

Case Officer: Rebekah Morgan

Applicant: Haithwell Ltd

Proposal: Conversion of part of the first and the second floor to residential together with a set-back rear extension at second floor and a lightwell formed at first floor providing 10 flats, with retention of the ground floor and part of the first floor as a commercial unit

Ward: Bicester East

Councillors: Cllr. Tom Beckett, Cllr. Donna Ford and Cllr. Rob Parkinson

Reason for Referral: Major development

Referral:

Expiry Date: 12 July 2024

Committee Date: 11 July 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS, THE RESOLUTION OF THE DRAINAGE OBJECTION AND SUBJECT TO A SECTION 106 AGREEMENT TO SECURE FINANCIAL CONTRIBUTIONS.

1. APPLICATION SITE AND LOCALITY

- 1.1. The application property is a three storey, mid-terrace building located on Sheep Street (pedestrianised shopping area) in Bicester. The property is a long and narrow building with the second-floor element only comprising a small section at the front of the building. The property currently has a retail unit on the ground floor and the remainder of the building is used for commercial uses in connection with the retail unit.
- 1.2. When viewing the property from the front, the ground floor is a modern shop frontage with retail signage. The first and second floors are finished in buff coloured concrete panels with large windows.
- 1.3. The rear of the property is finished in red brick with a split elevation. One section includes a loading bay area with a blank elevation above. The projecting section includes access doors and windows.
- 1.4. To the rear is a carpark/delivery area that is surfaced in concrete with brick boundary walls.

2. CONSTRAINTS

- 2.1. The following constraints apply to the site:
 - The site lies within the Bicester Conservation Area
 - The adjacent building is a Grade II Listed Building
 - The site is situated within Bicester town centre with the ground floor retail premises being primary shopping frontage
 - The site is within an area identified as potentially contaminated land
 - The site is within an area of archaeological interest

- Notable and protected species are identified within the area

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is seeking consent to extend and convert part of the building to create 10 flats. The flats would be accessed from the existing car park area of the building, with a separate entrance lobby created on the ground floor. Bin storage and cycle parking (20 cycles) would be provided within the lobby area.
- 3.2. Part of the first floor (front section overlooking Sheep Street) would be converted to create 3 flats and a courtyard area for flat 3. The existing second floor, which only covers the front part of the building, would be converted into 4 flats. Towards the rear of the building on the second floor an extension is proposed to create 3 flats. The roof section between the existing second floor and the proposed extension would be used to create a roof terrace.
- 3.3. The proposed extension on the second floor is set back slightly from the existing rear elevation to enable the creation of small terraces/balconies.
- 3.4. The proposal comprises 10 flats comprising a mix of 7 x studio apartment, 2 x 2-bedroom apartment and 1 x 1-bedroom apartment.
- 3.5. The majority of the ground floor (with the exception of a new entrance lobby and amended staircase) and part of the first floor would be retained for commercial use, including the retail element on the ground floor.

4. RELEVANT PLANNING HISTORY

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

09/00884/F: New customer entrance and shop front including new signage, punched and glazed roller shutter to entrance lobby and air conditioning system. APPROVED.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

23/01510/PREAPP: Pre-application submission for the proposed conversion of the first and second floors to residential together with a set-back rear extension at second floor and a lightwell formed at first floor providing residential 16 units with retention of the ground floor commercial unit.

23/02952/PREAPP: Proposed conversion of part of the first and the second floor to residential together with a set-back rear extension at second floor and a lightwell formed at first floor providing 10 flats with retention of the ground floor and part of the first floor as a commercial unit (follow-up to 23/01510/PREAPP).

- 5.2. The principle of development was supported as the proposal retained the existing retail use whilst providing additional housing. The design approach was considered to be acceptable. The proposal was unlikely to impact on the amenity of neighbouring properties and the amenity of future occupiers had also been adequately considered. Guidance was provided on requirements for cycle parking.

