

**Site Address: Crown House
Christchurch Court
Banbury**

13/00502/CDC4

Ward: Banbury Grimsbury and Castle

District Councillor: Councillors Andrew Beere, Ann Bonner and Margaret Cullip

Case Officer: Graham Wyatt

Recommendation: Approval

Applicant: Cherwell District Council

Application Description: To retain and convert the existing 3/4 storey Crown House and 2 storey conservation properties to provide 20 one bed and 20 two bed residential units together with 89.3m² of ground floor retail space - Involving a Change of Use from B1 Business to C3 Residential and A1 shops classifications.

Committee Referral: CDC application

1. Site Description and Proposed Development

1.1 The application site is a derelict building constructed of brick under a pitched tiled roof. The building provides accommodation over three and four floors and is located within the town centre and on the edge of the Banbury Conservation Area.

1.2 The building is "T" shaped with the built element contained to the west of the site with the leg of the "T" element projecting into the site. Extensive parking areas are provided within the eastern part of the site and within an undercroft area. To the north lies 18 Bridge Street which forms part of the application site. The main element of the site was constructed during the 1970's and was formerly used as an office building. The building has been empty for some 20 years and is currently derelict with all windows missing. It is believed that the building has been gutted and only the shell remains. 18 Bridge Street was constructed in the early 1900's and is of a mock Tudor design.

1.3 The application seeks planning permission to convert the buildings into 20 x one bed flats and 20 x two bed flats. There will be 2 x 1 bed flats and 2 x 2 bed flats developed within 18 Bridge Street with the remainder within Crown House. All of the housing will be affordable and managed by a Registered Social Landlord. A retail unit is proposed on the ground floor of 18 Bridge Street providing some 90 sq. m of floorspace.

1.4 The elevations of Crown House will be revised with existing openings retained and new openings introduced. Some of the existing openings will be enlarged to create balconies. Glazed elements will be introduced on the west elevation where the stair cases that serve the floors will be visible. An existing emergency staircase on the east elevation will be removed from the site. Parking, bike and bin stores and amenity areas will be provided within the site.

2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 16th July 2013. Banbury Civic Society wishes to express its strongest support for this laudable proposal. The Campaign to Protect Rural England (CPRE) also support this application.

3. Consultations

- 3.1 **Banbury Town Council:** No objection but wishes to see the Bridge Street façade retained and concerned about inadequacy of parking provision within the site.

Cherwell District Council Consultees

- 3.2 **Ecologist:** No objection subject to conditions.

Housing Officer: Overall the proposal is satisfactory, although some revision will be required to increase the size of the kitchen areas in some of the ground floor units specifically Units 26, 27 and 34. This can be done internally by making the kitchens open plan or in Unit 34 making the bathroom smaller

Conservation Officer: Crown House is a very unprepossessing building and this is an opportunity missed to positively enhance Banbury conservation area with a well designed, locally distinctive replacement building. However on the positive side this is a neglected building that is being brought back into use. I support the development of this site which has detracted from the quality of Banbury Town Centre for many years. The design proposals for the site involve a simple renovation of the buildings that will improve the appearance of the area and bring it into active use. No objections to the proposal.

- 3.3 **Rights of Way Officer:** Banbury Footpath No 56 runs adjacent to the western edge of this site but no Public Path Order will be required to enable the development. The footpath crosses Christchurch Court, which is likely to have an increased amount of vehicular movement as a result of the development, but this is not considered to be a problem in such an urban setting.

Oxfordshire County Council Consultees

- 3.6 **Highways Liaison Officer:** No objection subject to conditions

Other Consultees

- 3.7 **Environment Agency:** Awaiting comments

4. Relevant National and Local Policy and Guidance

Adopted Cherwell Local Plan (Saved Policies) (ACLPL)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

Other Material Considerations - Policy and Guidance

Cherwell Local Plan - Proposed Submission (August 2012) and Focussed Consultation (March 2013) (PSLP)

The Local Plan (March 2013) has been out for a second round of public consultation. 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. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

SLE1: Employment Development

SLE2: Securing Dynamic Town Centres

BSC2: The Effective and Efficient Use of Land

BSC3: Affordable Housing

BSC5: Area Renewal
ESD1: Mitigating and Adapting to Climate Change
ESD3: Sustainable Construction
ESD6: Sustainable Flood Risk Management
ESD16 The Character of the Built & Historic Environment
Banbury 1: Banbury Canalside
Banbury 7: Strengthening Banbury Town Centre

Canalside draft Supplementary Planning Document (SPD) (2009)

National Planning Policy Framework

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of the development
- Visual amenity and impact on heritage assets
- Highway matters
- Flooding
- Planning Obligations

Principle of the development

5.2 Crown House is a large building constructed over three/four floors and was last used as an office building. The building occupies a town centre location and is constructed of buff brick under a tiled roof. The building has been vacant for a number of years and is currently derelict. Parking areas are provided within the site.

