

Bicester

Case Officer:	George Smith	Contact Tel:	01295 221899
Applicant:	Grange Farm		
Proposal:	Change of Use and alterations to redundant storage barn and outbuilding to form 4No. single bed flat units		
Expiry Date:	15 th November 2016	Extension of Time:	19 th December 2016
Ward:	Bicester East	Committee Date:	15 th December 2016
Ward Councillors:	Cllrs S. Gaul, R. Mould, and T. Wallis		
Reason for Referral:	Called-in by Cllr Mould on the grounds of overdevelopment and concerns about parking and access		
Recommendation:	Approval		

1. APPLICATION SITE AND LOCALITY

- 1.1 22 Sheep Street is located in the town centre of Bicester. Sheep Street is a pedestrianised shopping street but vehicular access to the site is from the rear, from Backway Road which leads on to Victoria Road. Whilst at the front of the property the façade is of historic value as it retains traditional proportions and features, the rear of the property is far more complex with a variety of outbuildings and extensions. The site is also within Bicester Town Centre and is part of the Primary Shopping Frontage. This application relates to the two storey barn building to the rear, in what is known as Cherry's Yard, and the attached single storey garaging. It is stated in the Design and Access Statement that these buildings have been vacant since the sale of the site in 2011.
- 1.2 The site is located within the Bicester Conservation Area, is in close proximity to Grade II Listed Buildings at 20 and 24 Sheep Street and there are Common Swifts in the area, a Protected Species.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning consent to convert the existing barn and linked garages to residential accommodation. 4 Studio Flats are proposed. The 4 Studio Flats vary between living spaces of approximately 25.2m² to 27m², not including the shower room to each flat. The existing detached garage is proposed to be converted into a 'paved shared amenity area' with 8 cycle parking spaces and bin storage.

3. RELEVANT PLANNING HISTORY

- 3.1. 11/01098/F: Change of Use of existing storage building to residential. APPROVED 1st September 2011 – Consent for the conversion of the application barn into a single residential dwelling with garage
- 3.2. 15/01371/F: Change of use of outbuilding from storage to residential and erection of first floor extension. APPROVED 7th October 2015 – Consent for the conversion of a different outbuilding in the Yard, located to the southwest of the application barn.
- 3.3. 16/00197/F: Regularisation of as built internal layouts (2 flats) and division of one existing flat to form 2 smaller units. APPROVED 28th April 2016 – Consent for the conversion of the flats above the main shopfront onto Sheep Street, (previously consented for 1 flat but was converted as 2, however this change was achieved under Permitted Development) and then from 2 to 3 Flats.
- 3.4. 16/01097/F: Change of Use and alterations to redundant storage barn and outbuilding to form 5 No. single bed flat units WITHDRAWN 3rd August 2016 - Application withdrawn following concerns regarding an unacceptable living environment for future occupiers, as well as harm caused to the Conservation Area.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place 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
- 5.2. No comments have been raised by third parties.

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

- 6.2. BICESTER TOWN COUNCIL: **Objects** – regarding impact on parking and vehicular access.

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections** – inclusion of cycle parking is a welcome addition from the previous submission.

NON-STATUTORY CONSULTEES

- 6.4. CDC ECOLOGY: **No objections** – regarding impact on swifts or bats, providing that a mitigation strategy can be achieved for the swifts. The Officer notes that the barn is highly likely to support swifts, and a conversion like this has the potential to cause harm to swifts if the timing of works to the building is not correct, but also that it has the potential to remove the nesting opportunity in the future. An acceptable mitigation strategy and working methods plan must be submitted to ensure the birds are accommodated.

- 6.5. CDC WASTE & RECYCLING: **Neither objects nor supports** – suggesting that although it is stated that there is adequate waste and recycling storage, this will have to satisfy the local authority that it is accessible and large enough.

