residential amenity of all future occupiers.

## Employment

- 7.16 The site is currently within a commercial use. However, it has been vacant for over 18 months. WRAP vacated the building in March 2016. It has been marketed for a sustained period, with no commercial parties coming forward. The building was marketed To Let in July 2016, then For Sale in February 2017. The building is now in a declining state. Copies of market material are included in the Marketing Statement. The building is no longer competitive in the local market. With B1 (A) tenants and owners seeking purpose built facilities in the North of Banbury with easy access to the M40. The loss of the commercial space, is offset by the availability of alternative space in the market.
- 7.17 Policy SLE 1: Employment Development of the Local Plan - Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use. The building doesn't meet contemporary standards of offices in modern business parks such as those to the north of Banbury and adjacent to the M40. There are significant public benefits of converting the building to residential, as it provides a long-term future to this vacant historic asset within the conservation area.
- 7.18 In recent years the Government have amended the permitted development rights to allow for the conversion of offices to residential to provide much needed housing. This furthers the NPPF policy which states that Council's should not hold on to employment uses if it can be demonstrated that they are no longer required. In this case, had the building not been listed, the building could be converted via a prior approval application. This is a material consideration in the determination of this planning application and further establishes the principle of the development. It is quite clear that the Government seek the conversion of underused offices to residential use, to provide new housing and investment in the local economy.

## Heritage

- 7.19 Policy ESD15 of the Cherwell Local Plan 2011-2031 seeks to encourage development that effectively enhances and preserves heritage assets, particularly assets which are redundant or under used.
- 7.20 This proposal seeks to revitalise a vacant Grade II listed building which is danger of falling into disuse and disrepair. Thereby, this conversion into residential use will allow this heritage asset to be enhanced and preserved for the long term.
- 7.21 Policy H21 from the Cherwell Local Plan 1996 (saved policies) seeks to encourage the conversion of interesting old buildings, regardless of designation, requiring development protects the character of the building.
- 7.22 Policy C18 from the Cherwell Local Plan 1996 (saved policies) seeks to ensure that listed building consent gives due regard to preserving the building. In doing this, only minor alterations to the internal and external of a listed building will be permitted to protect its character.
- 7.23 The proposal seeks to make minor changes to ensure that the building is habitable for residential use. This includes minor alterations to trusses, implementation of new windows, replacement of doors and construction of internal partitions. However, the character of the building will be maintained to ensure design is aligned with the surrounding built environment.
- 7.24 New openings on the roof have been chosen to be sympathetic to the heritage of the building. Conservation rooflights replace the existing skylights which currently have an adverse impact upon the character and appearance of the building.
- 7.25 This application is supported by a Heritage Appraisal. This concludes that the Old Malthouse is a much-altered building whose main significance lies in its external shell, its unusual roof structure, its position within the streetscape, and its role in the industrial and commercial development of Banbury.
- 7.26 The proposed conversion to residential units will not seriously impact on any aspects of what makes the building important in heritage terms and most changes are confined to an interior that has been considerably altered on several occasions.

- 7.27 As a result, the impact of the proposal in heritage terms is extremely limited and more than offset by the visual improvements to be made to the building and the assurance given to the long-term future of the listed building. The planning and heritage balance to the very limited loss of historic fabric is straightforward. These sympathetic and proportionate changes have been well thought out and will ensure the long-term future of the listed building. They are also part of the continuing evolution of the building and this part of the conservation area.
- 7.28 In the recent past, planning guidance has recognised that change to historic buildings is part of their history and that buildings are not and should not be fossilised in time and allowed to become ruins; it thus follows the basic ideology put forward by Viollet-le-Duc in the 19th century that that 'the best way to preserve a building is to find a use for it'.
- 7.29 It is likely that the only reason that the Old Malthouse has survived is because of the several phases of adaptive re-use – the hosiery works, the engineering works and then the office conversion - once its original purpose became redundant. The present proposals for residential use can be viewed as a continuation of this process.
- 7.30 The prospect of change, even to listed buildings, is anticipated in the government's National Planning Policy Framework but was more clearly outlined in earlier guidance from 1996, Planning Policy Guideline No.15 (PPG 15), which stated – in relation to listed buildings that: 'Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted.'

## Highways and parking

- 7.31 The proposal would provide 22 parking spaces at both the front and rear of the building. This would provide the entirety of the residents parking. Nevertheless, cars are allowed to park upon the sites access road 'St John's Road' from 6pm-7am. This provides opportunities for additional parking opportunities. The site is located within the heart of Banbury where there are significant opportunities for non-car travel. The site is located within walking distance on most facilities and transport. The proposed car parking is in line with the Oxfordshire Car Parking Standards, and does not exceed the maximum car parking requirements.

