

Case Officer: Michael Sackey

Applicant: Coffee #1 Ltd

Proposal: Shopfront alterations and other external alterations including the installation of 3 No air conditioning units

Ward: Banbury Cross and Neithrop

Councillors: Cllr Banfield, Cllr Hodgson and Cllr Dr Okeke

Reason for Referral: Application affects Council's own land

Expiry Date: 6 January 2020

Committee Date:

14 July 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is the mixed-use Castle Quay 2 retail development site and the existing Castle Quay shopping centre, located adjacent to the Oxford Canal within Banbury Town Centre. The Castle Quay 2 development is currently under construction, falling within the 'Spiceball Development Area'. The Grade II listed building was formerly the Angel inn and more recently a shop.

2. CONSTRAINTS

2.1. The site is within the Banbury Conservation Area, the buildings adjoining on either side of the site building are both Grade II* listed and there are numerous listed buildings within close proximity of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The current application is a retrospective application for the alterations to the shopfront and other alterations including the installation of 3no air conditioning units.

3.2. There is a concurrent listed building consent application for the same proposals.

4. RELEVANT PLANNING HISTORY

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

02/02569/ADV - 1 No. fascia sign on front elevation REFER TO 03/00734/ADV - application Withdrawn 2 December 2002

11/00703/F - Change of use - flexible use under GDO part 3 Class E for any use within Class A1 (Retail), Class A2 (Financial and Professional Services) and Class A3 (Restaurant & Cafe) of the 1987 use classes as amended - Permitted 22 June 2011

11/00704/F - Extension of time limit of 08/00179/F - Change of use from A1 (shop) use to A1/A3 (shop/cafe) use - Permitted 22 June 2011

13/00486/ADV - 1 no. fascia sign and 1 no. hanging sign - Permitted 1 July 2013

13/00624/LB - 1 no. fascia sign and 1 no. hanging sign - Permitted 1 July 2013

19/00535/CLUP - Certificate of Lawfulness of Proposed Development - Internal works for the relocation of public toilet provision to a new location within the existing shopping centre and external alterations to install 2 louvres to external north-eastern elevation facing service yard. Permitted 31 May 2019

19/02537/ADV - Installation of 1 no. illuminated fascia sign and 1 no. illuminated projecting sign - Permitted 11 May 2021

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

6.1. 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 **22 February 2021**.

6.2. No comments have been raised by third parties

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. BANBURY TOWN COUNCIL: **No objections**

OTHER CONSULTEES

7.3. OCC HIGHWAYS: **No objections**

7.4. CDC CONSERVATION: **No objection**, the removal of the internal illumination of the signage is welcomed and it is now considered that the proposals are no longer unacceptably harmful to the character of the building and the conservation area in this location. Therefore overall, there are now no objections to the proposals outlined in applications 19/02537/ADV, 19/02538/F & 19/02539/LB.

7.5. BANBURY CIVIC SOCIETY: Consulted on (21.11.2019); no comments received

7.6. BANBURY HISTORICAL ASSOCIATION: Consulted on (21.11.2019); no comments received

7.7. ECONOMIC DEVELOPMENT: Consulted on (21.11.2019); no comments received

7.8. HISTORIC ENGLAND: **No comments**

7.9. BUILDING CONTROL: A Full Building Regulations Application will be required.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Environmental pollution

9. APPRAISAL

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

- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway safety

Design and Impact on the Character of the Area

9.2. Paragraph 56 of the NPPF makes clear that: *the Government attaches great importance to the design of the built environment.* This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale, and massing of buildings.*

9.3. Saved Policies C28 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the street scene.*

9.4. The alterations to the shopfront and installation of the three air conditioning units are partly visible from the highway and public realm and have a visual impact on their surroundings. However, having regard to their nature, design and the shopfront and two air conditioning units the proposal replaces, it is considered that the alterations do not have an adverse impact on the character and appearance of the locality.

9.5. It is therefore considered that the proposal accords with retained Policy C28 of the CLP 1996 and Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Heritage Impact

- 9.6. *Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken.*
- 9.7. *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.”*
- 9.8. For the same reasons above, and having regard to its scale, form, and design, along with the comments of the Conservation Officer, it is considered in this instance that the changes to the building do not harm the character and appearance of the Banbury Conservation Area or the significance of the grade II listed buildings in the vicinity of the site through change to their settings.
- 9.9. It is thus considered that the proposed development complies with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Residential amenity

- 9.10. The proposed development would be well set off the boundaries shared with its adjacent neighbours and, given its nature, scale and spatial relationship with the neighbouring properties, it is considered that the development does not have a material impact on the amenity of the neighbours.
- 9.11. The proposal therefore accords with Policy ESD15 of the CLP 2015 in this regard.

Highway safety

- 9.12. The Local Highway Authority has raised no objections to the proposal, advising that the proposals are unlikely to have any adverse impact on the local highway network from a traffic and safety point of view. Officers agree with this assessment and proposal is therefore considered acceptable in relation to highway safety and parking provision. The proposal accords with Policy ESD15 of the CLP and Government guidance in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITION SET OUT BELOW

Compliance with Plans

1. 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: P2, P6, P7, T3 Rev A, T05 Rev A and email received on (18.11.2020) at 15:07hrs from the applicant's agent (John-Rhys Davies) confirming the omission of the proposed illumination within the shopfront.

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