

# First & Second Floors,10 - 11 Horse 12/01020/F Fair,Banbury

**Ward:** Banbury Easington      **District Councillors:** Cllrs Blackwell, Mallon and Morris

**Case Officer:** Shona King      **Recommendation:** Approval subject to finalising the heads of terms and level of contributions of an appropriate legal agreement.

**Applicant:** Longmill Realty Ltd

**Application Description:** Conversion of existing offices into house of multiple occupation

**Committee Referral:** Major

## 1. Site Description and Proposed Development

- 1.1 The application site comprises the first and second floors of 10 -11 Horse Fair Banbury above two retail units and a pharmacy.
- 1.2 The proposal is to convert existing offices into 19 bedsits with communal kitchen facilities.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. The final date for comment is the 4<sup>th</sup> October 2012. No correspondence has been received as a result of this consultation process.

## 3. Consultations

- 3.1 **Banbury Town Council:** No objections providing sufficient provisions are made for bins storage

### Cherwell District Council Consultees

- 3.2 **Head of Strategic Planning and the Economy (Planning Policy):** No comment to date
- 3.3 **Housing Officer:** The property would be a licensed House in Multiple Occupation (HMO) under Part II of the Housing Act 2004 and as such the council's HMO Standards would need to be met.

Prior to the property being licensable, and therefore able to be used as accommodation, the following issues will need to be resolved:

- En-suites - For a room to be considered adequate for 2 persons (a double bedsit) the en-suite will need to have adequate activity space 1m<sup>2</sup> within the en-suite itself. Currently the only shower rooms that accommodate this are First Floor room 8 and the second floor rooms 3 & 8, meaning that each other bedsit could only be licensed for a single person. (En-suite bedsits do not need to have an additional sink unit in the room).

- Bedsit size – Only useable space will be counted when measuring the size of each unit, entrance corridors where the space cannot be used may not be included. The minimum size for a two person unit without integral cooking facilities is 13m<sup>2</sup> (excluding en-suite).
- Kitchens – Each full set of cooking facilities is adequate for up to 5 people. This includes; a cooker containing oven and 4 ring hob, a sink with drainer and adequate work surface.
- Storage – Each unit of accommodation must be provided with the following, which may be provided in a shared kitchen or in the household's letting room:
  - A food storage cupboard in the form of either a 500mm wide fixed base cupboard or a 1000mm wide wall cupboard.
  - A refrigerator containing a freezer compartment. In addition to the above there should be adequate storage facilities within each bedsit for the storage of personal items.
- Fire safety provision - The property will need to have adequate fire safety provision installed; currently the plans are missing a staircase between the first and second floor, however these issues will be resolved by building control.
- Management - An HMO of this size is likely to require a large degree of management as larger HMOs with communal areas can easily become areas associated with noise nuisance and anti-social behaviour, so these issues will need to be controlled. The Management of Houses in Multiple Occupation (England) Regulations 2006 will apply, these state that the manager is responsible for ensuring that the communal areas are kept in a clean condition which in large property such as this may require a designated cleaner to be employed on a daily basis. To reduce the management burden you may want to consider creating 4 smaller 'flats in multiple occupation' where each flat has five bedsits and shares a communal kitchen

**3.4 Building Control Manager:** 1) Automatic openable vents should be provided at the head of the stairs;  
 2) The entrance doors to each bed-sit should be self-closing fire doors;  
 3) The existing floors may need to be upgraded to give 60 mins fire resistance; 4) the existing floors and new separating walls between each of the bed-sits will need to meet sound insulation requirements. Because the application is for a HIMO, you will also need to consult with Private Sector Housing as their fire safety requirements may be more stringent than those of Building Control.

**3.5 Head of Public Protection and Development Management (Anti-social Behaviour):** No objections

**3.6 Head of Environmental Services (Landscape Services, Arboriculture):** Banbury Town Council is seeking an off-site contribution of £24,963.27, our current off-site figure, plus 10% management contribution. This money will go towards improving the skate park facility at Spiceball Park, Banbury.

- 3.7 **Head of Recreation and Health (Recreation and Health Improvement Manager):** The indoor sports contribution is towards the cost of modernizing and increasing capacity at Spiceball Sports Centre. The improvements take account of the expected increase in population in Banbury up until 2016. The element of works that is to be funded from developers' contributions was paid up front by CDC and therefore contributions coming in up until 2016 will be to repay that amount.

We are unable to justify a contribution for the Community Halls contribution and therefore will not request this.

There is a shortage of sports pitches in Banbury, particularly junior football pitches, and we will require a contribution towards the cost of addressing this. Contribution is £2,185.61 per dwelling x 19 = £41,526.59.

### **Oxfordshire County Council Consultees**

- 3.8 **OCC Highways:** The application proposes no change to access and parking. The proposal will convert the existing first and second floor of the building from offices to residential (19 bedsits). The site is centrally located with a good range of services and facilities in the vicinity.

The application is unlikely to have a significant highway impact.

