Item No 02:-

21/00950/FUL

Ivor Webb And Sons Garage Cherry Tree Lane Cirencester Gloucestershire GL7 5DT

### Item No 02:-

Full application for conversion of garage to 5 no. dwellings, with associated parking and landscaping at lvor Webb And Sons Garage Cherry Tree Lane Cirencester Gloucestershire GL7 5DT

Full Application 21/00950/FUL				
Applicant:	Mr Roger Webb Ms Helen Webb Ms Valerie Trotman			
Agent:	SF Planning Limited			
Case Officer:	Andrew Moody			
Ward Member(s):	Councillor Mike Evemy			
Committee Date:	8th September 2021			
<b>RECOMMENDATION:</b>	PERMIT			

#### Main Issues:

- (a) Principle of residential conversion
- (b) Design and landscape impact
- (c) Residential amenity
- (d) Highway safety
- (e) Biodiversity

(f) CIL

(g) Other matters

#### **Reasons for Referral:**

Reason for referral from Ward Member: "The reason for this referral is so that the Planning and Licensing Committee can consider adding a condition regarding the addition of safe pedestrian/cycle access to Cirencester given the edge of town location of the property. Given its proximity to Cirencester and the amenities it offers including shops and schools, I would like the Committee to consider whether the addition of such a condition is reasonable, particularly in light of the objection received from GCC Highways. That objection also refers to access to the site and concerns that insufficient detail has been provided about the proposed new north vehicular entrance to the site which I would also like the Committee to consider."

Planning Committee Review Panel: Having considered the reasons given by the Ward Member and reviewed the Case officer's report, which included all consultation responses and representations received, the Panel concluded that they were sufficiently substantive planning reasons in respect of the consideration of the balance of issues, including the comments of the Highways Officer, to require the application to be determined by the Planning and Licensing Committee. Consequently, the application will be presented to the next available meeting of the Committee on 8th September.

# I. Site Description:

- 1.1 This application relates to a range of buildings at the Ivor Webb and Sons Garage to the eastern side of Cherry Tree Lane, Cirencester. The site lies opposite a highway depot, with a dwelling in separate ownership to the south and an equestrian centre to the north; other land uses near to the site are agricultural. There are two existing access into the site of the highway, with the road running to the east of the A417 to the south-east of the Burford Road junction, with Cherry Tree Lane itself linking between the A417 London Road to the south and the B4425 Burford Road to the north.
- 1.2 The application site is located outside the Cotswolds Area of Outstanding Natural Beauty and does not fall within a Special Landscape Area.

# 2. Relevant Planning History:

- 2.1 CT.0644/K: Erection of 5 bay vehicle repair workshop. Granted 17.08.1989
- 2.2 92/00875/FUL: Retention of vehicle workshop extension (revised scheme as permitted under CT.0644/K). Granted 19.03.1993
- 2.3 92/01745/FUL: Change of use (Class B2), formation of spraying booth, paint and cellulose store within motor repair workshop and staff car parking spaces (total two). Granted 22.04.1993

# 3. Planning Policies:

TNPPF The National Planning Policy Framework

- DS4 Open Market Housing o/s Principal/non-Pr
- ECI Employment Development
- EC2 Safeguarding Employment Sites
- EC6 Conversion of Rural Buildings
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN8 Bio & Geo: Features Habitats & Species
- EN15 Pollution & Contaminated Land
- INF3 Sustainable Transport
- INF4 Highway Safety
- INF5 Parking Provision

# 4. **Observations of Consultees:**

- 4.1 ERS (Noise): No objection subject to condition
- 4.2 ERS (Contamination): No objection subject to condition
- 4.3 ERS (Air Quality): No objection
- 4.4 Highway Authority: Recommend refusal on the grounds of location, lack of footpath provision and visibility at entrance

# 4.5 Thames Water: No objection

# 5. View of Town/Parish Council:

5.1 Preston Parish Council:

The Parish Council has no objections in principle but is concerned that there are only 10 car parking spaces so if every house has 2 cars (as there is no access to regular public transport) there are no spaces for visitors.

5.2 Cirencester Town Council:

Though this application is in an adjoining parish, members considered and objected to the conversion of a garage to 5no. dwellings with associated parking and landscaping on the following grounds:-

a) loss of employment land;

b) flooding;

- c) lack of parking for residents and visitors;
- d) potential contamination of surrounding soil;
- e) lack of safe walkways into the town for amenities due to the area being too isolated.