- 7.32 The council raised some concerns regarding car parking provision during the pre-application. A car parking assessment has been undertaken to establish the parking provision required for the conversion of the building from offices to residential. It was recommended that car parking provision for 25 1 x bedroomed flats would require 35 car parking spaces. However, the car parking assessment has established the demand for car ownership and travel in this area of Banbury does not justify 35 car parking spaces.
- 7.33 The car parking assessment ascertains that the proposed 22 car parking spaces provides exceeding provision than what is required. Calculations from the assessment establish that based on car ownership in the surrounding areas the required car parking provision for 25 flats is 11 spaces. The assessment also calculates the likelihood of future occupiers travelling to work by car, using this methodology it is predicted that 5 future occupiers will commute to work by car.
- 7.34 The assessment concludes that the provision of 22 car parking spaces is sufficient for the proposed number of units and bedrooms.
- 7.35 The access road is currently used by large vehicles with sufficient space for turning, this arrangement will be maintained. The site has previously been used more intensively during its usage as offices and there were no highway issues at this time. The applicants have been in close dialogue with Sandra Whitehead of the Council regarding refuse collection.
- 7.36 The scheme also proposes to incorporate cycle parking and electric vehicle charging.

## Local facilities and services

- 7.37 The Local Plan strategy is to focus housing growth on Bicester and Banbury, to maximise the investment opportunities in our towns, and to ensure that the level of development at our villages respects the character and beauty of our rural areas while meeting local needs. The proposal meets the aspiration and strategic objectives of the Council's Local Plan.
- 7.38 The application site is located within the urban area of Banbury, where residential development is directed by the Council. The sites proximity to the town centre means it is well served by local service.
- 7.39 Figure 26.0 illustrates the relationship between The Old Malthouse and local services in Banbury.

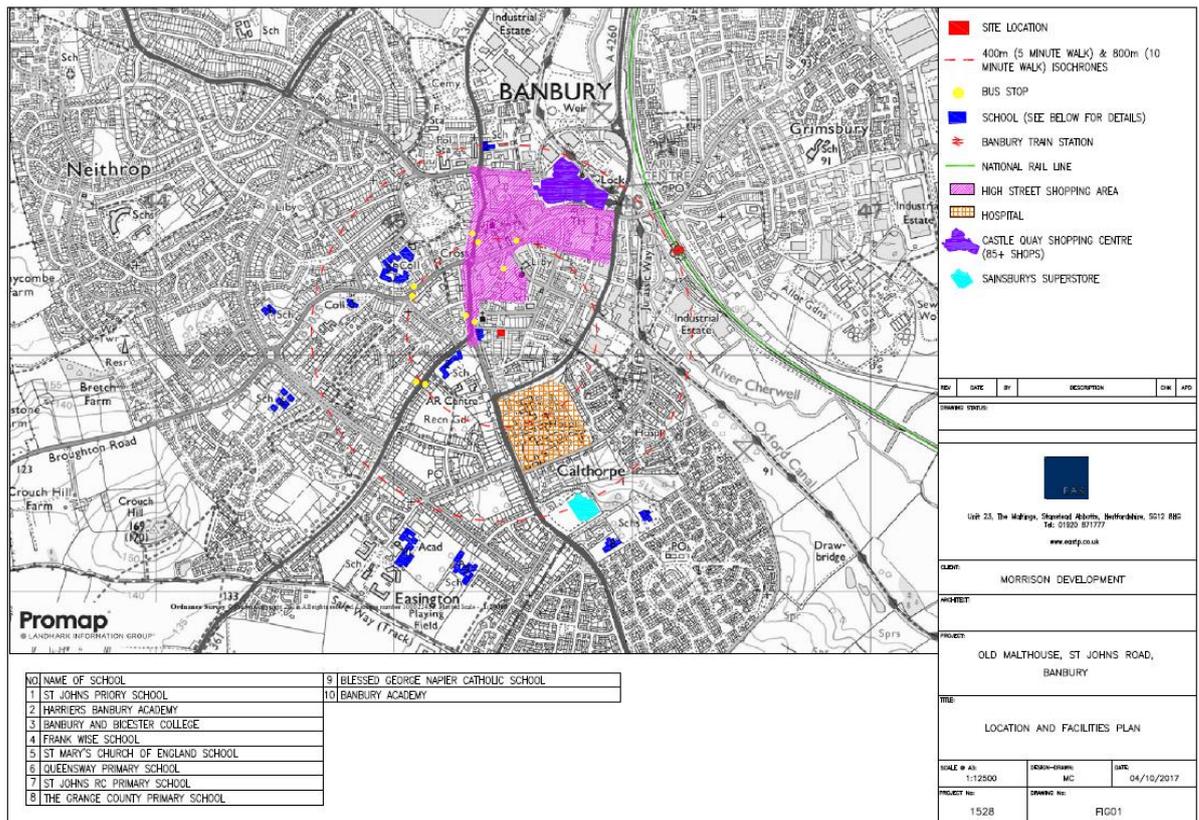


Figure 26.0 – Location and facilities plan

7.40 The illustration above clearly demonstrates the site is located within a sustainable urban location, with a diverse array of facilities and services within a short walking distance.

