

Application 11/01530/F	No:	Ward: Easington	Banbury	Date October 2011	Valid: 07
Applicant:	Response – Mr John McLaughlin				
Site Address:	42 South Bar Street, Banbury				

Proposal: Variation of Condition 2 of 11/00974/F

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 The site currently benefits from permission to convert the building into 13 apartments, which was considered by this Committee at the meeting in September.
- 1.3 This application seeks to vary Condition 2 of that most recent consent, in order to allow the removal of the former stairwell from the rear of the building.
- 1.4 This change will not affect the internal floor area of the approved flats, but instead means that the affected units will no longer have the rear-facing balconies originally approved.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notices. The final date for comments is 16 December 2011.
- 2.2 No third party comments had been received at the time of writing the report; any comments received will be reported at the meeting.

3. Consultations

- 3.1 Banbury Town Council – no comments had been received at the time of writing the report; any comments received will be reported at the meeting.

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 As an application for a variation of a condition attached to an extant consent, the key issue for consideration is whether or not the amendment proposed would affect the acceptability of the development as already approved.
- 5.2 The change proposed (the removal of the unsympathetic stairwell from the rear corner of the building) is a relatively minor alteration to the form and plan of the building. The internal floor-space of the flats remains unchanged, but the character and appearance of the building will be improved through the restoration of a more original form and character to the rear elevation.
- 5.3 The proposal is therefore considered to be acceptable in terms of providing acceptable living standards and amenity space to the occupiers of the property. Furthermore the change is considered to offer an improvement to the setting and significance of the Listed Building, the appearance of the Conservation Area and the setting of the surrounding Listed Buildings.
- 5.4 This alteration does not affect any of the other aspects considered in the original report, and Members are directed back to the original report for clarity on any other issues.
- 5.5 The applicants are willing to enter into a linking agreement to ensure the provision of the Section 106 payments secured under the original permission.
- 5.6 The proposal is therefore recommended for approval.

6. Recommendation

Approval, subject to the satisfactory expiry of the consultation period and;
i) the applicants entering into a legal agreement to the satisfaction of the District Council to ensure compliance with the terms of the agreement entered into on the original application;

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.

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.

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