### 6. Other Representations:

6.1 None received

# 7. Applicant's Supporting Information:

Planning Statement Design and Access Statement Structural Survey Drainage Report Contamination Assessment Ecological Survey Proposed Plans

#### 8. Officer's Assessment:

# (a) Principle of Residential Conversion

- 8.1 The site is located outside any settlement boundary designated within the Cotswold District Local Plan, with that defined for Cirencester extending as far as the opposite side of the A419. Therefore, Policy DS4 (Open Market Housing Outside Principal and Non-Principal Settlements) is applicable, which states:
- 8.2 New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.'
- 8.3 Paragraph 6.4.3 continues to list the exceptions to this control, which includes reference to Policy EC6 (Conversion of Rural Buildings), which states the following:

'The conversion of rural buildings to alternative uses will be permitted provided: a. the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building; b. it would not cause conflict with existing farming operations, including severance or disruption to the holding that would prejudice its continued viable operation; and c. the development proposals are compatible with extant uses on the site and existing and planned uses in close proximity to the site.'

- 8.4 Therefore, considering the relatively modern construction of the buildings at the site, their conversion into residential use may be acceptable in principle. A structural report has also been submitted in support of the application.
- 8.5 With regard to the NPPF, paragraph 80 allows for residential development in open countryside in limited circumstances, including at criterion c) 'the development would re-use redundant or disused buildings and enhance its immediate setting'.
- 8.6 Whilst the comments of Cirencester Town Council (CTC) are noted, the site is currently in Class B2 use, however the site is not designated as an Established Employment Site having regard to Policy EC2 of the Local Plan, and it is considered that there would be no policy objection to the loss of this site for its current use.
- 8.7 The site is not also considered to be isolated, and whilst there are no footpaths either existing or proposed, the site is only a short distance from the edge of Cirencester, which is a Principal Settlement as designated in the Local Plan.
- 8.8 The proposed development is, therefore, considered to accord with both national and local planning policy with regard to the principle of the conversion of an existing rural buildings to residential use, including the structural condition of the buildings being considered acceptable to allow their conversion without substantial rebuilding or alteration.

#### (b) Design and Landscape Impact

- 8.9 Section 12 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning decisions should ensure that developments: function well and add to the overall quality of an area; are visually attractive as a result of good architecture and layout; are sympathetic to local character and history; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.
- 8.10 Policy EN1 of the Local Plan covers the Built, Natural and Historic Environment and states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.

- 8.11 Policy EN2 covers the Design of the Built and Natural Environment and states that development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality.
- 8.12 There are two buildings upon the site. The main garage building, which currently has a canopy attached to the front over the former filling station pumps, addresses the highway and is constructed from reconstituted stone with cladding to the roof. This would provide three units, Unit I containing 2 bedrooms, whilst the remaining two units would contain 3 bedrooms. A covered area would be retained in the middle to provide a covered shared amenity space.
- 8.13 The second building is located towards the north-eastern corner of the site and is set back from the highway. This building has either metal cladding or reconstituted stone to its outer walls and cladding to the roof. This would provide two units, each with 3 bedrooms.
- 8.14 Considering the functional design and appearance of the building, the proposed conversion works are sympathetic and considered to be acceptable in terms of layout and fenestration. Therefore, it is considered that the works required to facilitate the residential conversion of the buildings would not cause any demonstrable harm to the character of the landscape, in accordance with Policies EC6 and EN2 of the Local Plan.

# (c) Residential Amenity

- 8.15 Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 127 (f) of the NPPF.
- 8.16 With regard to the impact upon residential amenity, the nearest residential property is immediately to the south of the site. However, in view of the proposed residential use it is considered that the re-use of the buildings for this purpose would not materially impact upon the amenities of the occupants of this dwelling, and could be considered an improvement compared to the current B2 use.
- 8.17 There would be windows along the southern elevation of the proposed conversion, although a number of these would be screened by an existing wooden building that would be retained within the boundary of this neighbouring dwelling. Those windows that are not screened would be at ground floor level, and the side elevation to the dwelling is blank except for one ground floor window that would be screened by the boundary treatment.
- 8.18 Each proposed unit would be allocated with sufficient private amenity space, and there should not be any amenity issues arising from the relationship between windows within the site. In addition, the size of the units meets the requirements of the Nationally Described Space Standard, having regard to Policy HI of the Local Plan.
- 8.19 The proposal is therefore considered to accord with paragraph 130(f) of the NPPF, in addition to Policies EN2 and EN15 of the Local Plan.

