

Application No: 11/00974/F	Ward: Easington	Banbury	Date 17/06/2011	Valid:
Applicant:	Response – Mr John McLaughlin			
Site Address:	42 South Bar Street, Banbury			

Proposal: Conversion of existing offices to 13 no. apartments to include rear service area and bicycle store

1. Site Description and Proposal

- 1.1 The application site is a Grade II listed, office building within the Banbury Conservation Area, within the setting of several other Grade II and II* listed buildings. Originally a dwelling, the building has been used as offices for several years. It is currently vacant.
- 1.2 This application is for the conversion of the building to provide 13 apartments, to be owned and managed by The Response Organisation. The proposals involve very little external change; renovation of the windows and doors is proposed and the alteration of the rear of the (relatively recent) stairwell to the rear will be altered to provide balcony space. Despite being Grade II listed, the building has a 1970's reinforced concrete internal shell and floors, meaning the office spaces are open plan. Creating the flats will therefore require the addition of walls. The lift shaft is existing.
- 1.3 The Response Organisation is a charity which provides 'transition' accommodation providing support for people with mental health problems, whilst allowing an increasing degree of independence. As such, the flats are wholly self contained and are considered to fall under Use Class C3 (dwelling houses) rather than a residential institution under the C2 classes.
- 1.4 The site has a long history of applications and approvals for conversion to residential use. There is an extant consent for conversion to nine flats, originally granted under 05/01452/F. That consent was extended in 2010 under 10/01465/F. The provision of thirteen flats on the site has also been previously approved, with a consent granted in 2007 under 07/01457/F.
- 1.5 Listed building consent for the works has also been applied for under 11/00975/LB.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notices. The final date for comments was 28 July 2011.
- 2.2 No third party comments were received.

3. Consultations

- 3.1 Banbury Town Council – no objections.

- 3.2 Anti-Social Behaviour Officer – no objections.
- 3.3 Planning Policy Officer – no objections, notes that circumstances have not changed since the previous consents.
- 3.4 Conservation Officer – no objections.
- 3.5 Private Sector Housing Officer – considers the scheme to be overall satisfactory, but has concerns over the basement flats and some of the kitchen layouts.
- 3.6 Strategic Housing Officer – no objections, notes that The Response Organisation are seeking to provide this accommodation as part of their contractual agreement with the County Council.
- 3.7 County Highways – no objections, no contributions required.
- 3.8 County Drainage – no objections, notes that no external changes are proposed.
- 3.9 County Archaeologist – no objections, requests note.
- 3.10 District Health and Recreation Department – request developer contributions to provide offsite sports provision.
- 3.11 County Funding Officer – requests developer contributions to offset the impact of the proposal on library, education, waste, adult learning and museum facilities.
- 3.12 Thames Water – no objections, notes that a build-over agreement is not required.
- 3.13 English Heritage – no objections, notes that the application should be determined in line with in-house specialist advice.

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
 - PPS1: Delivering Sustainable Development
 - PPS3: Housing
 - PPS5: Planning for the Historic Environment
 - PPG13: Transport
- 4.2 Regional Policy in the South East Plan 2009:
 - CC1 – Sustainable Development
 - BE1 – Management for an Urban Renaissance
 - BE6 – Management of the Historic Environment
 - T4 - Parking
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
 - C23 – Retention of features contributing to character or appearance of a conservation area
 - C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal
 - C30 – Design of new residential development
 - C31 – Compatibility of proposals in residential areas

5. Appraisal

- 5.1 The main issues for consideration in this application are;
- policy context
 - principle of development
 - design, layout and amenity
 - impact on the heritage assets
 - developer contributions
- 5.2 Policy Context
- 5.3 As applications must be determined in line with the development plan unless other material considerations are indicated otherwise, the main policy considerations for an application of this sort are to be found in the adopted Cherwell Local Plan 1996. The relevant policies in that plan, set out in Section 4 above, seek to ensure that layout, design and external appearance of new development are of a high quality and appropriate for the character of an area. Furthermore, the policies in the local plan seek to retain features which make a positive contribution to the character of a Conservation Area.
- 5.4 Similarly, the proposals must be considered against the requirements of regional policy as set out in the South East Plan 2009. Like the local plan, these policies seek to ensure design and development appropriate to the historic context of the site (the Conservation Area in this case) and ensure that all development contributes to the delivery of sustainable development.
- 5.5 Relevant national policy is expressed through the planning policy statements set out above; the most important to this case, taking into account the planning history of the site is PPS3, which seeks to deliver the most efficient use of housing land, where it can be delivered in a sustainable manner.
- 5.6 Principle of development
- 5.7 As mentioned in the introduction, the broad principle of this development has already been established through a series of applications dating back to 2005 with consent granted and currently extant to convert the building to provide nine flats. As also mentioned, there have been historic applications granted for conversion of the building to thirteen flats. The principle of this development is therefore clearly established. As there has been no material change in policy since the previous consents, and as PPS3 still seeks to encourage efficient use of housing land in sustainable locations, the principle of the development remains valid.
- 5.9 Design, layout and amenity
- 5.10 The design and layout of the flats has been informed by the scale of accommodation to be provided, the need to respect the historic fabric of the building with regard to window openings and the space standards required by the client.
- 5.11 The layout of the flats has been considered by the Council's Private Sector Housing Officer and they consider that the scheme is satisfactory overall. They do have reservations over the level of light available to the basement flats and the layout of some of the kitchen units, but they do not consider that any of these would represent any form of actionable hazard. It is therefore proposed to approve the scheme, but to make the applicant aware of the comments of the Private Sector

