

**Applicant:** Brickmort Investments

**Proposal:** Change of use of existing building to create coffee shop (Class A3) and 1 no. 1 bedroom unit at ground floor level and 3 no. residential units (2 no. studio units and 1 no. 2 bed unit) at first floor level

**Ward:** Banbury Cross And Neithrop

**Councillors:** Cllr Hannah Banfield  
Cllr Surinder Dhesi  
Cllr Alastair Milne-Home

**Reason for Referral:** Outside scope of delegation

**Expiry Date:** 18 May 2017      **Committee Date:** 15 June 2017

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. 18 Bridge Street (Crown House) is a part three, part four storey, former office building in the centre of Banbury which was granted prior approval in November 2016 under Schedule 2, Part 3, Class O of the General Permitted Development Order 2015 for change of use to a residential use comprising 37 apartments. The internal operations required in connection with this change of use have now commenced and the external alterations required were approved under application reference 17/00243/F. Planning approval for an additional 10 apartments was granted under application reference 17/00288/F. The building is located within a mixed use area, comprising a range of commercial, retail and light industrial uses and is accessed via Christ Church Court.
- 1.2. Adjoining this building is a two-storey mock-Tudor building which directly fronts Bridge Street. This building comprises a ground floor commercial unit with ancillary office accommodation on the ground and first floors. These elements of the building are current vacant and form part of this application. The building is also occupied by a ground floor hairdresser with ancillary accommodation on the first floor, which does not form part of the current application. The mock-Tudor building has a timber and rendered façade with timber commercial unit frontages.
- 1.3. In November 2016, prior approval was sought for the conversion of the commercial unit and ancillary office accommodation to residential (16/02280/O56). It was not however possible for the applicant to proceed with this application as the building was not in B1 (Offices) use at the time of the application. The building is believed to have been last lawful use as an A2 (Financial and Professional Services) use.
- 1.4. The application site is located within the designated Banbury Conservation Area and is located adjacent to a locally listed building (15-17 Bridge Street). The building is not located within an area identified to be at risk of fluvial flooding.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Planning permission is being sought for the conversion of the existing building to provide 4 apartments, including 2 x studios and 1 x 2 bedroom apartments on the first floor and 1 x 1 bedroom apartments on the ground floor.
- 2.2. Planning permission is also being sought to change the use of the existing ground floor retail unit into a coffee shop (a Class A3 use).
- 2.3. Limited external alterations are also proposed, including the removal of a first floor external door and fire escape on the rear elevation of the building and the creation of an outdoor amenity space serving the ground floor apartment.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01763/O56	Proposed change of use of existing office building into 37 No. apartments	Application Permitted
17/00243/F	External alterations to include additional windows, doors and canopy alterations in connection with prior approval 16/01763/O56 for the proposed change of use of existing office building into 37 No apartments	Application Permitted
17/00288/F	Four storey extension to existing building to create 10 self-contained apartments	Application Permitted

## **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No formal pre-application discussions have been undertaken in relation to this proposal. However, the applicant was advised to submit a full planning application following the withdrawal of a prior approval application relating to the conversion of the building to apartments.

## **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 11 May 2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties as a result of this consultation process.

## **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

## PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **Banbury Town Council:** No objections.

### STATUTORY CONSULTEES

- 6.3. **Local Highways Authority:** The absence of car parking is acceptable due to the sustainable town centre location. Details of cycle parking and pedestrian access arrangements are required as well as a construction traffic management plan.

### NON-STATUTORY CONSULTEES

- 6.4. **Design and Conservation Officer:** The change of use will have minimal impact on the significance of this building and its visual contribution to the streetscape and character and appearance of the conservation area.
- 6.5. Advertising should be controlled as this could adversely impact on the streetscape.
- 6.6. **Landscape Officer:** The plant species, sizes and plant densities area are unknown - there is no planting schedule. For implementation and establishment all planting is to comply with the National Plant Specification and CPSE's plant handling and establishment, *BS 3936 Specification for Nursery Stock*. Specifically for tree planting and establishment, *BS 8545: 2014* is the most current. For planting and aftercare, *BS4428: 1989* is appropriate.
- 6.7. **Housing Standards:** No comments received.
- 6.8. **Investment and Growth Team Leader:** Concurs that no affordable housing contribution be sought for the reasons given at paragraph 8.13 below