# (d) Highway Safety

- 8.20 The road past the site is subject to the national speed limit, with acceptable visibility to the north, however that to the south is restricted as the road bends to the west. There are two entrances into the site, the southern of which is shared with the existing dwelling. However, in terms of the proposed re-use, only the northern entrance is to be used, which is considered to be acceptable having regard to the traffic generated by the established use.
- 8.21 The Highway Authority has recommended refusal of the application, on the grounds of the proposal not being considered a sustainable form of development, i.e. not within a designated settlement in the Local Plan with occupants being reliant upon the private car with no suitable alternative modes of transport available.
- 8.22 Whilst this is noted, the proposal does relate to the conversion of existing buildings, and it is not considered that a refusal of planning permission for this reason could be substantiated at appeal given the site is not in an isolated location and that the conversion of existing buildings outside settlement boundaries is supported by both national and local planning policy.
- 8.23 The Highway, and CTC, have also both referred to footpath provision. However, considering the scale of the proposed development, i.e. 5 dwellings, this is not considered to be proportionate.
- 8.24 In terms of parking provision, both the Parish Council and CTC have raised concerns regarding parking provision. The plans show 10 parking spaces, plus 2 visitor spaces, to be provided along the northern boundary of the site. Taking into consideration that there are no specific standards for residential parking in the Local Plan, and that the units have either two or three bedrooms, this is considered to be an appropriate level of provision.
- 8.25 Therefore, the conversion of the buildings would not be considered to have a 'severe' impact upon highway safety, having regard to paragraph 109 of the NPPF, and therefore the proposal is considered to accord with Policies INF4 and INF5 of the Local Plan subject to the conditions recommended.

# (e) **Biodiversity**

- 8.26 Section 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.
- 8.27 Local Plan Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.
- 8.28 The Ecological Appraisal report submitted with the application comments that the site is dominated by buildings and hardstanding which provides poor habitat for foraging bats, albeit that the boundary hedgerow and trees may be utilised by both foraging and commuting bats. There is no evidence of roosting bats within the buildings and

potential for future use is considered to be negligible due to the nature of the buildings and materials used in their construction.

- 8.29 With regard to birds, the hedge, trees, scrub and buildings provide potential nesting habitats, and it is recommend that any clearance is carried out outside the bird nesting season.
- 8.30 Conditions are recommended to include compliance with the consultancy report and details of external lighting. Subject to this, the proposal is considered to accord with Policy EN8 of the Local Plan, in addition to paragraphs 174 and 180 of the NPPF.

# (f) CIL

8.31 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

# (g) Other Matters

- 8.32 CTC have referred to two other issues, flood risk and land contamination.
- 8.33 Both of these matters are the subject of conditions requiring the submission of details prior to works commencing, however the respective consultees are satisfied that these matters can be addressed in this manner, rather than requiring the submission of further details prior to the determination of the application.

# 9. Conclusion:

- 9.1 The proposal is considered to accord with the policies in the Development Plan and NPPF, which are not outweighed by other material planning considerations.
- 9.2 The recommendation is for planning permission to be granted.

# **10. Proposed conditions:**

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements 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. The development hereby approved shall be carried out in accordance with the following drawing numbers: P/201; P/210; P/211; P/212; P/710 and P/711.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to use upon the development hereby approved, a sample of the proposed colour to be used on the external cladding to the walls shall be approved in writing by the Local Planning Authority and only the approved colour shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. Before the development is occupied or brought into use the boundary treatment of the site, including a timetable for its implementation, shall be agreed in writing with the Local Planning Authority. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.

**Reason:** The boundary features will be important in screening the site and helping the development to blend in with its surroundings. This condition is imposed in accordance with Cotswold District Local Plan Policy EN2.

5. The development shall be completed in accordance with the recommendations in Section 4 of the Ecological Appraisal prepared by All Ecology Ltd dated January 2021. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that protected and priority species (including nesting birds) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 174 and 180 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

6. The development hereby approved shall not be occupied until a protected species enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The Strategy thereby approved shall be implemented in full prior to occupation or the buildings being brought into use and/or if outlined in the Strategy, following commencement of use.