## Open Space

7.41 The proposal includes the implementation of open public space to the rear of The Old Malthouse.

7.42 Within the scheme there is considerable amenity available for residents to enjoy. The scheme includes space within the atrium, with communal seating, and a gym space.

## Ecology

7.43 An ecology survey has been undertaken by Turnstone on the site to understand whether the loft is utilised by bats for roosting.

7.44 The building was categorised as having Low potential to support roosting bats. It has external crevice features suitable for use by individual of low numbers of roosting bats. The interior

(loft) of the building has skylights, which mean that most of the loft is light and unsuitable for use by roosting bats.

- 7.45 A single dusk emergence survey was carried out on 29<sup>th</sup> August in suitable conditions. No bats were recorded emerging from the building. Low levels of activity of Common Pipistrelles were recorded in the area – including very soon after sunset, which indicates a roost near to the building.
- 7.46 The static detector was in the loft for a week and did not record bat calls.

## Affordable Housing and Viability

- 7.47 It is contended that the application meets the stipulations of the Vacant Building Credit. The Government introduced the Vacant Building Credit to encourage the re-use of brownfield and disused buildings.
- 7.48 The building has been vacant for sometime, the Government introduced the Vacant Building Credit to incentivise to sites come forward. The National Planning Practice Guidance provides guidance on VBC.
- 7.49 This states: Paragraph: 021 Reference ID: 23b-021-20160519 States:
- 7.50 What is the vacant building credit? National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
- 7.51 Further details are added Paragraph: 022 Reference ID: 23b-022-20160519, which states: What is the process for determining the vacant building credit? Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the

scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

- 7.52 The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.
- 7.53 Paragraph: 023 Reference ID: 23b-023- provides further information: Does the vacant building credit apply to any vacant building being brought back into use? The vacant building credit applies where the building has not been abandoned. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.
- 7.54 In doing so, it may be appropriate for authorities to consider:
- Whether the building has been made vacant for the sole purposes of re-development.
  - Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.
- 7.55 As required by the guidance, it is clear that the building has been vacant for some time, this is clear from the marketing that no one has come forward to existing use and that residential provides the only clear future for the site. The building has been marketed for commercial by local agents White's for over a year with no prospective renters or purchasers for commercial coming forward.
- 7.56 However, it is contended by the Council that the building does not meet the Vacant Building Credit. As a result, a viability study of the proposal has been undertaken by Devvia which establishes that the scheme is not deliverable when providing any affordable housing.
- 7.57 Similarly, the viability study has calculated the deliverability of the scheme when not converting the third floor of The Old Malthouse. The study concludes that conversion of the

third floor is critical to the deliverability of the scheme, and devoid of this element the scheme will be unviable and therefore undeliverable.

7.58 Therefore, to ensure the longevity of the building it is critical that the scheme is absent from providing affordable housing and the third floor is permitted conversion.

## 8.0 CONCLUSIONS

- 8.1 The proposed scheme seeks full planning permission for the conversion of office space into 25 residential units at The Old Malthouse, St. John's Road, Banbury, Oxfordshire, OX16 5HX,
- 8.2 As demonstrated in this planning statement the proposal meets the specific Local Plan policies and proposes additional housing in a well-established residential area. The design of the scheme will integrate into the existing building. There would be no undue impact on historic nature of the building and integrate with local buildings.
- 8.3 The proposal ensures the enhancement and protection of a listed building which is disused and in danger of disrepair. The conversion will ensure the longevity of the building, in its next chapter of its life.
- 8.4 The proposed development is considered to conform with the development plan. The application would result in a loss of employment space, however there is sufficient alternative sites in the market. The property has been marketed for some time with no interest. The proposals provide much needed housing in a sustainable location, providing a long-term future for this vacant heritage asset.
- 8.5 The proposed development would be considered to respect the character and appearance of the surrounding area, without undue impact upon the residential amenities of the neighbouring property or the safety and convenience of the users of the adjoining highway. The application details also demonstrate that a satisfactory living environment could be provided for future occupiers of the dwelling. The proposal is therefore in accordance with the relevant local and national planning policies. In line with the NPPF the sustainable benefits of the scheme on balance out weigh the loss of the vacant employment building. The proposed development will also make an economic contribution to the area through on site employment of the site manager, and contribution from the site via construction, cleaners and gardeners. There will also be the wider contribution from site to the local economy from residents utilising local shops and services. The site also makes an environmental contribution by encouraging non-car travel, cycle parking, electric charging points, grey water harvesting, and outdoor amenity space.
- 8.6 The applicants have a strong track record of developing high quality residential units, including a number of sensitively designed and converted historic buildings.

- 8.7 The application has responded positively to the advice received in the pre-application meeting. The appropriate and requested additional information is provided.
- 8.8 The applicant is committed to working with the Council and happy to meet the Council to discuss the application, and consider any amendments where appropriate.
- 8.9 In view of the above information contained in this report and supporting material we would respectively seek approval of the application.