

**Case Officer:** Emma Whitley

**Applicant:** Miss Kim Swallowe

**Proposal:** RETROSPECTIVE - Adaptation to eastern boundary to improve privacy for both residents and neighbours. The existing boundary consists of two limestone walls that sit either side of a taller timber fence. The proposal seeks to retain the existing limestone walls but to increase the height of these by attaching new, higher quality timber panels together with the removal and replacement of the existing fence section to match

**Ward:** Bicester South and Ambrosden

**Councillors:** Councillor Cotter, Councillor Pruden and Councillor Sames

**Reason for Referral:** Cherwell District Council application

**Expiry Date:** 11 May 2022

**Committee Date:** 19 May 2022

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**SUMMARY OF RECOMMENDATION: DELEGATE POWERS FOR PLANNING PERMISSION TO BE GRANTED SUBJECT TO: (i) NO NEW MATERIAL PLANNING CONSIDERATIONS BEING RAISED BEFORE THE EXPIRY OF THE CONSULTATION PERIOD; (ii) AND CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is situated within the built-up area of Bicester and has good accessibility to services and facilities and employment opportunities. The site was previously occupied by Bicester Old Library but is now occupied by three residential dwellings.

**2. CONSTRAINTS**

2.1. The application site is adjacent to Bicester Conservation Area, within the setting of a number of listed buildings and is in an area of high archaeological interest.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The applicant seeks retrospective planning permission for the erection of a timber fence located either side of existing limestone walls. The fence has a maximum height of 3 metres and is proposed due to the nature of the scheme which requires specific and carefully considered design treatments to maintain the wellbeing of residents.

**4. RELEVANT PLANNING HISTORY**

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

Application: 20/02230/DEM  
Prior Approval Granted 21 September 2020  
Demolition of redundant library building

Application: 20/02405/F

Permitted 7 October 2021

Erection of terrace of 3no affordable housing units on site of dis-used library

## **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 **24 May 2022**. At the point this report was written there was 1 objection, no submissions of support and no comments received.,

6.2. The comments raised by third parties are summarised as follows:

- Fence could result in noise reverberations
- Detrimental impact to appearance and access to light of Old Place Yard
- Fixings will be detrimental to appearance of wall
- Fence will further prevent integration with existing residents (as was initial intention of project) and resembles a secure unit
- Overall project continues to cause significant distress and have a negative impact on the surrounding community

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **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.

BICESTER TOWN COUNCIL – No objection to this planning application.

ARCHAEOLOGY (OCC) – No objections.

CONSERVATION (CDC) – Comments: Due to the nature and the location of the proposal it is considered that the works will not affect any designated heritage assets and therefore it is not considered necessary for us to provide detailed comments at this time.

## **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

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

- C28 – Layout, design and external appearance of new development
- C30: Design of new residential development

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)
- Bicester Conservation Area Appraisal 2011

## 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
- Other matters

#### Design, and impact on the character of the area

9.2. The fence runs along the rear boundary of the application site, which also forms the side boundary to No. 28 Old Place Yard. A large proportion of the fence is obscured from the public realm as it is predominantly screened by the other fencing. The additional height of the fence, compared with a standard fence, is therefore not apparent outside the site.

9.3. The neighbour's comments are noted with regards to the fixings to the limestone wall. However, these fixings are not visible in the public realm and as such, officers consider that this element does not result in detrimental harm to the character of the area.

9.4. It is considered that the proposal does not have a detrimental impact on the character and appearance of the area and therefore, it is considered that the proposal complies with Policy ESD 15 of the CLP 2015 and saved Policies C28 and C30 of the CLP 1996 and the relevant guidance in the NPPF.

#### Heritage impact

9.5. The site is located outside but adjacent to the Bicester Conservation Area and in the setting of a number of listed buildings including the Grade II listed dovecote immediately to the west of the site and Grade II listed dwellings in Church Lane to the north.

9.6. The proposed works are considered to have a neutral impact on the character and appearance of the Conservation Area given that the fence is sufficiently well screened and will not result in less than substantial harm to the significance of the nearby heritage assets (i.e. the adjacent listed buildings and conservation area) by reason of an impact on their settings as it will not be viewed in the same context of the listed

buildings. Further, no objections were raised by the Council's Conservation Officer with regards to the proposed fence.

- 9.7. The site is located in an area of considerable archaeological interest, as it was formerly occupied by the medieval Bicester Priory. However, as the development had limited below ground impacts, the County Archaeologist raised no comments or concerns.
- 9.8. In respect of its impact on the historic environment, the proposal is therefore to comply with Policy ESD15 of the CLP 2015 and saved Policies C28 and C30 of the CLP 1996 and the relevant guidance in the NPPF.

#### Residential amenity

- 9.9. The only neighbouring residents directly affected by the fence are the occupiers of 28 Old Place Yard with the fence forming one of their side boundaries. As these neighbours are on higher ground, approximately 0.7 metres, than the application properties, the impact of the fence is of little difference to a standard 2 metre high fence.
- 9.10. The additional privacy and security afforded by the fence offsets any harm to the occupiers of the application properties of the 3 metre high fencing at the end of their gardens.
- 9.11. Officers note a comment from a neighbour with regards to the fence resulting in some noise reverberations. The Council's Environmental Health Officer advised that this was not the case and that the fence would reduce noise breakout from the application site, which is of benefit to the immediate neighbouring residents.
- 9.12. The proposal is therefore considered to comply with saved Policy C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and guidance contained within the NPPF in respect of its impact on residential amenity.

#### Other matters

- 9.13. Whilst it has been suggested that the fence has a negative impact on the residents' integration into the community, the same would be true of any boundary fence that was above head height.
- 9.14. Officers note neighbour concerns with regards to the wider project of Priory Mews, however officers can only assess the impact of this proposal.

### **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

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION SUBJECT TO NO NEW MATERIAL PLANNING CONSIDERATIONS BEING RAISED BEFORE THE EXPIRY OF THE CONSULTATION PERIOD AND SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

### CONDITIONS

#### **Compliance with Plans**

1. Except where otherwise stipulated by conditions attached to this permission, the development shall remain in accordance with the information contained within the application form and the following approved plans: Site Location Plan received by the Council on 16 March 2022, Site Plan – extent of Boundary received by the Council on 14 March 2022 and drawing number 012/21 Rev B (Proposed Site Plan/ Elevations).

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.

2. The fence shall be stained to match that of the existing front boundary fence and in accordance with the proposed fence treatment picture within drawing number 012/21 Rev B.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.