**Reason:** To ensure that the biodiversity of the site is protected and enhanced in accordance with the Wildlife and Countryside Act 1981 as amended and The Conservation of Habitats & Species Regulation 2010. It is important that these details are agreed prior to the commencement of development in order to ensure the proper management and protection of protected species at the site both during and following the construction of the approved development.

7. Before occupation, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors (including hedgerows and trees) will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be retained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason:** To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Policies ENI, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, paragraphs 174 and 180 of the National Planning Policy Framework, Circular 06/2005 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

8. The development hereby permitted shall not be first occupied until the proposed dwellings have each been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

**Reason:** To promote sustainable travel and healthy communities in accordance with Policy INF3 of the Cotswold District Local Plan.

9. The development hereby permitted shall not be occupied until cycle storage facilities for a minimum of 2 no. cycles per dwelling have been made available for use and those facilities shall be maintained for the duration of the development.

**Reason:** To ensure the provision and availability of adequate cycle parking in accordance with Policy INF3 of the Cotswold District Local Plan.

10. The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

**Reason:** In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

11. The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions). These standards currently require:

Resting 35 dB LAeq, I 6hour Dining 40 dB LAeq, I 6hour Sleeping 30 dB LAeq, 8hour and any external amenity space(s) should achieve 50dB **Reason:** There is a Highways depot to the west of the application site. It is considered that the above mitigation is required in order to safeguard the residential amenity of future occupants of the development in the event that activities or HGV movements to/from the Highways depot are the source of noise complaint in the future. Equally, it safeguards the Highways depot's continuance of business, without fear of noise complaint from new residential occupiers.

12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant

contamination is found during the site investigation, a report specifying the measures to be taken

to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report with evidence confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure any contamination of the site is identified and appropriately remediated in accordance with Cotswold District Local Plan Policy EN15 and Section 15 of the NPPF.

13. Prior to commencement of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

**Reason:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

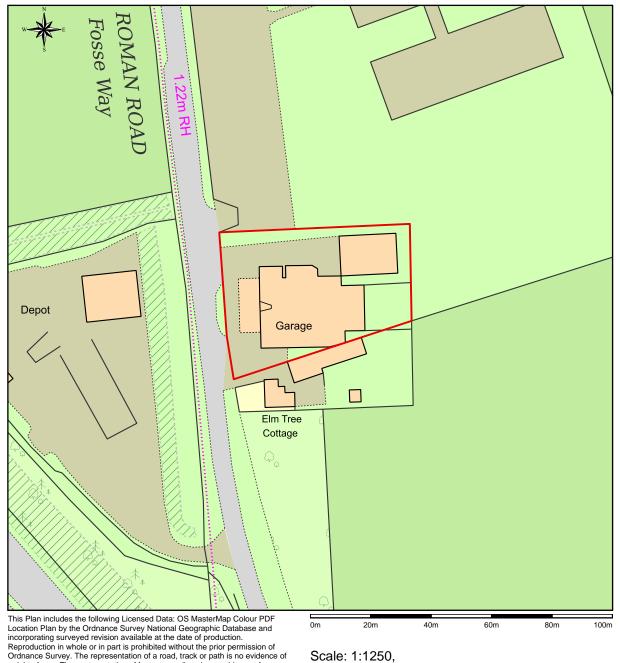
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other statutory instrument amending or replacing it, no extensions, structures, hardstandings, openings, buildings, fences, walls or other means of enclosure shall be erected, constructed or inserted in the building the subject of this permission, other than those permitted by this Decision Notice.

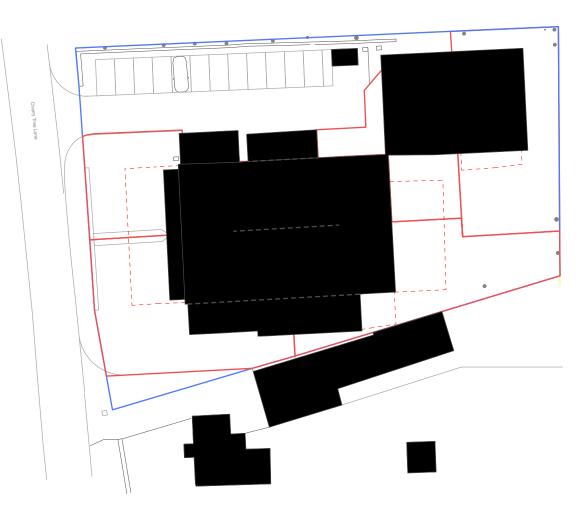
**Reason:** The site or building has a distinct and attractive character and appearance which should be maintained. In order to protect these qualities, it is essential for the Local Planning Authority to maintain control over the types of development listed above, in accordance with Cotswold District Local Plan Policy EN2 and the NPPF.

