

Case Officer: Michael Sackey

Applicant: Cherwell District Council

Proposal: Alterations to existing toilet block, including replacement windows and doors and infill of door with matching brick

Ward: Bicester East

Councillors: Cllr Sean Gaul, Cllr Richard Mould and Cllr Tom Wallis

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 19 November 2019

Committee Date: 19 November 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND TO NO ADDITIONAL CONSULTATION RESPONSES RAISING NEW MATERIAL CONSIDERATIONS BY 24th OCTOBER 2019.

Proposal

Alterations to existing toilet block, including replacement windows and doors and infill of door with matching brick.

Consultations

The following consultee was consulted on 27/09/2019; the consultation ends on 24.10.2019. No comments have received to date application:

- Bicester Town Council

One letter of objection has been received; the objections are on the grounds of the toilet block being converted, although the current proposal is for alterations to the existing toilet block and not a conversion.

Planning Policy and Constraints

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issue arising from the application details is the proposal's design and its impact on the character and appearance of the area and on neighbouring and residential amenity

The report looks in to the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an existing public toilet block within Deans Court which is adjacent to the Claremont Car Park. The site is accessed from Victoria Road and is bounded by commercial buildings and retail shops to the west of the site.

2. CONSTRAINTS

- 2.1. The application site abuts the Bicester Conservation Area but is not within it. The building is also not listed. There are no other constraints relevant to this particular application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application is for alterations to the existing toilet block, including replacement windows and doors and the infill of a door with matching bricks in relation to the existing building.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in 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 is 24.10.2019, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. One letter of objection has been received, the objection is on the grounds of the toilet block being converted, although the current proposal is for alterations to the existing toilet block and not a conversion.
- 6.3. The application was originally submitted with the agent's name as applicant, but Ownership Certificate A signed by the agent to say he owned the site. It since came to light that Cherwell District Council owns the site. The agent subsequently changed the applicant name to CDC to enable the application to be determined. The site address was originally given as Trysports but has been amended to refer to Claremont Car Park. These changes necessitated re-publicising of the application, hence the relatively late date for final comments.

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: Consulted (27/09/2019). The consultation ends on (24.10.2019); no comments have been received to date, but any response will be reported to Planning Committee.

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 2031 Part 1)

- 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

- 8.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - National Design Guide
 - Planning Practice Guidance (PPG)

9. APPRAISAL

- 9.1. The key issues for consideration in this case are:

- Design, and impact on the character of the area
- Residential amenity

Design and Impact on the Character of the Area

- 9.2. Paragraph 56 of the NPPF makes clear that: *the Government attaches great importance to the design of the built environment*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings*.
- 9.3. Saved Policies C28 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the street scene*.
- 9.4. Given the nature and location of the application building, the proposed alterations would be visible from within the Victoria Road to the east and public realm. However, having regard to their nature and design, the proposed alterations would not have any significant impact on the character and appearance of its locality and adjacent conservation area.

- 9.5. For these reasons, the proposal would accord with retained Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Government guidance in the NPPF and the National Design Guide.

Neighbouring and residential amenity

- 9.6. Given the nature of the proposal and its location in relation to neighbouring properties, it is considered that the proposed development would not have any material impact on the amenity of neighbours and is therefore considered acceptable in this regard.
- 9.7. Overall, therefore, the proposal is considered to result in an acceptable standard of amenity to the adjacent neighbours and the proposal therefore complies with Policy ESD15 of the Cherwell Local Plan and advice in the NPPF.

Article 8 and Article 1 of the First Protocol

- 9.8. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

Duty under The Equalities Act 2010

- 9.9. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.10. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT** BELOW AND TO NO ADDITIONAL CONSULTATION RESPONSES RAISING NEW MATERIAL CONSIDERATION BY 24th OCTOBER 2019.

CONDITIONS

Time Limit

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.

Compliance with Plans

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: NTBS3216/01 Rev. A, NTBS3216/04, NTBS3216/06 Rev B and NTBS3216/10

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.

External Materials to Match Existing

3. The materials to be used for the external walls 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 development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 [C18] of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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