

**Site Address: The Plough Inn,
63 North Street, Bicester, OX26 6NB**

15/01340/F

Ward: Bicester Town

District Councillors: R Mould and D Pickford

Case Officer: James Kirkham

Recommendation: Approval

Applicant: Green King PLC

Application Description: Alter height of and replace front elevation windows and replace one of the windows with a door. Pave and fence off existing recessed external area to create courtyard/garden

Committee Referral: Member Request

Committee Date: 29 October 2015

1. Site Description and Proposed Development

Site Description

- 1.1 The application site is The Plough Inn Public House located on North Street in Bicester. The area has an urban character and the town centre lies approximately 220 metres to the south of the site. The immediate area is predominantly residential however there are a number of commercial uses in the locality particularly to the south of the site closer to the town centre.
- 1.2 The main entrance to the pub exists from North Street. There is parking located off Field Street where there is also an access to the pub. The main part of the application property is a 3 storey limestone building set back from North Street. A single storey flat roof extension has been added to the front of the building (North Street) at some time in the past and this is set back from the edge of the North Street pavement. The surrounding properties are a mix of predominantly 2 storey residential properties.

Proposed Development

- 1.3 The current proposal seeks planning consent to erect a 1.1 metre high cast iron fence to the front (North Street) of the property to enclose the area of space which currently exists between the front of the single storey flat roof extension and the edge of the pavement. This area is approximately 1.8 metres deep by 10.6 metres wide. The area would be paved with slabs to form a small courtyard area.
- 1.4 The current application also proposes to alter the 3 casement windows on the front elevation of the single storey element of the building fronting onto North Street. It is proposed to remove the middle window and replace this with a solid set of doors to provide a new entrance to the building. The cill level of the two other windows would be lowered and a new larger timber sliding sash window would be inserted.
- 1.5 During the course of the application amended plans have been received which improve the appearance of the changes to the fenestration. These include the provision of a central solid timber panel door rather than glazed doors and amendment to the windows to have sash windows with a more vertical emphasis. The amendments have also altered the proposed railings to a province style cross railing and the inclusion of some landscaping.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is 10th October 2015. 1 letter has been received. The following issues were raised:
- Impact of alterations on character and appearance of conservation area
 - The enclosed area will attract noise and disturbance to neighbouring properties
 - The pub has to have its windows and doors closed when there is a function on.
 - The pub already has a large car park and outdoor seating area to the rear

3. Consultations

- 3.1 BICESTER TOWN COUNCIL: **No objections** but there are concerns that the new window heights may not be in keeping with the building.

Cherwell District Council Consultees

- 3.2 COUNCILLOR PICKFORD (BICESTER TOWN WARD): Requests this application comes to committee, due to conservation area, noise and impact on the neighbours especially elderly residents opposite.
- 3.3 CONSERVATION OFFICER (conservation comments made in respect of the original proposals and prior to receipt of amended plans):
- 3.4 North Street is in need of improvement generally, original windows and doors have been lost and refuse bins line the street.
- 3.5 The Plough Inn does not address the street and there is no strong entrance which is highly desirable for any commercial business. The Plough Inn would have been a handsome three storey, symmetrical limestone building of some status amongst the two storey terraced cottages that surround it. The original building is set back from the street with an unfortunate single storey flat-roofed extension to the front of the property which is also set back from the pavement. Further extensions have been added to the rear fronting Field Street, there is an outside courtyard area and a car park accessed from Field Street. The existing extension to the front of the property and loss of original fenestration has already caused harm to the building and the Bicester Conservation Area.
- 3.6 The current proposal has been submitted with the intention of improving the character and appearance of the building: The proposals include the lowering of existing window cills and the replacement of the two outer existing windows with sash windows divided into tiny panes of glass of odd proportion which pick up on the light above the doors. The central window is proposed to be made into a glazed French door which are not traditional on a front street elevation. The left hand door will remain the entrance to the pub, this is a very understated entrance.
- 3.7 Iron railings will require regular maintenance and will need careful design – traditionally railings were designed with security in mind and were topped by pointed finials – this would not be conducive to a pub environment – hooped railings are not traditional and would not enhance the conservation area. An alternative which would be more inviting would be to define the boundary with some street trees planted in

root containers flush with the ground level and some appropriately design railings. Trees within this street would attract interest and create a more inviting entrance to the pub.