5.3 The surrounding area is predominantly commercial with Castle Quay shopping centre, Market Place and the bus station very close to the site. The site is accessed via Christchurch Court which runs parallel to George Street car park. A pedestrian alley links Christchurch Court to Bridge Street which runs between the site and the shop unit occupied by Wilkinsons. At the front of the site (which is within the Conservation Area) the brick building of Crown House is attached to 18 Bridge Street which is an early 20th century two storey building developed in a black and white mock Tudor style. Part of this building is occupied by a gent's hairdressers with the remaining building vacant.

5.4 Government guidance contained within the NPPF – *Requiring Good Design* attaches great importance to the design of the built environment as good design is a key aspect of sustainable development. Good design should contribute positively to making places better for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and appropriate landscaping.

5.5 Saved Policies C28 and C30 of the adopted Cherwell Local Plan seek standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the context of the development. Further, extensions to dwellings should be compatible with the scale of the existing dwelling, its curtilage and the character of the street scene.

5.6 The core principles as set out within the NPPF states that planning should "take account of the different roles and character of different areas, promoting the vitality of our main urban areas" and that it should also, " promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas...". Importantly, the NPPF also recognises the importance of town centres and in seeking to ensure their vitality, planning should "promote competitive town centres that

provide customer choice" and "allocate a range of suitable sites to meet scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres."

- 5.7 The Cherwell Local Plan - Proposed Submission (August 2012) and Focussed Consultation (March 2013) has been through a second round of public consultation and is the subject of objections that are currently being considered. The plan has not been through an examination by an inspector appointed by the Secretary of State. Therefore, while the plan has some weight, this is limited due to its current status and the policies may not take their current form on adoption. However, for completeness a synopsis of relevant policies is provided below.
- 5.8 Policy SLE1 refers to the to strategic employment sites and how applications will be considered on existing employment sites. Applications for a change of use of an employment site will be supported if the criteria within the policy is met (e.g. can the applicant demonstrate that an employment use cannot be retained, are there valid reasons why an employment use is not viable etc.). This Policy must be considered against the recent changes made by the Town and Country Planning (General Permitted Development)(Amendment) Order 2013 that came into force in May 2013. This Order grants planning permission for the change of use of offices within B1a to residential uses. Moreover, regard should be made to the fact that the building has been empty for some 20 years.
- 5.9 Policy SLE2 relates to directing town centre uses towards Banbury and Bicester. Policy SLE3 recognises and supports tourism growth within sustainable locations. Policy BCS2 seeks to direct housing development to previously developed land and requires a density of no less than 30 dwellings per hectare. Policy BSC3 refers to affordable housing and requires an element of affordable housing where it exceeds the criteria set within the policy. In this instance all 40 of the units will be affordable units. Policy BSC5 supports area renewal proposals which provide housing investments and new retail and community facilities that contribute to improved social outcomes, improve health and well-being and employment. It is considered that the proposal accords with these particular policies of the Proposed Submission.
- 5.10 Policy ESD1 seeks to ensure that measures are taken to mitigate the impact of a development on climate change. Policy ESD3 requires all new homes to meet Code Level 4 for Sustainable Homes. Policy ESD6 relates to flooding and requires site specific flood risk assessments to accompany development proposals in flood zones 2 and 3 (the site lies within flood zone 2). Policy ESD16 requires new development to complement and enhance the character of an area. All development should meet high design standards especially in the vicinity of the district's natural or historic assets. Policy Banbury 1 relates to Banbury Canalside and seeks to promote the delivery of 950 homes and town centre/commercial uses and significant environmental improvements of the Canalside site. Policy Banbury 7 supports shopping, leisure and other town centre uses within the Boundary of Banbury town centre. It also supports residential use above ground floor level. Again, it is considered that the proposal accords with the policies listed above.

Visual amenity and impact on heritage assets

- 5.11 The proposal seeks to convert Crown House and part of 18 Bridge Street into apartments. The ground floor of 18 Bridge Street will provide a retail unit. As part of the site lies within Banbury Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement in relation to the consideration and determination of planning applications which affect conservation areas, that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. There are no listed buildings in the immediate vicinity.

