

**Site Address: First & Second Floors,  
10 - 11 Horse Fair, Banbury**

**13/00211/F**

**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 20 bedsits with communal kitchen facilities a soil vent pipe is proposed to the southern elevation and a first floor window is to be inserted in the rear elevation.

**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 28 March 2012. No correspondence has been received as a result of this consultation process.

**3. Consultations**

- 3.1 Banbury Town Council: No comment to date

**Cherwell District Council Consultees**

- 3.2 Conservation Officer: No comment to date
- 3.3 Building Control Officer: All room entrance doors will require self-closers; 2)A 1.0m<sup>2</sup> Automatic Opening Vent is required at the head of each flight of stairs; 3)All existing floors will need to be upgraded to provide 60mins fire resistance; 4)All existing floors will need to be upgraded to current sound insulation standards; 5)All thermal elements will need to be upgraded to current thermal insulation standards; 6)All windows and doors will need to be upgraded to current insulation standards.
- 3.4 Housing Officer: My comments from the previous application remain the same, however the segregated kitchen on the first floor is an improvement in my opinion, as it will reduce the number of people sharing each kitchen on this floor, the second floor kitchen will be used by up to 16 people, but I would be happy with 3 sets of facilities in the room and not 4 due to the number of double rooms etc. Ideally this would be split in to two kitchens, but the shape of the room doesn't lend itself to this. The main concern I have with this proposal will be the level of management required to ensure

that the Management of Houses in Multiple Occupation (England) Regulations 2006 are being complied with, but this will not be affected by any structural issues with the property.

- 3.5 Environmental Protection Officer: No comment to date
- 3.6 Waste and Recycling Manager: (Original plans) The developer should take into account the Waste and Recycling guidance. A Section 106 contribution of £67.50 per property will also be required. No provision has been made for waste and recycling. This is unacceptable.
- (Amended plans): No comment to date
- 3.7 Anti Social Behaviour Manager: No objections
- 3.8 Head of Environmental Services (Landscape Services, Arboriculture): No comment to date
- 3.9 Head of Recreation and Health (Recreation and Health Improvement Manager): No comment to date

### **Oxfordshire County Council Consultees**

- 3.10 Highways Liaison Officer: No objections - I have inspected the site and considered the submitted documents. The proposal would have a negligible impact upon the local highway network. The site benefits from a wide range of shops, services and public transport links within practical walking and cycling distances; therefore, there would be relatively low demand for car use and ownership. The local highway network is protected by parking restrictions with public car parks available and I do not expect any impact upon local parking pressures.
- 3.11 Archaeologist: No objections

### **Other Consultees**

- 3.12 Environment Agency: No comments as the application has a low environmental risk.
- 3.13 Thames Water: Waste Comments  
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- Water Comments  
On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 3.14 Thames Valley Police: No objections to the proposals at this time. However, opportunities to design out crime and/or the fear of crime and to promote community safety remain. To ensure that these opportunities are not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;

*No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.*

The attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69; Promoting Healthy Communities') where it is stated that development should create '*Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion*'.
- Supplementary Planning Guidance Document '*Safer Places - The Planning System and Crime Prevention*', ODPM 2004.

In addition, it would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area.

Assuming approval is given, and to assist the authority and the applicants in providing as safe a development as possible, and to aid the latter in achieving SBD accreditation, I make the following observations:

- Regardless of whether SBD accreditation is conditioned or not, the principles and standards of the scheme should be employed in relation to communal and bedsit doors, access control, post delivery and utility meters at a minimum.
- I have concerns that there appears to be no provision made for vehicle parking or cycle storage and fear that this may lead to conflicts.

#### **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

##### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012)

The draft Local Plan has been through public consultation and 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:

- Planning History
- 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

### **Planning History**

- 5.2 Members resolved to grant planning permission for application 12/01020/F for the conversion of the premises into a house of multiple occupation. 19 units were proposed and no external alterations were to be made to the building. The resolution was subject to the applicants entering into an appropriate legal agreement. It was considered that the most appropriate form of planning obligation was a unilateral undertaking as it only involved financial contributions.
- 5.3 Due to viability issues the applicants offered to pay contributions amounting to £28,000 and Members requested that officers try to negotiate a higher amount. Officers met with the applicants and negotiated an additional £5,000 specifically towards improvements of the skate park facility at Spiceball Park in Banbury.
- 5.4 The contributions were considered to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

### **Policy Context**

- 5.5 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.
- 5.6 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.

### **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 proposed changes to the external appearance of the building. These are the provision of a soil vent pipe to the West Bar elevation adjacent to the existing down pipe and the insertion of an additional first floor window in the rear elevation to match the existing windows. The location of the down pipe will help to minimise the appearance of the soil vent pipe and is recommended that it is conditioned to be white to match the downpipe.
- 5.8 As such it is considered that the impact on the visual amenities of the area will be minimal and 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**

- 5.9 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.

- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 Provision for waste/recycling bin storage is to be provided on each floor and when it is to be collected it is proposed that it is taken to the ground floor and the bin storage area used for the existing offices utilised. The Waste and Recycling Manager has been reconsulted on this matter and his comments are awaited. Members will be updated verbally at the meeting.
- 5.14 Thames Valley Police has recommended the attachment of a condition seeking to ensure that the development meets 'Secured By Design' Standards. This was not sought in the previous application and it is considered to be unreasonable to impose the recommended condition now when 12/01020/F has received a resolution to approve. However, it is possible to attach a planning note seeking the employment of the principles and standards of the 'Secured By Design'.

#### **Planning Contribution**

- 5.15 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.
- 5.16 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. However given the resolution to approve the previous application with contributions amounting to £28,000 with an additional £5,000 specifically towards improvements of the skate park facility at Spiceball Park in Banbury it is considered that it would be unreasonable to require any significant increase in the level of financial contributions sought.
- 5.17 To clarify the application, 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.
- 5.18 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

**Engagement**

5.19 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

**Conclusion**

5.20 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.

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 Form, site plan and drawing nos. 07-07-685/PL-100, 101A, 102, 103A, 104B and 105C.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework

3. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details and management of the collection of the refuse from the individual internal stores on each floor shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the units, all the refuse bin storage areas shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the installation of the soil vent pipe on the southern elevation of the building full design details of the soil vent pipe shall be submitted to and approved in writing by the Local Planning Authority. The soil vent pipe shall be coloured white to match the adjacent rainwater goods. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

### **Planning Note**

1. You are advised that the principles and standards of the 'Secured By Design' scheme should be employed in relation to the communal and bedsit doors, access control, post delivery and utility meters.

### **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 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.

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.