- 3.8 A central entrance to the pub would help to structure the entrance to the pub, it would be best centred on the original three storied building behind so that the whole starts to tie together. The replacement of windows with a design which respects the original building would enhance the conservation area and the commercial property.
- 3.9 The proposals as submitted do not form a strong and inviting entrance, there are also health and safety concerns with proposed Victorian style iron railings. An alternative that could be considered includes the strengthening of the entrance and introduction of some greenery to attract people to the entrance. This would reduce the current harm caused to the original building by the current single storey extension and allow the significance of the original building to be better understood
- 3.10 NUISANCE INVESTIGATION OFFICER: **No objections in principle** however notes the proposed external area on North Street could be used as a smoking area and thus there could be some late night noise from smokers congregating in this area although there is nothing to stop them doing this already by standing on the pavement. Putting double doors on this elevation could also lead to noise breakout from the pub especially if any live/recorded music is played. Therefore suggests the following condition be imposed:

- 1) The external area on North Street shall not be used after 10pm on any night.

It is noted that a requirement of the existing licence is to have windows and doors kept closed when amplified music is being played.

Oxfordshire County Council Consultees

- 3.11 HIGHWAYS LIASION OFFICER: **No objections**

4. Relevant National and Local Policy and Guidance

4.1 DEVELOPMENT PLAN POLICY

Cherwell Local Plan 2011-2031 - Part 1: This 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

PSD1: Presumption in favour of Sustainable Development
ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C23: Retention of features in conservation areas
C28: Layout, design and appearance of new development
C31: Compatibility of proposals in residential areas

Other Material Planning Considerations

National Planning Policy Framework (NPPF): in particular paragraph 17 'Core planning principles' and sections 7 'Requiring good design', 11 'Conserving and enhancing the natural environment' and 12 'Conserving and enhancing the historic environment'.

Planning Practice Guidance (PPG): in particular the sections on design and noise

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle
- Design and impact on heritage assets
- Impact on neighbouring properties amenity
- Other matters

Relevant Planning History

5.2 07/00871/F – New entrance canopy and terrace extension with perimeter fence – Permitted. This related to an extension to the rear courtyard area.

Principle

5.3 The principle of the alterations to the fenestration of the public house are considered to be acceptable subject to the impact of the development on the character and appearance of the conservation area.

5.4 The current application also seeks to enclose the area of land between the front of the single storey element of the pub and the footpath to create a small enclosed area. Concerns have been raised that as a result of this development there will be an increased noise and disturbance to the nearby residential properties due to the use of this space. Residential properties lie immediately adjacent to the application site and whilst these comments are noted and officers have sympathy with them, it is not considered that this would form a sustainable reason for refusal for the reasons outlined below.

5.5 The area to the front of the pub which would be enclosed with the railings is within the ownership of the applicant and therefore forms part of the existing grounds of the pub. The proposed development does not therefore constitute a change of use and this area could be used as an outdoor area for smoking/sitting without the benefit of any further planning consent.

5.6 Furthermore this space could also be enclosed with a 1 metre high fence utilising permitted development rights (i.e. development which does not require planning permission). As a result of the above the applicant could achieve a very similar development to that currently proposed without the benefit of planning permission which would have a very similar impact on the amenity of the neighbouring properties in terms of noise and disturbance.

5.7 Therefore the principle of these alterations are considered to be acceptable subject to other materials considerations.

