

Inside Out Interiors Ltd
85 - 87 Churchill Road
Bicester
OX26 4PZ

16/02461/OUT

Applicant: Inside Out Developments Ltd

Proposal: Conversion of existing building to provide 5No two bed house, 1No two bed flat and 1No one bed flat, all with Parking, amenity space and shared cycle storage. New build to provide 1 No commercial unit with outside space, parking and cycle storage + 3No two bed flats with parking, gardens and cycle storage

Ward: Bicester East

Councillors: Cllr Sean Gaul
Cllr Richard Mould
Cllr Tom Wallis

Reason for Referral: Major by number of residential units proposed

Expiry Date: 22 May 2017 **Committee Date:** 18 May 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in the east of Bicester and has a frontage onto Churchill Road but is accessed from Wedgwood Road to the east. The site is currently occupied by two separate buildings. The building facing Churchill Road accommodates offices, showrooms, storage and retail space for a construction, electrical and plumbing company called Inside Out Group. The site facing onto Wedgwood Road accommodates a light industrial unit and associated storage buildings. The building facing Churchill Road is two storeys in height and constructed from red brick and render, whilst the buildings facing Wedgwood Road are single storey and constructed from brick and cladding.
- 1.2. The site lies within an area of potentially contaminated land and the West European Hedgehog has been located in proximity of the site, which is a protected species.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Outline planning consent is sought to convert and extend the existing building facing onto Churchill Road to form 7 residential units in total. All matters are reserved for consideration under a future reserved matters application. There would be 5 two bed houses, 1 two bedroom flat and 1 one bedroom flat. The building facing onto Wedgwood Road would be demolished, with a new building constructed to form a new retail unit at ground floor level with 3 two bed flats above. The new building would be constructed from brick and render to match the building facing onto Churchill Road. The indicative site plan shows 15 parking spaces provided between the two buildings.

- 2.2. Amended plans have been received during the course of the application. These amend the layout of the residential units to be created from converting the existing building, remove an area of enclosed garden that was proposed adjacent Wedgwood Road, and clarify that a single retail/showroom unit is to be created in the new building to be occupied by the applicant.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
NE.39/72	Office block, stores and workshop area	Application Permitted
CHS.363/88	Addition of first floor to single storey office and store	Application Permitted
00/00149/CLUE	Certificate of Lawfulness Use Existing for the use of premises for static display of assembled kitchens and bathroom for illustrative purposes.	Application Withdrawn
00/02411/F	Change of use from office, workshop and stores to offices, ancillary non-retail showrooms for display of kitchens and bathrooms together with ancillary retail unit for sale of paint and related products. RETROSPECTIVE	Application Refused
01/00906/F	Change of Use from office, workshop and stores to use comprising offices and ancillary non-retail showrooms for display of kitchens and bathrooms (Retrospective) (as clarified by agent's letter dated 29.05.01)	Application Permitted
01/01979/F	Variation of Conditions 1,3 and 4 of 01/00906/F. To allow occupation of the building by more than one company or subdivision. Continue use of car park for storage of containers/skips. That parking areas need not be provided before occupation.	Application Refused
02/02397/CLUE	Certificate For Lawful Use Existing to use ancillary retail unit for sale of paint and related products.	Application Permitted

- 3.2. The planning history for the site shows that the building was originally approved as a single storey office building and that the retail element on the site was established through a Lawful Development Certificate, as the showrooms were initially non-retail only. Importantly the retail use is ancillary to the business use and does not constitute a separate planning unit in its own right.

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
13/00408/PREAPP	Conversion of current building to residential, creating 7 new 2 bed units with off street parking and gardens

- 4.2. The principle of development was deemed to be acceptable. Further details were required to demonstrate that sufficient parking could be provided on the site. Concerns were also raised with the sizes of some of the kitchens and second bedrooms.

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. The final date for comments was 26.01.2017, although comments received after this date and before finalising this report have also been taken into account.
- 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.

TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BICESTER TOWN COUNCIL: **Objects**, as the proposal would be over development of the site and is unsuitable for the area. There are also concerns at the loss of commercial and industrial buildings.

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions relating to the access, car parking area, cycle parking provision, a travel information pack and drainage for the site.

A financial contribution of £1000 per dwelling would be required to support the new bus services serving the site (to be secured via a s106 legal agreement) and a further contribution would be required to introduce parking restrictions in the vicinity.

NON-STATUTORY CONSULTEES

- 6.4. ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions relating to contaminated land and that a BS8233:2014 survey is undertaken and any mitigation required is implemented before occupation.
- 6.5. HOUSING STANDARDS: No comments received.