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)

- SLE2 – Securing Dynamic Town Centres
- ESD1 - Mitigating and Adapting to Climate Change
- ESD10 – Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Bicester 5 – Strengthening Bicester Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 - Retention of Features Contributing to Character or Appearance of a Conservation Area
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- CDC Guide: Sub Division of Buildings for Residential Use (2011)

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
- Residential amenity
- Highway safety
- Ecology

Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework 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 Framework, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

- 8.3. Paragraph 12 of the Framework notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.
- 8.5. Paragraph 17 states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 8.6. Paragraph B.88 of the Cherwell Local Plan (2011-2031 Part 1) sets out the principle of development in Bicester. Housing development within the District needs only take place in the locations that are most sustainable and must be capable of absorbing this new growth. Town centre locations are supported for housing to create lively centres that are lived in and generate added footfall to support retail and commercial activities.
- 8.7. Policy ESD1 of the Cherwell Local Plan (2011-2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.8. Policy Bicester 5 of the Cherwell Local Plan (2011-2031 Part 1) sets out the principle of development within Bicester town centre. Residential development will be supported in appropriate locations in Bicester town centre except where it will lead to loss of retail or other main town centre uses.
- 8.9. Given the above, it is considered that the principle of dwellings on this site is acceptable, as the development would not lead to a loss of retail or town centre uses as the building is currently not in use and was last used as storage. However, the principle of the proposed development in this case is also clearly dependent on it not causing adverse harm to residential amenities, highways safety or ecology. These issues are discussed below.

Design and impact on the character of the area

- 8.10. Government guidance contained within the Framework 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.
- 8.11. The site is within Bicester Conservation Area and Conservation Areas are designated heritage assets. 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. The more important the asset, the greater the weight should be. 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 loss should require clear and convincing justification.

- 8.12. 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.” It also echoes the advice in the NPPF in respect of the importance of preserving and enhancing designated heritage assets.
- 8.13. 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.
- 8.14. Saved Policy C23 of the Cherwell Local Plan 1996 highlights the presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character and appearance of the Conservation Area.
- 8.15. The applicant proposes a number of external alterations to the existing barn and linked garages, most notably the replacement of the characterful red tin cladding with vertical timber cladding, the insertion of a number of additional openings at single and first floor level, and the removal of the single storey store and replacement with the shared amenity area. It is noted that a previous application (11/01098/F), no longer extant, approved conversion of the building to residential use, including additional openings and replacement of the existing tin walls and roofing with brick and dark red plain tiles, and the introduction of a combined rooflight and window feature built into the front and rear elevations, and a large glazed area above the entrance door. This approved scheme is considered to have resulted in the building having a more overtly domestic appearance.
- 8.16. Officers had concerns with the previous application to convert the building to 5 flats (ref: 16/01097/F) based on its visual impact and the impact on the Conservation Area, considering the type and layout of the fenestration proposed, together with the complicated use of timber boarding of contrasting appearance. The current scheme features a similar style of fenestration, but the number of windows has been reduced, and the timber boarding is now only vertical. The overall result is a much more simple appearance which preserves something of the functional and traditional appearance of the existing building. It is thus considered to have a reduced impact on the Conservation Area, when weighed against what had been consented previously on the site under application 11/01098/F. The current application is considered to have a less domestic appearance than the previous consent, particularly considering the materials used and the size, siting and style of the previously approved fenestration.
- 8.17. Changes proposed to the single storey section of the building include the removal of the metal clad flat roof section, and the replacement of the existing roofline to the garage with slate. Whilst these would be clearly visible from the public domain along the path to the north of the site, it is not considered that these would cause any significant harm to the visual amenity of the site in the context of the Bicester Conservation Area.

Impact on residential amenity

- 8.18. Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1) states that new development proposals should, amongst other matters: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.* Likewise Paragraph 17 of the

NPPF states 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.*

- 8.19. There is no Policy within the Cherwell Local Plan which sets out the Local Planning Authorities guidelines in respect of acceptable amenity space for future occupiers. As such the Nationally Prescribed Space Standard contained within the Planning Practice Guidance is considered the most appropriate starting point for making this assessment. The standards state that the minimum gross internal floor area for a 1 storey, 1 bed dwelling for 2 persons is 50m². All 4 of the flats proposed fall below this minimum standard.
- 8.20. However, this Space Standard does not recognise studio flats, and thus Cherwell District Council's Sub Division of Buildings for Residential Use (2011) guidance should be used to assess the absolute minimum dimensions for room sizes, based on feasible arrangements and space required for furniture and movement. The minimum floor area for a studio flat is 20m², not including additional space for a bathroom in each case. It is considered that the studio flats proposed would thus comply with Cherwell Council's recommended minimum floor area. The acceptability of the proposals in amenity terms is also clearly dependant however, on future occupiers having sufficient levels of amenity regarding outlook and outdoor space.
- 8.21. Given the constrained nature of the building within its plot, the applicant is not able to provide a significant level of outside amenity space for future occupiers. An outside shared space is proposed to the rear of the entrance to the flats, created by the removal of the metal clad flat roof single storey section, but retention of the back wall. The courtyard is considered to be small, and would not offer privacy given its relationship to the surrounding buildings and courtyard. Nevertheless the proximity of the site in relation to town centre uses is also to be taken into consideration, and Garth Park is located approximately 6 minutes' walk from the site. In the context of the town centre location of the site, where a reduced level of outdoor amenity space may be expected, the arrangement as proposed is considered acceptable.
- 8.22. It is not considered that the future occupiers of the properties would have a significant level of opportunities for outlook, and where there are opportunities for outlook, the views are limited. However, this is not atypical of accommodation provided in town centre locations, and each studio flat would benefit from at least three openings, affording some natural light and outlook. This being the case, and on balance, it is considered an acceptable standard of amenity would be provided for future occupiers.
- 8.23. Due to the relationship with surrounding uses and buildings, and considering the building is not proposed to be extended or increased in height, officers are satisfied that the proposal would not result in unacceptable loss of outlook or privacy to neighbouring properties.