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective & Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC11 – Local Standards of Provision – Outdoor Recreation
- SLE4 – Improved Transport & Connections
- ESD15 – Character of the Built & Historic Environment
- Banbury 7 – Strengthening Banbury Town Centre

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of New Residential Development

## 7.2. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## 8. APPRAISAL

### 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Housing mix and affordable housing
- Residential amenity
- Contamination
- Highways Safety
- Waste
- Landscaping and play provision
- Sport, public art and community facilities
- Other matters

### 8.2. Principle of development

8.3. The conversion of the ground floor commercial unit to an A3 use is considered to be an appropriate town centre use and therefore complies with Policies Banbury 7 and SLE2, which state that shopping, leisure and other main town centre uses will be supported within the town centre.

8.4. Although the conversion of the office accommodation to residential accommodation would result in the loss of a main town centre use (offices), Policy Banbury 7 encourages mixed use schemes and proposals which would contribute towards the regeneration of the town centre. The redevelopment of this building is considered to support the redevelopment of Crown House and is therefore considered to comply with Policy Banbury 7.

8.5. Policy BSC 1 provides a target of 7,319 dwellings within Banbury over the plan period mostly on allocated sites. Of this total, 416 dwellings are expected to be delivered through windfall sites. In the latest Annual Monitoring Report dated March 2016, it was reported that there have been 206 completions of windfall dwellings. The 4 units proposed are therefore considered to contribute towards the remaining windfall dwellings identified under Cherwell Local Plan 2011-2031 Part 1 and maintain the Council's current 5 year housing land supply.

8.6. The proposal is therefore considered to comply with Policy BSC 1.

### 8.7. Design, and impact on the character of the area

8.8. The proposed development, which comprises mainly internal works, would not have a significant impact on the external appearance of the building or the character of the designated Banbury conservation area. The proposed development is therefore considered to comply with Policies C28 and ESD15 and Government guidance contained within the National Planning Policy Framework.

#### **8.9. Housing mix and affordable housing**

- 8.10. Policy BSC 4 states that new residential development should provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. Development should also take into account the provision of affordable housing as required by Policy BSC 3.
- 8.11. The proposed development provides a mix of homes including 2 x studios and 1 x 2 bedroom and 1 x 1 bedroom apartments. The mix does not accord with the requirements of the Strategic Housing Market Assessment due to the high proportion of studio and one bedroom apartments. However, taking into account the number of apartments within the wider scheme, the proposal is considered to comply with the requirements of Policy BSC 4.
- 8.12. Policy BSC 3 states that proposed developments which include 11 or more dwellings or which would be provided on sites suitable for 11 or more dwellings will be expected to provide at least 30% of new housing as affordable homes on site. As the proposed development is for 4 dwellings, there is no requirement for the provision of affordable housing. The proposal is therefore considered to comply with Policy BSC 3.
- 8.13. However, taking into account the additional 10 dwellings recently granted planning consent (see 17/00288/F), a total of 14 new dwellings have been created, which would have required total of 4 affordable dwellings to have been provided within the development (or an equivalent financial contribution to have been paid towards affordable housing). However, given that these were not considered as a joint application, the appropriateness of securing affordable housing, and in order to facilitate the regeneration of this site by bringing these long term empty buildings back into use as town centre housing your officers consider that it would be appropriate for no affordable housing contribution to be sought .

#### **8.14. Residential amenity**

- 8.15. The proposed development is located within a mixed use area, comprising a range of commercial, retail and leisure uses. There is therefore the potential for the residents of the proposed development to be affected by noise from these uses. It is therefore recommended that a condition is imposed, requiring a scheme for the acoustic installation of these apartments to be submitted to and approved by the Council. Subject to this condition, the proposal is considered not to cause harm to future occupants in terms of noise disturbance. Furthermore, due to the residential nature of the development proposed, it is unlikely that the surrounding uses will be adversely affected in terms of noise disturbance, including disturbance from the proposed coffee shop.
- 8.16. Throughout the course of this application, concerns have been raised about the residential amenity of the proposed ground floor apartment. This is due to its location, directly adjacent to the pedestrian entrance to Crown House and the potential for noise disturbance, privacy and security implications. It is however considered that the proposed conversion would provide an acceptable standard of residential amenity providing an acceptable level of amenity space is created. The applicant has therefore proposed a landscape buffer strip which provides defensible space immediately to the front of the apartment and a small private enclosed courtyard serving the apartment. Furthermore, a pedestrian access gate within the

passageway adjacent to the apartment will provide additional security. Subject to conditions relating to landscaping and the pedestrian access gate, the proposal is considered to provide an acceptable level of residential amenity and is therefore considered to comply with Policies C30 and ESD15.