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 **27 February 2024**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:
- Balcony would overlook neighbouring properties
 - Impact on light
 - Backway Road (where the development would be accessed) is an unadopted road
 - Impact of construction traffic on the road surface
 - Access not suitable for construction traffic
 - Disruption of construction
 - Risk that construction activity could damage heritage walls in the area
 - No car parking provision
 - Access for emergency vehicles
 - The surface road has no lighting and is not suitable for pedestrians
 - The design will be very different to the other properties in the area
 - Concerns they would be used as short term lets
 - Impact on value of neighbouring properties
- 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BICESTER TOWN COUNCIL: Strong concerns due to:
- Overdevelopment of Backway Road
 - Backway Road is a private service road which needs to be adopted
 - There are no street lights
 - Footpath will need to be enhanced
 - Front of the development needs readdressing
 - Balconies at the rear of the site will impact on neighbouring residents privacy
 - Limited parking for residents
 - Poor quality housing may result in a reduction in natural light for residents
 - Close proximity to the White Hart may result in noise pollution

CONSULTEES

- 7.3. OCC HIGHWAYS: **Objection**, more information is required to show the functionality and the accessibility of the proposed cycle storage.

Car Parking:

The site is located within a sustainable location and is within walking distance to frequent public transport networks and essential amenities. It therefore qualifies as a site suitable for car-free development.

Cycle Parking:

The Design and Access Statement states that there is to be a provision of 20 cycle spaces to accommodate for the 10 units proposed on site. The current OCC Standard

for cycle parking provision is 2 spaces per bedroom, there are 12 bedrooms proposed on site and the provision must be amended to 24 cycle spaces.

Plans must be submitted to show the function of the double stacked cycle parking infrastructure, OCC policy outlines that double-stacked cycle parking is not desirable due to accessibility reasons, however it is acceptable in certain circumstances. Given the constraints of the site it can be considered acceptable under this proposal, but diagrams demonstrating its accessibility and function must be submitted to ensure it is appropriate. A plan must also be submitted showing the access to the highway from the cycle store.

- 7.4. LEAD LOCAL FLOOD AUTHORITY: **Objection**, insufficient information has been submitted.
- 7.5. OCC EDUCATION: **No objection** Due to the nature of this application, generating very low pupil numbers, no Section 106 contributions towards education provision will be sought in this instance.
- 7.6. OCC ARCHAEOLOGY: **No Objection** The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 7.7. OCC WASTE MANAGEMENT: **No objections** subject to a financial contribution towards household waste and recycling centres.
- 7.8. THAMES WATER: **No objection** On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 7.9. THAMES VALLEY POLICE DESIGN ADVISOR: Detailed comments have been provided relating to crime prevention features that should be incorporated within the development. A condition is requested requiring the development to meet Secured By Design standards.
- 7.10. BICESTER BIKE USER GROUP:

Bicester Bike Users' group supports plans to create housing close to Bicester town centre, which gives easy access to rail and bus services as well as making active travel by foot or cycling a good option. However, the proposed cycle parking facilities do not meet current guidelines. Please see details below.

The number of cycle parking spaces in the plans is in line with current OCC guidance (two per bedroom) but the proposed provision appears to be a two tier system, which can be difficult to use and is of no value to riders of vehicles which deviate from the typical design. Cargo bikes and three wheeled vehicles are increasingly being seen in Bicester, whose flat terrain is well suited to them. OCC guidelines on parking follow national standards set out in government guidance (LTN1/20) in stating that two tier stands are of limited value and that Sheffield Stands, with a separation from walls and one another specified in LTN1/20 to allow the convenient parking of a wide range of cycles, should be used (Parking Standards For New Developments Section 4.11 page 6). Specifically, "double decked or vertical cycle parking should not be used unless agreed by OCC in specific circumstances". In order to comply with local and national

guidelines the outside part of the residents' entrance may need to be modified to create adequate space for user friendly cycle parking.

- 7.11. CDC ENVIRONMENTAL PROTECTION: No comments relating to contaminated land, air quality, odour or light.

Noise: Having read the noise report provided I am satisfied with its contents and findings. I would recommend that the following condition be placed on any permission granted:

Prior to the first occupation of the residential dwellings all mitigation as laid out in the noise report (Clement Acoustics ref 18824-EBF-01, dated 21st December 2023) shall be in place and confirmation sent to the LPA. Thereafter this mitigation shall be maintained in accordance with the approved details.

- 7.12. CDC CONSERVATION: **No objections**, the property is located within a conservation area and is adjacent to a Grade II Listed Building. Due to the nature of the building and the proposals, little will change when viewed from the front and the extensions are not considered to be detrimental to the character of the building. The proposals are not considered to result in harm to the significance of the Listed Buildings through development within their setting or the conservation area.

- 7.13. CDC HOUSING: No comments received.