Impact on highway safety

- 8.24. The Highways Officer has no objection to this scheme, and commented on the last application at this site that given the sustainable location of the proposed development, the proposals are acceptable in transport terms, but would need to demonstrate an acceptable level of parking provision.
- 8.25. The applicant has now proposed that there will be 8 cycle parking spaces to the rear of the site. The Highways Officer has no objection to this. Whilst no on-site car parking provision is provided, given the small size of the studio flats proposed, and the town centre location, it is considered that the development would promote other,

more sustainable means of transport such as cycling, and access to bus and train services is also readily available within close proximity to the site.

- 8.26. The Cherwell Local Plan 2011-2031 Part 1 seeks to support development that promotes the use of sustainable transport modes and that is not reliant on the private car. This being the case, and in the absence of an objection from the Local Highways Authority, the lack of on-site car parking is considered acceptable.

Ecology

- 8.27. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 8.28. Paragraph 109 of the NPPF states that: *The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible.* This requirement is echoed by Policy ESD10 of the CLP 2031 Part 1.
- 8.29. Common swifts have been recorded within 250m of the site, and during the previous application, a third party consultee had commented that it was believed common swifts were using the barn to nest. The Council's Ecology Officer had thus recommended that whilst there were no objections to the scheme, conditions should be attached to ensure an acceptable mitigation strategy for nesting birds. Conditions for this will be attached to any consent.

Other matters

- 8.30. The Council's Waste & Recycling Officer has recommended that a Section 106 contribution of £106.00 per property should be required. However, planning obligations should only be sought when they meet all of the following tests; necessary to make development acceptable in planning terms, directly related to the development, and fairly or reasonably related in scale and kind to the development. It is not considered that the development would meet the third test given the small number of units proposed, and therefore it is not considered reasonable to seek this contribution by way of a legal agreement.

9. CONCLUSION

- 9.1. The principle of the development is considered to be acceptable. The proposal would not cause detrimental harm to the character and appearance of the area, residential amenity, ecology or highways safety. The proposal is therefore compliant with the policies outlined in section 7 of this report. Overall, the proposal is considered to have no significant adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

10. RECOMMENDATION

10.1. That permission is granted, subject to the following conditions:

Approve, 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 condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, drawing numbers "6122.ROADSIDE.02A" and the Design and Access Statement dated September 2016.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the external roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the timber boarding to be used in the construction of the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

5. The windows and doors shall be constructed from timber and details, at a scale of 1:20 including a cross section and colour/finish, shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a full mitigation strategy which is informed by a survey for swifts and other nesting birds carried out by a qualified

ecologist, and which shall include details of the location and design of alternative nest sites to be provided and timing of works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the alternative nesting sites shall be provided in accordance with the approved document.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

7. No works to, or demolition of, buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site during development.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use or occupation of the development hereby permitted the covered cycle parking facilities shown on the approved plans shall be provided, and shall be permanently retained and maintained for the parking of cycles in connection with the development thereafter.

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.

PLANNING NOTES

1. Cherwell District Council's guidance for bin storage is 1.4sqm per dwelling, and thus the bin store area will need to be a minimum of 4.6sqm to serve the 4 flats. If further advice and guidance is required this can be found on the Cherwell District Council website using this link:
<http://www.cherwell.gov.uk/index.cfm?articleid=1735>