

Case Officer: Michael Sackey

Applicant: Coffee #1 Ltd

Proposal: Alteration to shopfront, installation of new advertisements, installation of 3 No air conditioning units and other external and internal alterations

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 LISTED BUILDING CONSENT 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 application proposes alterations to the shopfront, internal alterations and other external alterations including the installation of 3no air conditioning units.
- 3.2. There is a concurrent full planning 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02/02569/ADV - 1 No. fascia sign on front elevation REFER TO 03/00734/ADV - application Withdrawn 2 December 2002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. 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.

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

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

7.6. HISTORIC ENGLAND: **No comments**

7.7. 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)

- C18 – Development proposals affecting a listed building
- C21 – Proposals for re-use of a listed building

9. APPRAISAL

- 9.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).
- 9.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 190 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 9.4. Paragraph 193 of the NPPF directs 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.5. The proposals subject of this application comprises both internal and external alterations and repairs, and the replacement of the air conditioning unit. The design and access statement submitted with the application provides the schedule of works proposed.
- 9.6. The internal works consist of new internal layout fits, installation of a serving counter, erection of new stud walls to form toilet, storeroom and office. The other internal works include decorative features and the installation of the new air conditioning units.

- 9.7. The external works including those to the shopfront relate to a new Sapele single door, a projecting sign, relocation of the recycling and wall mounted cigarette bin, a new fascia panel and softwood seeples shopfront with 650 stallriser to be inserted with fixed glazing panels, and the existing shopfront units to be replaced with shutters. The other external works relate to the ironmongery and joinery works painted, the rear ground floor rendered, and the air conditioning units and condensing pipework replaced at the rear of the property.
- 9.8. The internal works do not result in an unacceptable loss of, or alteration to historic fabric. The external works do not cause harm to the appearance of the building nor in any harm to the character of the building or Conservation Area.
- 9.9. Overall, having regards to the nature of the works, the details submitted, and the comments of the Conservation officer, it is considered that the proposals do not cause demonstrable harm to the significance of the Grade II listed building. The development thus accords with retained Policy C18 of the CLP 1996 and Policy ESD15 of the CLP 2015.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal would not cause demonstrable harm to the significance of the Grade II listed building and therefore listed building consent should be granted.

11. RECOMMENDATION

GRANT LISTED BUILDING CONSENT, 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 to preserve the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework