

Case Officer: Laura Kennedy

Applicant: Mr Michael Deacon

Proposal: Change of Use from retail unit to a youth cultural arts space working with young people

Ward: Banbury Cross And Neithrop

Councillors: Cllr Fiaz Ahmed, Cllr Becky Clarke MBE, Cllr Yvonne Greene

Reason for Referral: Application affects Council's own land

Expiry Date: 8 June 2026

Committee Date: 4 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located within Castle Quay Shopping Centre in Banbury town centre. The retail unit was last occupied by Clintons Cards in 2024 and has remained vacant since. The site forms part of an established indoor shopping centre characterised by a mix of retail, leisure and service uses.

2. CONSTRAINTS

2.1 The site lies outside, but in close proximity to, the designated Banbury Conservation Area, the Historic Town Core and Oxford Canal Conservation Area. A number of Grade II listed buildings are located to south-west of the site within Banbury Market Place.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 Planning permission is sought for the change of use of Unit 48 from Use Class E (Commercial, Business and Service) to Use Class F1 (Learning and Non-Residential Institutions).

3.2 The proposed development would facilitate the use of the unit as a Youth Arts Cultural Enterprise Centre, providing a range of community-focused activities including workshops, theatre rehearsal space, and arts-based programmes for young people, as well as activities for children and families.

3.3 The proposal relates to the use of the ground floor area only with a gross internal floor area of approximately 245 square metres. The unit would accommodate approximately 30 visitors per day and would be supported by four full-time equivalent members of staff.

4. RELEVANT PLANNING HISTORY

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

- 96/00923/F - Banbury Town Centre Redevelopment. Redevelopment to form extension of Castle Centre and new covered shopping centre, new link road from Castle Street to Inner Relief Road, car parking, landscaping, and ancillary facilities. Relocate bus station. Permitted 03/04/1997.
- 03/00034/ADV - Rear elevation shop sign (as amended by plans received 30.01.03). Permitted 26/02/2003.
- 03/00035/F - New rear elevation (as amended by plans received 30.01.03). Permitted 26/02/2003.
- 19/00535/CLUP - Certificate of Lawfulness for 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 northeastern elevation facing service yard. Permitted 31/05/2019.

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 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 (amend as appropriate). The final date for comments was 29 April 2026, although comments received after this date and before finalising this report have also been taken into account.

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.

7.2. PARISH COUNCIL: No comments received.

7.3. ENVIRONMENTAL HEALTH (CDC): **No objections** or comments received.

7.4. LICENSING (CDC): No comments received.

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 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 2015)

- ESD15 - The Character of the Built and Historic Environment
- SLE2 – Securing Dynamic Town Centres
- Banbury 7 – Strengthening Banbury Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity

Principle of Development

9.2. The proposal has been assessed against the provisions of the National Planning Policy Framework (NPPF), which seeks to support the vitality and viability of town centres. The site is located in Banbury town centre, within an established shopping centre where a mix of uses are present including retail, restaurants, leisure, and community uses.

9.3. The proposal seeks a change of use from a Class E retail unit to a Class F1 use. Whilst Class F1 uses are not defined as 'main town centre uses' within the NPPF, they are considered to be broadly compatible with the town centre function.

9.4. Policy SLE2 of the CLP 2015 seeks to direct main town centre uses to Banbury, Bicester, and Kidlington. Whilst the proposed use falls outside the NPPF definition of a main town centre use, Officers consider that it represents an appropriate and complementary use within the town centre location.

9.5. Policies SLE2 and Banbury 7 do not preclude other suitable uses within the town centre. In this instance, material considerations include:

- The re-use of an existing vacant unit, which has remained unoccupied since 2024;
- The suitability of the unit in terms of scale and layout to accommodate the proposed use; and
- The positive contribution the development would make to footfall and the vitality of the shopping centre, as well as supporting surrounding businesses

9.6. The proposal would deliver social and economic benefits through the provision of community facilities, whilst bringing an underutilised unit back into active use.

9.7. Therefore, subject to compliance with Policy ESD15, the principle of development is considered acceptable.

Design and impact on the character of the area.

- 9.8. The proposed development relates solely to a change of use and would not involve any external alterations to the building, with the exception of the installation of associated signage. As such, the proposal would not result in any material changes to the appearance of the unit or the wider shopping centre and would not adversely affect the character or visual amenity of the area.
- 9.9. The proposal therefore accords with Policy ESD15 of the CLP 2015.

Residential amenity

- 9.10. The site is located within a predominantly commercial area, and the proposed use would not give rise to significant noise, disturbance, or other adverse impacts on neighbouring occupiers.
- 9.11. The Council's Environmental Health Officer has raised no objections to the proposal. Having regard to the nature of the use and its location within the town centre, the development is not considered to result in any unacceptable harm to residential amenity.
- 9.12. The proposal therefore accords with Policy ESD15 of the CLP 2015.

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

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

Time Limit

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.

Compliance with Plans

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 following approved plan:

- DR-035-P01 Site Location Plan (GBS Architects, dated December 2025)

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.

Use Restriction

3. The premises shall be used a youth cultural arts space working with young people and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the visual amenities of the area and protect the amenities of nearby residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C31 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

INFORMATIVE NOTE

The applicant is advised that any external signage may require separate Advertisement Consent from the Local Planning Authority.

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