# Informatives:

- 1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.
- 2. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part I Clause 27 (1))
  - Code for sustainable homes A step-change in sustainable home building practice
  - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part I - Clause 9 (1)) - CIRIA C753 SuDS Manual 2015

# **Location Plan of GL7 5DT**





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Webbs Garage

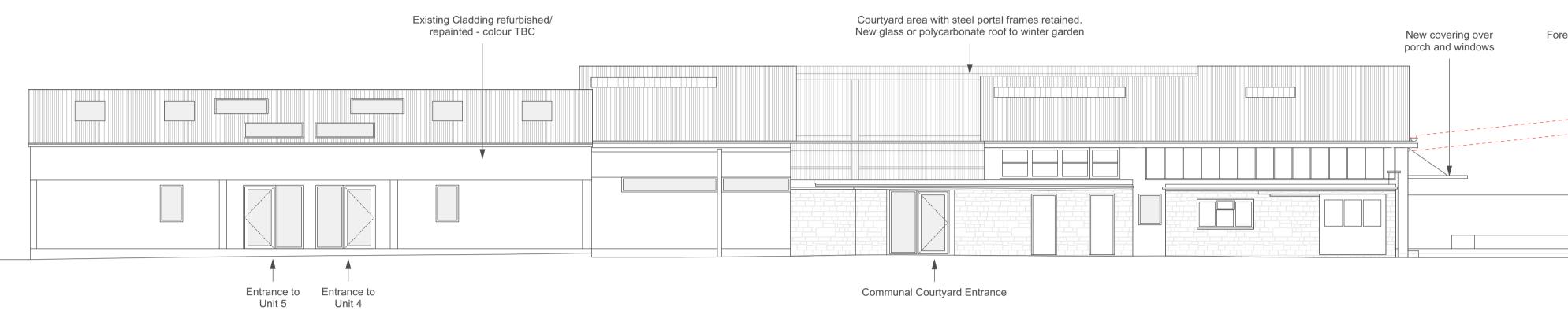




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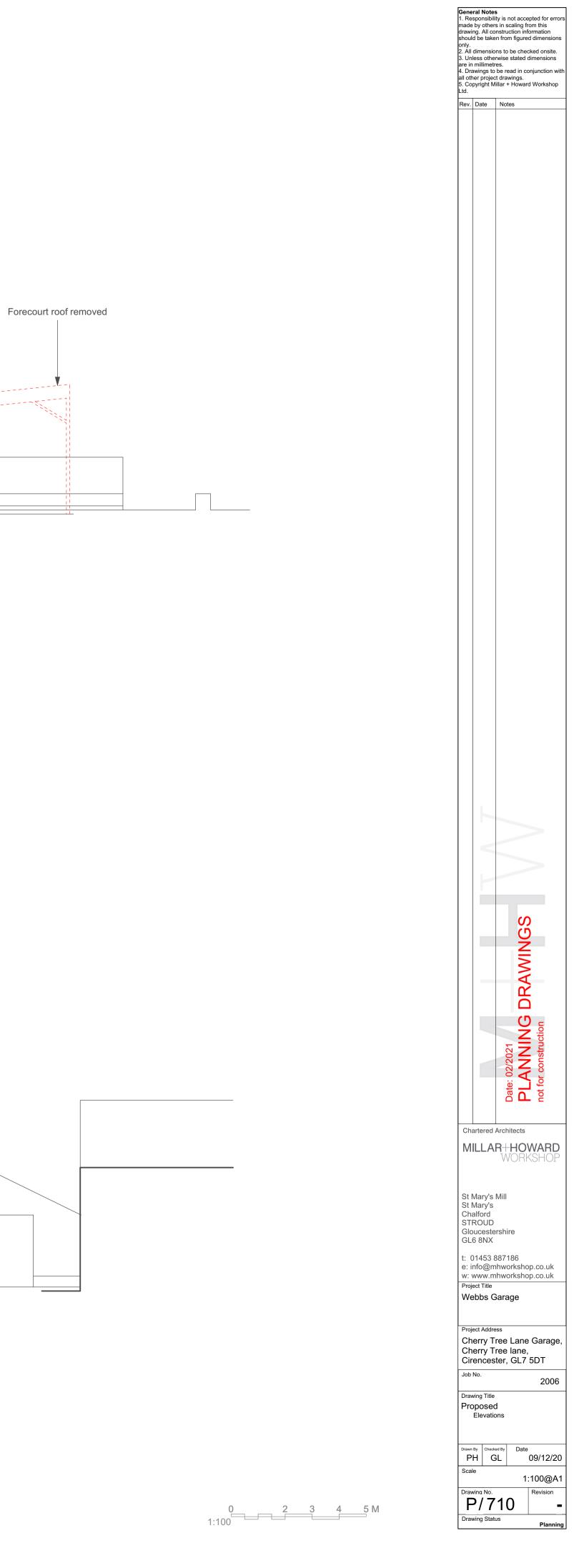