Design and impact on heritage assets

- 5.8 The application site is located within Bicester Conservation Area. Policy ESD15 of the Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting and high quality design particularly where proposals affect the historic assets. Saved Policy C28 of the Local Plan reinforces this. The NPPF defines conservation areas as designated heritage assets and states that heritage assets are irreplaceable and new development should make a positive contribution to local character and distinctiveness. Where a proposal would lead to less than substantial harm this harm should be weighed against the public benefits of the proposal. Furthermore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 5.9 The existing single storey extension which would be altered does not make a positive contribution to the conservation area and the fenestration of this extension does not respond well to the character of the original building or surrounding area. The character of the main building has also been eroded with alterations to the windows and extensions over the years.
- 5.10 The current application has been amended during the course of the application to ensure the proposed new windows and doors will result in an improved appearance to the building. The proposed sliding sash timber windows with side lights will provide a more vertical emphasis to the fenestration of the building which will be more in keeping with the traditional character of the building. The main entrance door has also been amended to be made central to the frontage and also altered from a glazed door to a solid timber panelled door which will create a stronger entrance to the building more in keeping with the original building. This will also improve the legibility of the street frontage by providing a more defined entrance to the pub.
- 5.11 The proposed enclosure of the area to the front of the building is also considered to be acceptable from a design perspective. The choice of a cross style railing (province style) is in accordance with advice provided by the Conservation Officer and is considered to be acceptable. It is also proposed to provide some soft landscaping adjacent to the fence which will soften the development.
- 5.12 Overall the proposed development is considered to have a minor beneficial impact on the character and appearance of the Conservation Area and the host building and is therefore considered to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and advice in the NPPF.

Impact on amenity of neighbouring properties

- 5.13 Policy ESD of the Local Plan Part 1 and paragraph 17 both seek to secure a good standard of amenity for all existing and proposed occupants of land and buildings. Charter 11 of the NPPF also states the planning system should contribute to the local environment of preventing unacceptable levels of noise pollution.
- 5.14 As discussed earlier within the principle section of this report it is not considered that the proposed development would result in an unacceptable impact on the amenity of the neighbouring properties in terms of noise and disturbance given the existing use and the potential works which could be undertaken under permitted development.
- 5.15 The Nuisance Investigation Officer has raised no objection to the application and has acknowledged that there is nothing to stop people congregating in the area to be enclosed at the current time. He has requested a conditions requiring the external

area should not be used after 10pm on any night. This would provide an element of control over the area which does not currently exist. He has also noted that the current premises licence requires the doors and windows to be shut when any licenced entertainment takes place at the premises. The licence would continue to have control over the use of the building in relation to these matters and operates separately from the planning system.

5.16 In relation to the fenestration changes to the building, given that these would replace existing openings, it is not considered that they would result in a significant impact to the neighbouring properties amenity.

5.17 Overall whilst it is acknowledged that the relationship of the pub with the neighbouring properties is not ideal, it is not considered that the proposed development would significantly exacerbate this situation. Furthermore the other changes to the building are not considered to significantly impact on the amenity of the neighbouring properties

Other matters

5.18 OCC have been consulted on the application and have raised no objection to the proposal. They have provided a highway adoption plan which show the area of land to be enclosed lies outside the extent of the adopted highway. The applicant has also confirmed this land is within their ownership.

5.19 The licensing of the public house is controlled under a different consenting regime which sits separately from the planning regime. Decisions relating to the licensing of the pub would be considered outside of the planning system.

Engagement

5.19 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the Council has raised design concerns with the applicant during the course of the application and amended plans have been received to address these. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

5.20 The proposed alterations to the fenestration of the building are considered to enhance the appearance of the building and positively contribute to the character and appearance of the area. A very similar development to that proposed for the enclosure of the area of land to the front of the building could be achieved under permitted development rights and it is therefore not considered that a reason for refusal on noise and disturbance to neighbouring properties could be sustained at appeal. The proposed 1.1 metre high province style railing is considered to be appropriate for its location. Overall the development is considered to be acceptable and in accordance with local and national planning

6. Recommendation

Approval, subject to:

a) the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this consent.

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.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form and Drawing Nos: 1662-PL0, 1662 02 Rev E, 1662-03 Rev C.

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. Any remedial stonework necessary for the repair or making good of the walls shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

4. Prior to the installation of any doors and windows, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

5. Prior to the installation of the railings hereby permitted, full details of the railings, including a cross section, material and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the railings shall be installed within the building in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use of the outdoor area shown to be enclosed by railings and planting on the approved plan (1662-03C), a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the

adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. All planting comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting and 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 current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. The outdoor area shown to be enclosed by railings and planting on the approved plan (1662-03C) shall not be used as an outdoor seating, drinking or smoking area after 22:00hrs on any day.

Reason: To protect the amenity of the neighbouring properties for noise and disturbance in accordance with ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C31 of the Cherwell Local Plan 1996 and advice in the NPPF.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.