Housing Officer.

- 5.12 When considering the amenity of the occupiers of this building, regard must be paid to the compatibility of the proposed residential use with the surrounding office uses. The uses are considered to be compatible and the relationship acceptable; the office uses is not considered likely to cause an unacceptable impact on the amenity of the occupiers of this site, and the relationship between the proposed flats and the houses on Crouch Street is also considered acceptable in terms of any overlooking or loss of privacy.
- 5.13 With regard to the appearance of the street-scene, the proposal will not have a significant effect. The windows and overall external appearance of the site will remain as existing, albeit renovated and in-use.
- 5.14 As a result, it is considered that the proposal provides for above average standards of amenity and privacy which are acceptable to, and welcomed by, this Council.
- 5.15 Impact on the heritage assets
- 5.16 As the site is within the Banbury Conservation Area, statutorily listed itself and within the setting of several other listed buildings, the proposal must be considered in terms of its impact on these heritage assets.
- 5.17 With regard to the Conservation Area, the proposal must either preserve or enhance the character or appearance of the Conservation Area. It is considered that the proposal preserves the character of the Conservation Area through the sympathetic conversion of the building, providing accommodation with limited impact on the external appearance of the building or the wider Conservation Area.
- 5.18 The proposals are considered to be acceptable in terms of their impact on the special interest of the listed building; they do not cause harm or loss of significance to the special interest of the building, and bringing the building back into use will help to ensure the long term physical security and preservation of the building.
- 5.19 Similarly, the minor external changes proposed ensure that the proposal does not harm the significance or setting of the surrounding listed buildings.
- 5.20 Developer contributions
- 5.21 As the application is a major development in an urban area the scheme is liable for developer contributions to mitigate the impact of the proposal on the infrastructure of the town; contributions to the District Council are required for the provision and maintenance of outdoor sports facilities. Contributions to the County Council are required for the improvement of education, library, community and waste facilities.
- 5.22 It should be noted that this application was submitted before the coming into effect of the latest draft supplementary planning document on planning obligations which lowered the threshold for the provision of affordable housing, and therefore no provision has been sought.
- 5.23 Conclusions
- 5.24 Taking the above consideration into account as well as the development plan, the proposal is considered to be an acceptable type, form and scale of development which is appropriate for the character and context of the site. It is fundamentally a

revision to a previously approved and implementable scheme. Notwithstanding that, the proposal responds well to the constraints of the site; it will not cause harm to the setting or significance of the designated heritage assets. It will not cause unacceptable harm to the amenity of neighbouring properties or occupiers of the site nor will it have an undue effect on highway safety and convenience, through the provision of a limited number of parking spaces and significant number of bicycle storage spaces.

6. Recommendation

Approval, subject to

i) the applicants entering into a Section 106 obligation with the District and County Councils to secure financial contributions towards;

- a) the provision and maintenance of outdoor sports facilities in the locality/town**
- b) the improvement of education, library, community and waste facilities in the locality/town**

ii) the imposition of the following conditions;

1) SC 1_4A (Time limit for implementation)

2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in PPS5 – Planning for the Historic Environment.

Planning Notes

- 1) T1 – Third party rights
- 2) U1
- 3) X1
- 4) O1 – Archaeology
- 5) I – “County Drainage Engineer”
- 6) I – “Private Sector Housing Officer”

Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings, as well as the character and appearance of the Banbury Conservation Area, the setting or significance of the listed building or the surrounding listed buildings. Furthermore, the proposal has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety through traffic generation or parking. As such the proposal is in accordance with government guidance contained in PPS1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPG13: Transport; in addition, the proposal complies with Policies BE1, CC1 and T4 of the South East Plan 2009 and Policies C23, C28, C30 and C31 of the adopted Cherwell Local Plan. For the reasons given above and having regard to

all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.