6.6. PLANNING POLICY: The application site is just within the 'Existing Strategic Employment Site' area as defined in the Key Policies Map of the Cherwell Local Plan 2011 – 2031 Part 1. The proposal will be considered against Policy SLE1 of the Local Plan.

6.7. THAMES WATER: **No objections.**

6.8. WASTE AND RECYCLING: No comments received.

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)

- SLE1 – Employment Development
- SLE2 – Securing Dynamic Town Centres
- BSC2 – The Effective and Efficient Use of Brownfield Land
- ESD1 – Mitigating and Adapting to Climate Change
- 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 control
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extensions Guidance (2007)

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
- Contaminated Land

Principle of development

- 8.2. The site is an existing employment site. The site is also located on the edge but within an area identified in the Cherwell Local Plan 2011 – 2031 Part 1 as an 'Existing Strategic Employment Site'.
- 8.3. Policy SLE1 of the Cherwell Local Plan 2011 – 2031 Part 1 states that where planning permission is required, existing employment sites should be retained for employment use unless the following criteria are met:
- the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.
 - the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable.
 - the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.
- 8.4. Regard will also be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.
- 8.5. Policy SLE2 states that retail and other main town centre uses will be directed towards the town centres of Banbury and Bicester. Proposals for retail and other main town centre uses not in the town centres should be in edge of centre locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered.
- 8.6. The buildings were initially approved as offices and the ancillary retail element was established in 2003 through a Lawful Development Certificate.
- 8.7. The agent has stated that the building to the rear facing onto Wedgwood Road has not been used for 4-5 years and the building is considered to be beyond economical repair. The development would lead to a loss of employment floor space available on the site, however would still retain a commercial use. According to the application form the development would create 246m² of commercial floor space, whereas currently there is 341m², so there would be a net loss of 95m².
- 8.8. The tests specified in Policy SLE1 listed at paragraph 8.3 above have not been met in this application. Furthermore, the proposal involves the creation of a new commercial unit which would have an element of retail use, and this would be contrary to Policy SLE2 as the sequential test has not been satisfied. As such it is necessary to consider whether there are other material considerations which justify allowing the proposals in this case.
- 8.9. Whilst the submission fails to demonstrate that other employment uses for the building have been properly considered, it should be noted that a change of use of offices to residential would generally be acceptable under current permitted development rules (Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015. This would allow the upper floor to be converted to a residential use without an application. This is an important consideration in this application.
- 8.10. The application initially proposed three commercial units and highlighted that 'Inside Out Group', the existing occupiers may occupy one of these units. Amendments

were sought to the application and the three units are now shown combined into one and it has been clarified that 'Inside Out Group' would relocate their showrooms to the new unit.

- 8.11. Given that the site has an existing showroom with an element of retail use that would be replaced elsewhere on the site – and would be of a similar size – subject to conditions restricting the retail use the creation of a new showroom outside of the town centre of Bicester is considered to be acceptable in this instance. Furthermore, this would be one single unit that would be occupied by 'Inside Out Group' and this could be controlled by a planning condition.
- 8.12. The site is on the fringe of the residential and employment areas. It is located on the edge of the Churchill Road residential area and the site is bound by dwellings to the west. The site is identified in the Cherwell Local Plan as an 'Existing Strategic Employment Site', however given its location in such close proximity to existing dwellings it is considered that it may be a suitable location for residential development, a view first expressed by officers in 2014 under 13/00308/PREAPP. The Government's Planning Practice Guidance (PPG) states that pre-application advice should be a material consideration in the determination of planning applications, and so this view should be afforded some weight.
- 8.13. On balance, the principle of development is therefore considered to be acceptable. The development would result in a small net loss of existing employment space and would result in a new showroom with an element of retail use that is located outside of the town centre. However, given that the existing showroom would be replaced on site and occupied by 'Inside Out Group', its location outside of the town centre is considered to be acceptable. The principle of residential development is acceptable due to its location on the fringe of the residential and employment areas on Churchill Road and the provision of ten residential units within a sustainable location is considered to be a positive element of the proposal.

Design and impact on the character of the area

- 8.14. Government guidance contained within the NPPF 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.
- 8.15. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Likewise Policy ESD15 of the Cherwell Local Plan 2011 – 2031 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.
- 8.16. All matters are reserved for future consideration; however indicative elevations, floor plans and a site plan have been submitted as part of this application. The plans show that the appearance of the building facing onto Churchill Road would not be changed, with the exception of a small extension to the rear. The appearance of the building to the rear would broadly match that of the other building, with the use of brick and render.
- 8.17. The plans have been amended during the course of the application, and officers are now satisfied that the amount of commercial and residential floorspace applied for

could be accommodated on the site without appearing as overdevelopment or causing harm to the character and amenities of the area. In particular the plans show how private garden and amenity space along with adequate parking could be accommodated whilst also retaining areas of soft landscaping.