#### **8.17. Highways safety**

8.18. The proposed development is located in a highly sustainable town centre location and it is therefore considered acceptable that no car parking has been proposed in connection with these apartments or the commercial unit. It is however crucial that sufficient cycle parking is provided and the Local Highways Authority has raised concerns over the level of provision of cycle parking within the wider Crown House development. However, the applicant has confirmed that sufficient cycle parking can be provided within the site via the use of double decker cycle racks. The proposal is therefore considered to be capable of providing an acceptable level of cycle parking provision. A condition is however recommended to ensure that sufficient cycle parking is provided prior to occupation.

8.19. The Local Highways Authority has also recommended a condition requiring the submission of a Construction Traffic Management Plan. This is considered necessary to ensure the satisfactory management of the site and safety of pedestrians and other road users during the construction phase of the development.

8.20. Subject to the aforementioned conditions, the development is considered unlikely to cause harm in terms of highways safety.

#### **8.21. Waste**

8.22. No waste storage has been proposed within the red line area of the site but has been proposed within the wider development. As limited details relating to the waste storage and collection arrangements have been supplied, a condition is recommended to ensure satisfactory waste storage is provided.

#### **8.23. Landscaping**

8.24. A landscaping scheme has been submitted as part of this application but the Landscape Officer has raised concerns about the scheme as proposed and has noted that a planting schedule has not been provided. As landscaping is required in order to provide an acceptable standard of residential amenity, it is important that a comprehensive, high quality landscaping scheme is provided. A condition is therefore recommended to ensure that a satisfactory landscaping scheme is provided.

### **9. PLANNING BALANCE AND CONCLUSION**

9.1. The proposed development will contribute towards the reuse and regeneration of a brownfield site in the centre of Banbury which has remained vacant for a significant period of time. The extension will result in the addition of 4 apartments to the 47 apartments recently approved and will contribute towards the Council's housing targets. The proposed development is not considered to harm the character or appearance of the existing building and is not considered to cause harm in terms of residential amenity or highways safety. Overall, the proposal is considered to represent sustainable development, comply with the policies outlined in Paragraph 7 of this report and is therefore recommended for approval subject to the conditions below.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

- 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the Application Form and Drawing Number 12659-C100-F.

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, 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 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 ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the first occupation of the development hereby approved, covered cycle parking facilities shall be provided in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 5 Notwithstanding the details submitted and prior to the commencement of the development hereby approved, full details of the pedestrian access to the site from Bridge Street (adjacent to 15 - 17 Bridge Street), including specification details of the proposed pedestrian gate (which is considered to provide an element of public art within the site) and access arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the pedestrian access gate shall be installed, and the pedestrian access permanently retained and maintained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the pedestrian access and to ensure the creation of a safe and convenient access to the site for pedestrians in accordance with Policies SLE4, ESD1 and ESD15 of the Cherwell Local Plan

2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 6 Notwithstanding the submitted details and 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.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 7 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.

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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the commencement of the development hereby approved, full details of a scheme for acoustically insulating all habitable rooms within the apartments such that internal noise levels do not exceed the criteria specified in Table 4 of the British Standard BS 8233:2014, 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of development, the apartments shall be insulated and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 9 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a



remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 10 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods, details of construction vehicle parking/waiting areas, compound details as well as an agreed route for HGV traffic to the development site. The approved Plan shall be implemented in full throughout the entirety of the construction phase of the development.

Reason - In the interests of highway safety and to safeguard the amenities of pedestrians and other road users in accordance with Government Guidance in the NPPF.

#### **PLANNING NOTES**

- 1 Consent has been granted subject to conditions. It is the developer's responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details. This is particularly important where a condition requires further details to be approved before any work commences as any work carried out before those details have been approved would be unauthorized and at risk of planning enforcement action.

The conditions application fee is £28 in respect of householder development, and £97 per in any other case. The fee is payable each time a conditions application is made. You can include multiple conditions in one application, and this can be more cost and time effective than submitting details for each condition separately.

Guidance on making an application is available online on the Council's website by going to <http://www.cherwell.gov.uk/index.cfm?articleid=8983>