- 3.9 **OCC Developer Funding Team:** Oxfordshire County Council wishes to secure a legal agreement for appropriate financial contributions to mitigate the impact this development will cause if implemented in line with your Draft Supplementary Planning Obligations Document (July 2011).

This will aim to overcome what would otherwise be a potential reason to refuse this application and is in line with policy H5 of your adopted local plan (1996), OA1 of your Non Statutory Local Plan (Dec 2004) and CC7, S3, S5 and S6 of the South East Plan.

19 individual units are proposed to be built providing accommodation for up to 36 persons. We expect this development if implemented will increase the population by 19 persons including up to 3 pensioners.

I have considered the following service areas for Banbury and for Oxfordshire:-

#### Education

We do not expect children of school age to be resident here and so will not seek sums to extend that infrastructure.

#### Adult Learning Centre Infrastructure

Banbury adult learning centre on the other hand needs to relocate and a brand new facility is sought. A 151 square metre 2 classroom facility is expected to cost £420,000@3Q09 + land. A facility of this type will expect to provide 13,500 learning sessions per annum. At least 5% of the adult population are likely to take up adult learning and would normally attend at least 10 sessions each. A sum of £16 per extra person is so compiled

This development will accordingly need to make a contribution of £304 index linked to Pubsec 3Q09 towards adult learning centre infrastructure serving this accommodation

#### Library Infrastructure

Oxfordshire County Council has an adopted standard for public library floor space of 23m<sup>2</sup> per 1,000 head of population. Backroom space [19.6% of public area] needs to support this public space.

Banbury library is significantly under-size in relation to its catchment population and a new, larger library is planned as part of a new Cultural Quarter in the Town Centre. This is expected to cost £2,264 per m<sup>2</sup> @3Q09 for fit out from shell.

The proposed development would generate the need to provide 0.54 square metres of infrastructure and to increase the core book stock held by the library by 2 volumes per additional resident at a current average cost of £10 per volume. A sum of £82 per extra person is so compiled.

This development will accordingly need to make a contribution of £1,558 index linked to Pubsec 3Q09 towards library infrastructure and stock serving this accommodation.

#### Day Resource Care Centre for the Elderly

Social & Community Services are looking to extend Day Care provision in Banbury because of extra demand on its infrastructure, including that caused by new development.

A new Day Resource Care centre offering 40 places per day (optimum) was estimated to £1,050,000 including assisted transport as support. Based on trip generation, this works out at £10,500 per place @3Q09. Pensioners needing Day Care facilities equate to some 10% of this population aged 65+. A sum of £1,050 per extra pensioner is so compiled.

This development will accordingly need to make a contribution of £2,992 index linked to Pubsec 3Q09 to resource centre infrastructure serving this accommodation

#### Strategic Household Waste Management Recycling Centre

The Council has statutory recycling and composting targets to meet, as well as targets to reduce the amount of waste going to landfill. New development must help rather than hinder the achievement of these targets. All developers/landowners are therefore expected to provide infrastructure and funding towards the reduction, re-use and recycling of wastes. The Waste Management Recycling Centre at Alkerton effectively needs replacement at an estimated £3m cost and will then aim to serve 20,000 dwellings. Contributions of £63 per additional resident are so needed.

This development will accordingly need to make a contribution of £1,197 index linked to Pubsec 3Q09 for strategic waste management infrastructure serving this accommodation.

#### County Museum Resource Centre Infrastructure

The Museum Resource Centre [MRC] at Standlake provides essential support for the County's Museum Service, holding exhibits in safe and controlled conditions. This enables varied exhibitions to be organised meeting the demands of the public. The MRC also offers IT access to various educational establishments.

The MRC is at capacity and needs to be extended to meet the educational, research and leisure demands arising from increased development in Oxfordshire. An extension has been costed to mitigate the impact of new development to 2026. £85,000 has been secured leaving £380,000 to be secured from 35,000 new homes. This is the equivalent of a contribution of £5 per extra person.

This development will accordingly need to make a contribution of £95 index linked to Pubsec 3Q09 towards museum resource infrastructure serving this accommodation.

- 3.10 **Archaeologist:** The building concerned lies within an area of some archaeological interest. However from the details supplied it would seem unlikely that the small-scale nature of the proposal would justify an archaeological response. However the possibility of finds occurring during the course of construction should be borne in mind, in which case the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development  
C30: Design of new residential development

South East Plan 2009

CC1: Sustainable development  
CC6: Sustainable Communities & Character of the Environment  
BE1: Management for an urban renaissance  
BE6: Management of the historic environment

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Core planning principles and the delivery of sustainable development and a presumption that where plans are 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, with particular regard to the following sections:

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design

## Cherwell Local Plan - Proposed Submission Draft (May 2012)

The draft Local Plan is due out for public consultation in the near future. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

### 5. Appraisal

5.1 The key issues for consideration in this application are:

- Policy context
- Impact on the visual amenities of the area, character and appearance of the Conservation Area and setting of adjacent listed buildings
- Design, layout and amenity

