

**Franklins House  
Manorsfield Road  
Bicester  
OX26 6JU**

**17/01792/F**

**Applicant:** Cherwell District Council And Travelodge Hotels Ltd

**Proposal:** Change of use and conversion of the class B1 offices at second floor level to provide additional bedroom accommodation for the Travelodge Hotel, with alterations to the external appearance of the second floor of the building to facilitate the conversion

**Ward:** Bicester East

**Councillors:** Cllr Sean Gaul  
Cllr Richard Mould  
Cllr Tom Wallis

**Reason for Referral:** CDC Application

**Expiry Date:** 24 October 2017      **Committee Date:** 26.10.2017

**Recommendation:** Approval

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

- 1.1 The site is located in Bicester town centre and forms one of the later phases of the Bure Place redevelopment scheme. The site lies between Manorsfield Road, St. John's Street and Sheep Street. Planning permission was granted for the erection of a five storey building on the site comprising community and town centre uses together with servicing and alterations to the vehicle access on 31<sup>st</sup> December 2014. This building (Franklins House) has now been constructed and has consent for a mixture of uses including Class A, B1 (a), C1 and D1 uses and includes the Council's Bicester Link Point accommodation, Oxfordshire County Council library and a Travelodge hotel. The 3<sup>rd</sup> and 4<sup>th</sup> floors of Franklins House are occupied by the Travelodge and together, these floors accommodate 53 bedrooms. The second floor has consent to be used as office (B1) use (approximately 540m<sup>2</sup>).
- 1.2 A service yard is situated to the east of the building and this is accessed to the east from Sheep Street.
- 1.3 A relatively small part of the northern section of the site lies within the designated Bicester Conservation Area and the building is situated immediately adjacent to the access at 75 Sheep Street, which is a Grade II listed building.

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

- 2.1. Planning permission is sought to change the use of the second floor of the building from B1 use to C1 use (hotel) to form an expansion of the Travelodge hotel. The hotel is proposed to accommodate 18 additional bedrooms as a result of this change of use (71 bedroom hotel in total).

- 2.2. Access is proposed via a dedicated lift and stair core from the ground floor level entrance from Wesley Square and the hotel reception would continue to be located on the third floor.
- 2.3. Externally, two chiller units to serve the bedrooms are proposed on the roof adjacent to the existing units. Alterations to the second floor fenestration of Franklins House are also proposed as a result of the conversion.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:
  - 14/00403/F - Erection of a five storey building comprising community and town centre uses together with servicing and alterations to the vehicle access – APPROVED on 31<sup>st</sup> December 2014.
  - 15/00180/F - Variation of Conditions 2, 3, 15 and 18 of 14/00403/F – APPROVED on 20<sup>th</sup> March 2015.
  - 15/02230/F – Variation of Conditions 2 and 18 of 14/00403/F – APPROVED on 22<sup>nd</sup> January 2016.
  - 16/02434/F - Change of use from Class A to Class B1(a) office "Incubation space for start-up business" – APPROVED. The application related to the ground floor Unit 2 at Franklins House. Permission was granted for a temporary 5 year consent to change the use of this unit from Class A (A1, A3, A4 or A5) to Class B1(a) allowing the flexibility to lease the space as either Class A or Class B1(a) for 5 years.

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

- 4.1. No formal pre-application submission was made with regard to this proposal.

### **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 05.10.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. One letter has been received from a third party and the comments are summarised as follows:
  - The proposal reduces the possible employment, and rents and rates should be reduced;
  - The building is highly combustible and sprinklers should be fitted;
  - A museum was initially promised.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 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. BICESTER TOWN COUNCIL: **No objections.**

### STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections.**
- 6.4. THAMES WATER: **No comments received.**

### NON-STATUTORY CONSULTEES

- 6.5. CDC BUILDING CONTROL: **No comments received.**
- 6.6. CDC ECONOMIC DEVELOPMENT: **No comments received.**
- 6.7. CDC ENVIRONMENTAL PROTECTION: **No objections.**

## 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.
- 7.2. 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
- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE3 - Supporting Tourism Growth
- SLE4 - Improved Transport and Connections
- ESD15 - The Character of the Built and Historic Environment
- BICESTER 5 - Strengthening Bicester Town Centre

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

- T2 - Proposals for hotels, motels, guest houses and restaurants within settlements
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Bicester Conservation Area Appraisal (2011)

## 8. APPRAISAL

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

- Principle of the Development;
- Impact upon the Character and Appearance of the Area;
- Impact upon the Significance and Setting of the Nearby Grade II listed building;
- Residential Amenity;
- Highways Safety;
- Other Matters.