- 7.14. CDC ECOLOGY: Preliminary Roost Assessment (PRA) was provided by Daniel Ahern Ecology in January 2024. The PRA classified the building as negligible for roosting bats and recommended that at least two bat boxes and an insect brick are installed on site to enhance biodiversity.

I would recommend that we condition a Biodiversity enhancement plan. This should include the bat bricks and insect bricks recommended in the PRA. I would also encourage the Biodiversity enhancement plan to include some greenery on the roof terrace. There are lots of way to enhance the roof terrace for biodiversity which would also benefit the residents of the new flats. Additionally, due to records of swifts in the area, I would recommend that two swift bricks/boxes are installed as high as possible on the east elevation.

- 7.15. CDC WASTE AND RECYCLING: No comments received.

- 7.16. CDC PLANNING POLICY: No comments received.

- 7.17. CDC BUILDING CONTROL: The proposed work is subject to the Building Regulations and will require approval. The Fire & Rescue Service will need to be consulted on fire safety matters in addition to the Building Control body.

Note that the plans show deviations from the approved documents in respect of fire safety matters, which could be regarded as non-compliances. These include: the siting of the waste bin storage adjacent to the escape route; excessive travel distances from the entrance doors of the flats to the protected stair lobbies; lack of smoke ventilation in the protected stair lobbies and corridors.

- 7.18. BICESTER DELIVERY TEAM: 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)

- PSD1: Presumption in Favour of Sustainable Development
- SLE2: Securing Dynamic Town Centres
- BSC1: District Wide Housing Distribution
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- BIC5: Strengthening Bicester Town Centre
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design Control
- ENV1: Development likely to cause detrimental levels of pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Bicester Conservation Area Appraisal
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

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 and impact on heritage assets
- Residential amenity
- Transport and highway safety
- Drainage
- Ecology and biodiversity
- Other matters
- Affordable housing and planning contributions

Principle of Development

- 9.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 9.3. Paragraph 12 of the NPPF 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.
- 9.4. Policy PSD1 contained within the CLP 2015 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.5. Policy Bicester 5 of the CLP 2015 states that '*residential development will be supported in appropriate locations in Bicester town centre except where it will lead to a loss of retail or other main town centre use*'. It goes on to state '*residential development will be encouraged within the primary shopping frontage above ground floor level*'.
- 9.6. The NPPF supports this approach to residential development in town centres with paragraph 90 (f) stating that planning policies should '*recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites*'.
- 9.7. The submitted plans show that the existing large retail unit at the ground floor level would be retained with a mixture of storage (associated with the retail unit) and residential units proposed on the first and residential units proposed on the second floor of the building. The site is within an area defined as 'primary shopping frontage', therefore this approach to the use of the building is consistent with Policy Bicester 5 of the CLP 2015.
- 9.8. The site is well connected to local transport routes and ideally located for future occupiers to utilise opportunities for active travel. Being in the town centre, there is easy access to local amenities including shops and community facilities. The location of the site is considered to be sustainable and the principle of residential development is acceptable, subject to the other material planning considerations set out below.

Design, impact on the character of the area and impact on heritage assets

- 9.9. The site is within the Bicester Conservation Area and the neighbouring building is a Grade II listed building.

Policy Context

- 9.10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*.
- 9.11. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...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. Therefore, significant weight must be given to these matters in the assessment of this planning application.

- 9.12. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 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 (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.
- 9.13. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 139 of the NPPF states that *'development that is not well designed should be refused, especially where it fails to reflect local design policies and national guidance on design'*.
- 9.14. Paragraph 135 of the NPPF states that planning policies and decision should ensure that developments:
- a) *Will function and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *Are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging innovation or change (such as increased densities);*
 - d) *Establish or maintain a strong sense of place, using arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 9.15. Policy ESD15 of the CLP 2015 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."* The Cherwell Residential Design Guide SPD also encourages development which is locally distinctive and the use of appropriate materials and detailing, but states that new development should avoid the creation of 'anywhere places' which do not respond to local context.

- 9.16. Policy C28 of the CLP 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.
- 9.17. The Cherwell Design Guide (2018) also states that new development should avoid architectural focus on individual buildings rather than the overall street composition. The SPD goes on to state that individual buildings should be designed to relate well to their neighbours, creating a harmonious overall composition and work with site conditions.