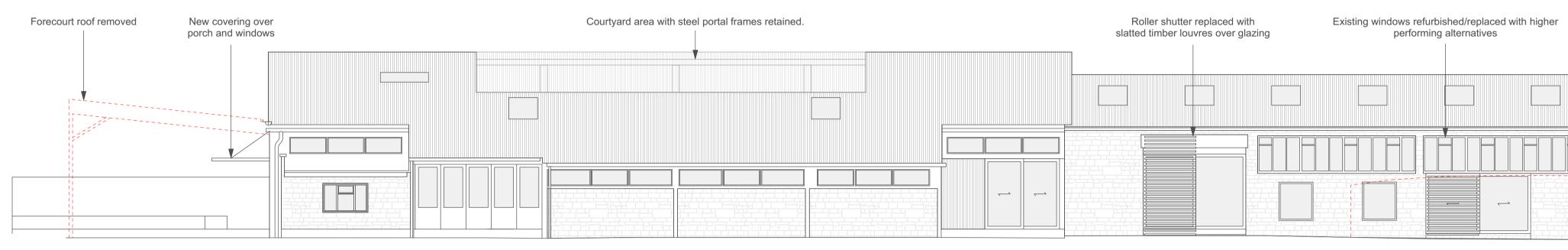


P/710 PROPOSED NORTH ELEVATION 1:100

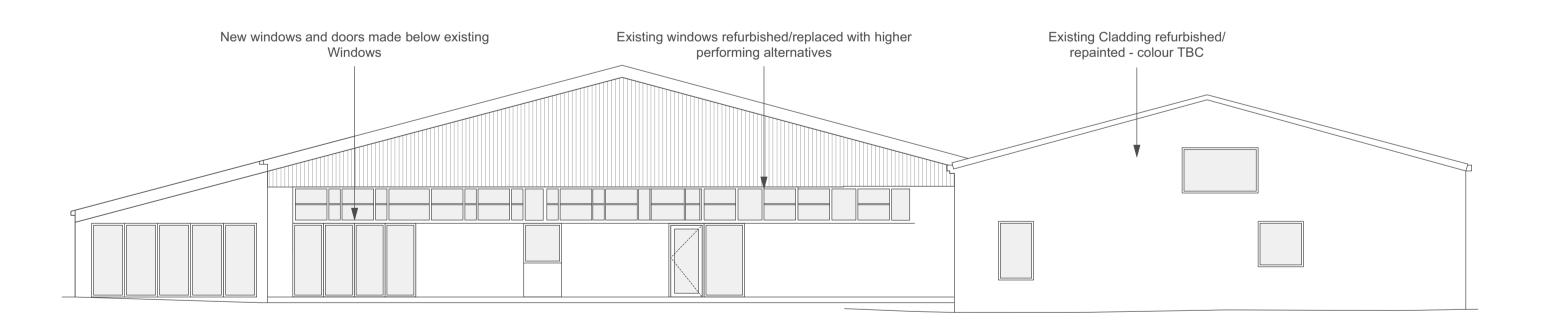


P/713 PROPOSED WEST ELEVATION 1:100





P/711 PROPOSED SOUTH ELEVATION 1:100



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