### Principle of the Development

- 8.1 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.2 Paragraph 23 of the NPPF states that: *“Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.”*
- 8.3 Policy SLE3 of the Cherwell Local Plan states that: *“The Council will support proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District.”*
- 8.4 Saved Policy T2 of the Cherwell Local Plan 1996 states that: *“Within the built up limits of a settlement the provision of new hotels, motels, guest houses and restaurants will generally be approved subject to the other policies in the plan.”*
- 8.5 Policy SLE1 of the Cherwell Local Plan Part 1 states that: *“In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:*
- *the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.*
  - *the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable.*
  - *the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.*

*Regard will be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.*

- 8.6 Policy SLE2 of the Cherwell Local Plan Part 1 states that Retail and other 'Main Town Centre Uses' will be directed towards the town centres of Banbury and Bicester and the village centre of Kidlington in accordance with Policies Bicester 5, Banbury 7 and Kidlington 2. Policy Bicester 5 of the Cherwell Local Plan Part 1 states that: *"Shopping, leisure and other 'Main Town Centre Uses' will be supported within Bicester town centre."*
- 8.7 The existing use of the second floor of the building is a B1 use (office) and the change of use of this floor to a D1 use (hotel) would result in the loss of employment space. As noted above, Policy SLE1 of the Cherwell Local Plan Part 1 seeks to retain employment sites unless certain criteria are met.
- 8.8 However, Policy SLE1 of the Cherwell Local Plan Part 1 also states that regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.
- 8.9 In this case, Policy SLE3 of the Cherwell Local Plan Part 1 and saved Policy T2 of the Cherwell Local Plan 1996 provide support for hotels within sustainable locations, subject to other policies in the plan. The site is considered to be located in a highly sustainable location given that it is within the town centre of Bicester.
- 8.10 Furthermore, the proposal would result in the change of use of one 'Main Town Centre Use' to another 'Main Town Centre Use.' Thus, the proposal would be in accordance with Policies SLE 2 and Bicester 5 of the Cherwell Local Plan Part 1 and it is considered that the proposal would not impact upon the viability and vitality of Bicester Town Centre.
- 8.11 In addition, whilst the loss of employment space is considered unfortunate, the loss of employment space in this case is not considered to be considerable and Officers hold the view that it would not significantly limit the amount of employment space available either in Bicester or the district as a whole, nor would it if have a material impact on levels of economic growth in the District.
- 8.12 Thus, Officers consider that there are other planning objectives that outweigh the value of retaining the second floor in an employment use. This being national and local policy support for hotels in sustainable and town centre locations, outweighing the loss of this employment space, which is not considered to materially limit the amount of employment space available in Bicester or the District as a whole or impact on levels of economic growth in the District.
- 8.13 The proposal could therefore be acceptable in principle. However, the acceptability of the proposal is dependent on other material considerations which will be discussed below in this report.

#### Impact upon the Character and Appearance of the Area

- 8.14 Paragraph 132 of the NPPF states that: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*
- 8.15 Paragraph 134 of the NPPF states that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

- 8.16 Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.
- 8.17 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.18 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”* Furthermore, Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG”*
- 8.19 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.
- 8.20 The external alterations proposed as a result of this application relate to the fenestration details on the second floor and the insertion of 2 additional air chiller units on the roof of the development.
- 8.21 Officers consider that the alterations to the fenestration details would be a minor one that would not materially alter the appearance of the building and would have a negligible impact upon the visual amenities of the locality.
- 8.22 In relation to the proposed chiller units, these would be sited next to three other chiller units. Given the 5 storey height of the building and that these chiller units would be sited behind a parapet wall on the roof of Franklins House, they would not be highly visible from the public domain. Thus, it is considered that these units would have a limited impact upon the visual amenities of the locality.
- 8.23 Given the above, officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality, nor would it cause harm to the significance and the setting of the Bicester Conservation Area.