Appraisal

- 9.18. The main part of the application is seeking to convert the upper floors of the existing building and this element of the work would have only limited external changes. The application does include a proposal to add a section to the second floor and this would be the largest external change to the building.
- 9.19. The front elevation of the building faces onto the pedestrianised shopping area in Bicester town centre. The ground floor has a modern 'shop front' with the front of the upper floors being finished in concrete panels (to give a type of stone effect). The only proposed changes to the front elevation are the replacement of some of the windows and the replacement of the infill panels below the second-floor windows. These changes are minor and will not alter the overall character of the building.
- 9.20. The main external changes would be on the rear elevation of the building. The proposal includes the addition of two windows at first floor level and the addition of an upward extension to create an additional section on the second floor and would increase the height of the building by approximately 3.2m. The extension would be set back from the existing rear elevation by approximately 3.6m with the provision of balconies.
- 9.21. The design of the extension is a simple, flat roof addition that would be constructed in brick to match the existing building. The proposal includes large glazing and balconies that would give a more domestic appearance in contrast to the existing functional design that reflected the commercial nature of the site.
- 9.22. The application site is within the Bicester Conservation Area. The site is within the 'Sheep Street' character area which is characterised by predominantly three storey buildings facing onto the main shopping street. The appraisal notes the original burgage plots are still discernible; these are the long thin plots including the application site.
- 9.23. When viewed from the rear, many of the properties on Sheep Street, including the application site, have been altered with modern alterations/extensions to accommodate the commercial nature of the retail units which has resulted in a mixture of designs. Therefore, the proposed development would not appear out of keeping within this context.
- 9.24. The Council's Conservation Officer has advised that *'due to the nature of the building and the proposals, little will change when viewed from the front and the extensions are not considered to be detrimental to the character of the building. The proposals are not considered to result in harm to the significance of the Listed Building through development within their setting or the Conservation Area'*.
- 9.25. In conclusion, the proposed development would not be detrimental to the character of the area, would not be detrimental to the character and appearance of the Bicester Conservation Area and would not cause harm to the setting of the neighbouring listed

building. As such, the proposal complies with saved Policy C28 of the CLP 1996, Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Residential amenity

- 9.26. Paragraph 135 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.27. Policy ESD15 of the CLP 2015 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.28. The proposal includes the addition of a second floor extension with balconies and additional first floor windows facing northeast. The nearest residential property is approximately 26m from the existing building (front of the property faces the application site); this accords with the Council's Residential Design Guide which suggests a minimum distance of 22m between properties to safeguard from direct overlooking.
- 9.29. Some views may be gained on neighbouring gardens, but this would not be dis-similar to the existing relationship between properties in the area and is not considered to be harmful.
- 9.30. Although the proposal adds an additional storey to the rear of the existing building, there is sufficient distance to the neighbouring properties that the proposal would not appear overbearing or impact detrimentally on the general outlook from the residential properties.
- 9.31. With regards to amenity for future occupiers, The Governments 'Technical housing standards – nationally described space standard' guidance sets out minimum requirements for dwellings and the proposed flats comply with the minimum space standards set out in this guidance. The flats are laid out in a manner that would not result in direct overlooking between the flats. Those flats that have windows facing onto the communal space have a small amount of defensible around the windows that could be protected by fencing.
- 9.32. Outdoor space has been provided in the form of roof top terraces and balconies. Some of the space is associated with individual flats and a larger communal space is provided on the second floor. The space is secure and could only be accessed by residents of the flats. The provision of some outdoor space is a benefit for town centre flats.
- 9.33. The proposal would not have a detrimental impact on the residential amenity of neighbouring properties and would provide suitable standards of amenity for future occupiers of the development. The proposal would comply with Policy C30 of the CLP 1996, Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Transport and highway safety

- 9.34. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: "*Be designed to deliver high quality safe...places to live and work in.*"

9.35. Oxfordshire County Council's document '*Parking Standards for New Developments*' states that OCC fully support the concept of car free developments and sets out the following criteria:

- a) *the proposed site is located within, or on the edge of a city/town with (or will be provided with) parking restrictions imposed within its vicinity.*
- b) *the site has access (or will be provided with) excellent connections to pedestrian and cycle infrastructure and should be within 400m direct walking distance of frequent (15-20min) public transport services.*
- c) *the site is to be located within 800m walking distance to a range of local amenities and services.*
- d) *consideration is to be given to parking provisions for people with impaired mobility.*

9.36. The Highways Officer has advised the proposal meets the criteria for a car free development. The site is suitable located within the centre of Bicester with good access to walking/cycling infrastructure, public transport and local amenities.