#### **Policy context**

- 5.2 The main theme at the heart of the NPPF 2012 is a presumption in favour of sustainable development, approving development proposals which accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development be restricted.
- 5.3 The NPPF indicates that the Adopted Cherwell Local Plan 1996 is considered to be out of date as it was adopted prior to 2004, however it also advises that due weight should also be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The Adopted Cherwell Local Plan does not contain any specific policies relating to the redevelopment of this site but contains a number of saved policies which are relevant to the consideration of this proposal.
- 5.4 The South East Plan 2009 is the regional spatial strategy for the South East Region and remains part of the Development Plan. Whilst this plan does not contain site specific policies, it sets out the policy framework for the region identifying the scale and distribution of new housing, priorities for new infrastructure and economic development, ensuring all new development is sustainable, promoting sustainable health services, and strategies for the protection of biodiversity and the built and historic environment and for tackling climate change.
- 5.5 In May 2012 the Executive, approved with some amendments, the proposed submission draft of the Cherwell Local Plan. This document replaces the earlier Draft Core Strategy and the non-statutory Cherwell Local Plan and when adopted will set out broadly how the District will grow and change in the period up to 2031, setting out the spatial vision for the District and policies to

help deliver that vision. The plan is built around three main themes; securing economic development, building communities and ensuring that development is sustainable. The Plan went out to public consultation on 28 August 2012.

- 5.6 Whilst this Plan is of very limited weight, it does seek to indicate how the District is likely to develop and grow.

**Impact on the visual amenities of the area, character and appearance of the Conservation Area and setting of adjacent listed buildings.**

- 5.7 There are no proposed changes to the external appearance of the building. As such the impact on the visual amenities of the area will be minimal. The development is considered to preserve the character and appearance of the Conservation Area and will not adversely affect the setting of the adjacent listed buildings.

**Design, layout and amenity**

- 5.8 The design and layout of the bedsits has been informed by the scale of accommodation to be provided, the existing window openings and the space standards required by the applicant.
- 5.9 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.
- 5.10 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 uses. The adjacent buildings are currently in commercial use however a planning application is being considered to convert the first and second floors of Nos 12-13 Horse Fair into flats (12/01080/F refers). The uses are considered to be compatible and the relationship acceptable; the commercial uses are not considered likely to cause an unacceptable impact on the amenity of the occupiers of this site.
- 5.11 As a result, it is considered that the proposal provides for above average standards of amenity for accommodation such as this which is welcomed by this Council.

**Planning Contribution**

- 5.12 The proposed development would generate a need for infrastructure and other contribution to be secured through a planning obligation, to enable the development to proceed.
- 5.13 At the time of writing this report negotiations are ongoing with the applicants to secure the necessary contributions to meet the needs arising from this development. The applicant's agent has stated that whilst the applicant accepts that the development will generate a need for additional infrastructure and services the development is unviable if contributions of the level sought are required. They consider that by not developing the bedsit scheme the District would lose a valuable and desperately needed addition to the affordable housing stock and would lose financial income through the contributions that could be put to further improve existing council amenities and services.
- 5.14 The viability of the scheme is currently being assessed and Members will be updated on this matter at the meeting.

5.15 To clarify, the units proposed are not affordable homes (social rented, affordable rented and intermediate housing) but they are low cost homes or accommodation at the lower end of the rental market.

5.16 Also the contributions towards infrastructure and services are only required because of the impact that the development will have on existing infrastructure and services. By refusing the application, or seeking contributions that make the scheme unviable so that the developers withdraw the application, will not mean that the District Council loses additional financial income.

5.17 Although the agreement has not yet been drafted the applicant has been advised of the following Heads of Terms relating to the obligation:

District Council requirements

- Open space/play space and outdoor sports facilities
- Indoor sports facilities
- refuse bins and recycling

County Council requirements

- adult learning centre infrastructure
- library
- Day resource centre for the elderly
- Strategic household waste management recycling centre
- Museum resource centre

Other requirements

- Health

**Conclusion**

5.18 Overall, the proposed development is considered acceptable. The site is within a sustainable location lying within the town centre and the accommodation proposed is considered to provide a higher than average level of amenity for the new occupants.

5.19 Therefore, the application is recommended for approval subject to the applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure the financial contributions outline above.

**6. Recommendation**

**Approval**, subject to:

a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraphs 5.12 – 5.17 above,

b) the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.



Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, site location plan and drawing Nos. 07-07-685/PL-101, 102, 103, 104, 105.

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 PPS1: Delivering Sustainable Development.

3. That full details of refuse bin storage for the units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, thereafter the refuse bins shall be stored at all times in accordance with the approved details other than on the day of refuse collection.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan, Policy C28 of the adopted Cherwell Local Plan and Government Guidance on requiring good design contained within the National Planning Policy Framework.

### **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 and has no undue adverse impact upon the setting of the adjacent listed buildings nor upon the character and appearance of the Conservation Area. As such the proposal is in accordance with Policies CC1, CC6, BE1 and BE6 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. 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.