Impact upon the Significance and Setting of the Nearby Grade II listed building

- 8.24 Whilst the site is sited within very close proximity to the Grade II listed No.75 Sheep Street, Franklins House is set away from this Heritage Asset. It is considered that the alterations to the fenestration details on the second floor and the addition of two air chiller units of the roof of building would not materially alter the way this listed building is appreciated. Officers therefore consider that the proposal would not cause harm to the significance and the setting of this Grade II listed building.

### Residential Amenity

- 8.25 Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C30 of the Cherwell Local Plan 1996 states that design control will be exercised so that new housing development or any proposal for the extension or conversion of any existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.26 Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 8.27 Officers consider that the proposed alterations to the fenestration details would not result in any materially different views achieved from the second floor of Franklins House than those currently gained and it is considered that this proposed alteration would not cause undue harm to any neighbouring properties in terms of loss of privacy or loss of light.
- 8.28 The Council's Environmental Protection Officer (EPO) has raised no objections to the proposed additional chiller units on the roof of the building, but the EPO has noted that these units should incorporate adequate noise attenuation. These proposed chiller units would be sited next to three existing chiller units above the roof of any neighbouring residential properties, and when considering this as well as the town centre location of the site, officers consider that the two proposed chillers would not cause additional detrimental harm to any neighbouring residential properties in terms nuisance and disturbance, and that conditions in relation to noise attenuation are not necessary in this case.

### Highways Safety

- 8.29 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions."*
- 8.30 The Local Highways Authority has raised no objections to the proposal. The Local Highways Authority has stated that the number of parking spaces required for the additional hotel bedrooms is the same as for the B1 office space being lost (i.e. 18 spaces). The Local Highways Authority go on to note that adequate parking is available in the public car park next door to the site (Pioneer Square car park), where arrangements are in place for hotel guests to leave their vehicles overnight.
- 8.31 Thus, the Local Highways Authority conclude that the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view and officers see no reason to disagree with this assessment.

### Other Matters

- 8.32 A third party has raised concerns in relation to the fire safety of the building and that a museum should be proposed, but these are not material planning considerations in the assessment of this application. In relation to the matter of fire safety, this relates to building regulations.

## 9. PLANNING BALANCE AND CONCLUSION

- 9.1 Whilst the proposal would result in the loss of employment space, it is considered that there are other planning objectives that outweigh the value of retaining the second floor in an employment use. This being national and local policy support for hotels in sustainable and town centre locations, outweighing the loss of this employment space, which is not considered to materially limit the amount of employment space available in Bicester or the District as a whole or impact on levels of economic growth in the District.
- 9.2 Furthermore, it is considered that the proposal would not to cause detrimental harm to residential amenity, highway safety or the visual amenities of the locality, nor would it cause harm to the significance and setting of the Bicester Conservation Area or the nearby Grade II listed building. Thus, it is considered that the proposal is compliant with the policies outlined in section 7 of this report.
- 9.3 Overall, the proposal is considered to have no significant adverse impacts and constitutes sustainable development therefore the application is recommended for approval.

## 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 following plans and documents: Application Form, Planning, Heritage and Access Statement by Lyons, Sleeman and Hoare Architects dated 25<sup>th</sup> August 2017 and Drawing Numbers: 16064/P-001; 16064/P-100; 16064/P-101; 16064/P-103; 16064/P-104; 16064/P-106; 16064/P-107; 16064/P-300; 16064/P-301; 16064/P-302; and 16064/P-303 submitted with the application and Drawing Number 16064/P-304 received from the applicant's agent on 3<sup>rd</sup> October 2017.

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. The change of use hereby approved to a C1 use relates only to the second floor of the building as displayed in Drawing Number 16064/P-106 submitted with the application.

Reason - In order to safeguard the vitality and viability of Bicester Town Centre and to comply with Policy SLE2 and Bicester 5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

### PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to



the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

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