9.37. The site is accessed from the rear of the building. The existing loading/parking area is served by a private road (Backway Road) off Victoria Road. There is a section of pedestrian footway (however, third parties have advised this was provided by the owners of a property on Backway Road) that connects to the footway on Victoria Road. The distance from the site to Victoria Road is approximately 40m with good visibility. The road is also already used by pedestrians to access other residential properties. The access is considered to be suitable for pedestrians and cyclists.

9.38. The Highways Officer has raised concerns regarding the number of cycle parking spaces and the use of a two-tiered storage rack. The applicant proposes provision for 20 cycles for the 10 flats. OCC guidance suggests 2 cycle spaces per bedroom which would require 24 cycle spaces for the development. The proposal includes studio flats and the plans suggest accommodation for a total of 16 occupants, therefore the small shortfall in provision is considered to be acceptable as this still exceeds 1 bike space per occupant. The plans show the cycle parking to be provided within an enclosed, secure area and full details of the bike stand can be secured via condition.

9.39. The proposal is suitable as a car free development and provides sufficient pedestrian/cycle access for the site. The proposal would not cause harm to the safety and convenience of highway users in accordance with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Drainage

9.40. Policy ESD7 of the Cherwell Local Plan 2015 states '*All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off*'.

9.41. Paragraph 175 of the NPPF states: '*Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The system used should:*

- a) *take account of advice from the lead local flood authority;*
- b) *have appropriate proposed minimum operational standards;*
- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*

d) *where possible, provide multifunctional benefits*'.

9.42. The Lead Local Flood Authority has raised an objection due to insufficient information relating to surface water drainage. The application site is an existing building, and the proposal includes a second floor extension, however the overall amount of the site covered with buildings would not increase, therefore it is anticipated the applicant will be able to overcome this objection. Additional information has been requested, which will be re-consulted upon. The recommendation below reflects this issue; any approval would be subject to the resolution of the drainage objection.

Ecology and biodiversity

9.43. Paragraph 180 of the NPPF states that *Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

9.44. Policy ESD10 seeks to protect and enhance biodiversity and the natural environment, by achieving a net gain in biodiversity, through supporting developments which incorporate features to encourage biodiversity.

9.45. It should be noted that this application was submitted prior to the introduction of the mandatory biodiversity net gain requirements.

9.46. The application seeks to primarily convert an existing building with the small addition to the second floor. A Preliminary Roost Assessment (PRA) was submitted with the application, which classified the building as negligible for roosting bats. The report recommends that bat boxes and insect bricks are installed on site to enhance biodiversity.

9.47. The Council's Ecologist has assessed the submitted information and raises no objections to the proposal. They note there are lots of ways to enhance the roof terrace for biodiversity and recommends the installation of swift bricks/boxes due to the record of swifts in the area.

9.48. A condition is recommended requiring the submission of a biodiversity enhancement and management plan. This can capture the recommended bat boxes, insect bricks, swift bricks/boxes and consider the potential for other biodiversity enhancements within the roof terrace.

9.49. The proposal would not result in demonstrable harm to protected species and biodiversity enhancements can be secured via a planning condition. Therefore, the proposal complies with Policy ESD10 of the CLP 2015 and Government guidance contained within the NPPF.

Other matters

9.50. Thames Valley Policy Crime Prevention Advisor has appraised the scheme and provided detailed comments on Secured by Design features that could be incorporated within the scheme. Concerns were raised regarding the roof top terrace area and the risk of anti-social behaviour; however, this area is only designed to be accessible by residents and has the benefit of providing outdoor amenity space for the flats. Those properties facing onto this area will have protected space around their windows to prevent overlooking. Conditions can be used to secure the details of the

communal space and to ensure appropriate Secured by Design features are provided within the development.