- 8.18. In summary the indicative proposals are considered to be the basis of an acceptable design solution but matters of appearance, landscaping, layout and scale shall be considered in detail under a future reserved matters application.

Residential amenity

- 8.19. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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. Likewise Saved Policy C30 of the Cherwell Local Plan 1996 state that the conversion of an existing building should provide standards of amenity and privacy that are acceptable to the local planning authority.
- 8.20. The Cherwell Home Extensions Guidance (2007) advises that where a new window is proposed, it should normally be at least 22 metres away from a window of a neighbour's habitable room to prevent loss of privacy. The indicative layout would exceed these separation distances and would not propose any windows that would cause significant overlooking of other properties. It is therefore considered that indicative layout would not cause harm to the amenity of occupiers of neighbouring dwellings.
- 8.21. The indicative plans show that nine out of the ten units would have amenity space, with the exception of one of the units in the converted building, which would only have an area for bin storage. Whilst this is unfortunate, given that this is for a one bedroom first floor flat, it is considered to be acceptable.
- 8.22. The development is located on the fringe of residential and industrial areas. The Environmental Protection Officer has requested conditions relating to sound insulation and a noise reduction survey to be undertaken. Given the location of the site, these conditions are considered to be reasonable. Conditions restricting the use of the new commercial unit are also necessary to ensure an acceptable relationship with the residential units proposed above.

Highway safety

- 8.23. The Highways Liaison Officer has offered no objections to the application, subject to a number of conditions relating to the access, car parking area, cycle parking provision, a travel information pack and drainage for the site.
- 8.24. Paragraph 206 of the National Planning Policy Framework states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 8.25. Whilst it is proper to establish whether safe and suitable access to the site can be achieved at this stage, access is not a matter for detailed consideration under this application. It is therefore considered that the proposed conditions, insofar as they relate to detailed design matters, would not meet the tests set out within Paragraph 206 and shall not be included on this application. Similar conditions may be included on a reserved matters application in the future.

- 8.26. A financial contribution of £1000 per dwelling is requested to support the new bus services serving the site and a further financial contribution is being sought to introduce parking restrictions in the vicinity.
- 8.27. Paragraph 204 of the National Planning Policy Framework states that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 8.28. It is considered that the contributions would not be necessary to make the development acceptable in planning terms as the level of movements to and from the site would not, in officers opinion be significantly different to that existing. Furthermore, the indicative layout shows 15 parking spaces provided on the site, which given the sustainable location of the development, is considered to be acceptable. It is also not clear how the contribution being sought is “fairly and reasonably related” to the development proposed in terms of requiring additional funding to support existing and planned bus services. The contributions would therefore fail to meet the tests of Paragraph 204 and will therefore not be sought.

Contaminated Land

- 8.29. Saved Policy ENV12 of the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if:
- (i) adequate measures can be taken to remove any threat of contamination to future occupiers of the site
 - (ii) the development is not likely to result in contamination of surface or underground water resources
 - (iii) the proposed use does not conflict with the other policies in the plan.
- 8.30. The site lies within an area of potentially contaminated land. The Environmental Protection Officer has requested conditions relating to land contamination and these shall be included.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. On balance, the principle of development is considered to be acceptable, given the relatively small net loss of employment space, the new showroom replacing the existing on the site and being occupied by 'Inside Out Group' and the provision of ten dwellings on the residential and employment fringe. Matters of access, appearance, landscape, layout and scale are reserved for future consideration, however it is considered that a scheme could be achieved that would not cause harm to the visual amenities of the area, the amenity of the occupiers of neighbouring and proposed dwellings or highway safety.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) of the approved development have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. 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: Location Plan 1:1250 and Design and Access Statement.

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.

5. The new commercial unit hereby approved shall be occupied solely by the business currently known as “Inside Out Group” and shall be used as showrooms for the display and retail of goods and services relating to that business only and shall not be used for any other purpose whatsoever, including any other use falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises, and in view of the sites location outside of the town centre and within an existing employment site, in accordance with Policies SLE1, SLE2 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 the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. If contamination is found by undertaking the work carried out under condition 7, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, full details of a scheme for acoustically insulating all habitable rooms within the dwellings such that internal noise levels do not exceed the 'good' criteria specified in the British Standard BS 8233:2014 'Sound Insulation and Noise Reduction for Buildings', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the said dwellings shall be insulated and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policies C30 and ENV1 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.