- 5.12 18 Bridge Street is a mock Tudor building which was built in the early part of the 20th Century and is not a listed building. It is however, within the Conservation Area. Part of the building is currently in use as a hairdressers and will be retained. The remainder of the building will be converted to provide 4 residential units and a retail unit.
- 5.13 Crown House itself will be converted into apartments. The elevations of Crown House will be revised with existing openings retained and new openings introduced. Some of the existing openings will be enlarged to create balconies. Glazed elements will be introduced on the west elevation where the stair cases that serve the floors will be visible. An existing emergency staircase on the east elevation will be removed from the site. Parking, bike and bin stores and amenity areas will be provided within the site
- 5.14 The Conservation Officer has considered the proposal and is satisfied that the development at will preserve the character of the Conservation Area. It is considered that the development represents a proportionate and well designed addition to the town that would not appear unduly prominent nor detract from the character and appearance of the area as a whole. Materials to be used in the construction of the developments will complement the existing building. It is considered that the proposals would not have a detrimental impact on the character and appearance of the area and is an acceptable form of development that will not have a detrimental impact on the character of the wider street scene or the Conservation Area. Therefore the proposal complies with Policy C28 of the adopted Cherwell Local Plan and government guidance on conserving and enhancing the historic environment contained within the NPPF.

Highway matters

- 5.15 The application includes adequate on site parking provision for the size of the development for both cars and cycles. Access details are also sufficient subject to a condition requiring further access details to be submitted and approved. The Local Highways Authority has raised no objection to the proposal in terms of its impact on highway safety.

Flooding

- 5.16 The site lies within flood zone 2. The Environment Agency have been consulted and a response from them is awaited. Therefore, the recommendation to approve planning permission is subject to no adverse comments being received.

Planning Obligations

- 5.17 Oxfordshire County Council have requested financial contributions to off-set the impact of the development on local infrastructure and amenities. The contributions are as follows:
- Primary Schools - £34,746 968 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to primary school infrastructure for these homes.
 - Developer contributions towards the expansion of one or more SEN schools by a total of 0.1 pupil places. We are advised to allow £30,656 per pupil place at 1st Quarter 2012 price base to expand capacity in special educational needs schools. We therefore require a contribution of £3,066 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to special educational school infrastructure for these homes.

- Library – £5, 355
- Waste Management £4, 032
- Museum Resource £315
- Adult Learning £880
- Social & Health Care £6, 600

5.18 While planning permission should not be granted until such time as the agreement has been completed, it is not for the Head of Legal Services at Cherwell District Council to complete the agreement. "Build!" as part of Housing and Regeneration at Cherwell District Council need to instruct their own solicitors to enter into an agreement with the County Council to secure the contributions. I understand that instructions between parties have been issued and the agreement is currently being drafted.

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.

6. Recommendation

Approval, subject to the following conditions providing no objections are raised by the Environment Agency and the satisfactory completion of a legal agreement to secure developer contributions.

1. 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, design and access statement, drawing number(s) 001/01 Rev A (Existing and proposed location plan and masterplans), 001/03 Rev B (proposed ground floor plan), 001/04 Rev B (Existing and proposed first floor plan), 001/05 Existing and proposed second floor plan), 001/06 (Existing and proposed third floor plan), 001/07 (Existing and proposed roof plan), 001/09 Proposed elevations A-A to D-D), 01/11 (Existing and proposed elevations E-E to F-F), 001/13 (Proposed ground floor plan with Type 3 turning head) and Design and Access Statement dated April 2013.

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 contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, samples of the material to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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 commencement of the development, full details of the doors and

windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building 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.

5. 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, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area 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.

6. Prior to the commencement of any development full details of the streetscape, including boundary treatment to any buildings, treatment of street parking, street landscape, hard and soft landscape details, street furniture and play features shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each phase of the development shall be carried out in accordance with the approved details.

Reason - To ensure the delivery of satisfactory streets that deliver the green infrastructure, play and other features necessary to create a successful place, to accord with a high standard of design and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. That the existing vehicular access onto Bridge Street shall be permanently stopped up

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

8. That the vehicle parking, cycle parking and vehicle manoeuvring areas Retained in accordance with Plan No. 001/13 (Proposed Ground Floor Plan with Type 3 Turning Head)

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

9. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

11. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained 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

13. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, including any demolition, any works of site clearance and approval of design details, a full survey for bats shall be carried out by suitably qualified ecologists and should it be required, a report outlining a full mitigation strategy for bats, which shall include timing of works, the location, design and timing of any alternative roosts to be provided, the measures taken to avoid disturbance during construction and whether a licence is required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out strictly in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected

species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. No works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect and where appropriate retain the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a brief method statement for enhancing the biodiversity on site, including proposed locations of any habitat boxes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

To protect habitats of importance to biodiversity conservation from any loss or damage and to conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTE

1. No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted

2. If the permission hereby given requires work within the public highway, the applicant is advised that he/she should not commence such work before formal consent is secured from the Highway Authority by way of either (a) a Section 184 Highways Act 1980 notice, or (b) the completion of a formal agreement between the applicant and the Highway Authority. Details of the form of both a) and b) above may be obtained direct from Oxford County Council, the Highway Authority on Tel. (01865) 844300.

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.