Affordable housing and planning contributions

- 9.51. Policy BSC3 of the CLP 2015 sets the thresholds for the provision of affordable housing. Within Bicester the threshold is 11 or more dwellings; therefore, as the proposal is for 10 dwellings, the application is not required to provide affordable housing.
- 9.52. A planning contribution has been requested by Oxfordshire County Council towards the expansion and efficiency of Household Waste Recycling Centres (HWRC) capacity. Justification has been provided to support the request and calculations demonstrating how the total contribution was reached. A total of £940 (index linked) has been requested.
- 9.53. Cherwell District Council, Communities and Leisure Team has requested contributions towards the following:
- Community Hall facilities: Bicester East Community Centre and/or a community centre in the locality. A total of £11,020.08 (index linked) has been requested.
 - Outdoor Sports Provision: Off-site contribution towards the provision of a 3G football pitch in Bicester to meet a need that has been identified in the recent Playing Pitch Strategy. A total of £20,170.30 (index linked) has been requested.
 - Indoor Sports Provision: Off-site contribution towards improvements at Bicester Lesisure Centre, specifically the provision of an additional pool. A total of £8,047.68 (index linked) has been requested.
- 9.54. The contributions requested have been justified and are required to make the development acceptable. The requests are considered to meet the tests for contributions set out in the PPG 'Planning Obligations'. Therefore, the contributions are being sought and would be secured through a Section 106 agreement.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The development would be located within a sustainable location within the town centre of Bicester. The site is close to good public transport links, there is suitable access for pedestrians and cyclist which would encourage the use of active travel methods. The site is close to local amenities including shops, leisure and community uses which would be easily accessible for future residents. The development would provide 10 additional dwellings which would contribute to the District's Housing Land Supply.
- 10.3. The application proposes residential units above the existing retail units which would contribute to the vibrancy of the town centre by bringing new residents to the area, whilst retaining the retail uses and associated jobs. The construction work would also provide short term additional employment in the area contributing to the local economy.
- 10.4. The design of the development is considered acceptable and would not have a detrimental impact on heritage assets. The design and layout are compatible with the surrounding properties and would not detrimentally affect the neighbouring properties.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO

- THE RESOLUTION OF THE DRAINAGE OBJECTION
- THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY), AND
- THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991:
 - a) Payment of a financial contribution towards the expansion and efficiency of Household Recycling Centres (HWRC) of £940 (index linked)
 - b) Payment of a financial contribution towards Community Hall Facilities of £11,020.08 (index linked)
 - c) Payment of a financial contribution towards Outdoor Sports Provision of £20,170.30 (index linked)
 - d) Payment of a financial contribution towards Indoor Sports Provision of £8,047.68 (index linked)

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 conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:

- Planning, Heritage, Design and Access Statement dated January 2024
- Preliminary Roost Assessment prepared by Daniel Ahern Ecology dated January 2024
- External Building Fabric Assessment (noise assessment) prepared by Clement Acoustics, reference 18824-EBF-01 dated 21 December 2023
- Drawing number 22.1353/011 – [Site Location Plan]
- Drawing number 22.1353/015 – [Proposed Block Plan]
- Drawing number 22.1353/003 Rev C – [Proposed Ground Floor Plan]
- Drawing number 22.1353/004 Rev B – [Proposed First Floor Plan]
- Drawing number 22.1353/005 Rev A – [Proposed Second Floor Plan]
- Drawing number 22.1353/008 Rev A – Proposed Rear Elevation]
- Drawing number 22.1353/013 Rev A – [Proposed rear elevation from side road (off Victoria Road)]
- Drawing number 22.1353/010 – [Proposed Front Elevation]
- Drawing number 22.1353/007 Rev A – [Proposed Section A-A]
- Drawing number 22.1353/014 – [Proposed Front Elevation (B-B, C-C)]

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.

3. The materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building.

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.

4. Prior to the commencement of works above slab level in respect of the development the development hereby approved, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
 - b) details of the hard landscaping including hard surface areas,
 - c) details of the enclosures within the communal rooftop terrace area,
 - d) details of any fixed furniture within the communal rooftop terrace area.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and 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.

5. The development shall not be occupied unless and until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out strictly in accordance with the approved schedule and shall be retained as such thereafter.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies ESD13 and 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.

6. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (member of the IEEM or similar related professional body) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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. A method statement for enhancing the biodiversity (including bat boxes, swift brick/boxes and other enhancements within the rooftop terrace) shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity from any loss or damage and to seek biodiversity enhancements in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. The development hereby approved shall not be occupied until details of how Secured by Design measures have been incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include: details of all bedroom doors being certified to PAS24, with a door viewer installed; details of a secure postal strategy; and details of a visitor notification system (doorbell) for each bedroom. The Secure by Design measures shall be implemented in accordance with the approved detail and be retained and maintained in perpetuity.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the residential dwellings all mitigation measures as set out in the noise report (Clement Acoustics ref 18824-EBF-01, dated 21st

December 2023) shall be implemented. Thereafter this mitigation shall be maintained in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Rebekah Morgan