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| **The Red Lion,**  **Main Street,**  **Wendlebury,**  **OX25 2PW** | | **16/01876/F** |
| **Recommendation:** Approval |  | |
| **Case Officer:** Michelle Jarvis  **Applicant:** Mrs Sarah Robinson-Smith | | |

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| **Application Description:** Retrospective - various amendments to planning permission 15/00172/F including alterations to extended barn, alterations to kitchen extension, repositioning of external flues, changes to signage, reinstatement of southern boundary wall and external lighting |

**1. Site Description, Planning History and Proposed Development**

Site description

* 1. The Red Lion is a Grade II listed building situated on the south east side of Main Street, Wendlebury. The detached property is situated within the centre of the village and dates back to the 18th Century. The building is situated across the road from two other listed buildings (Elm Tree House and Willow Cottage).
  2. The building is constructed from coursed limestone rubble under a tile and slate roof. Two extensions protrude from the rear of the main body of the building, one of which is single storey and accommodates the kitchen and the other of which is 1 ½ storey and accommodates a store.
  3. The site is used as a public house and restaurant. The building has been refurbished to now include a formal dining area, outside seating area and most recently the removal of a building and proposed replacement with a detached accommodation block (ref 15/00185/F & 15/00186/LB refers). A large tarmac car park is situated to the west of the pub with a small beer garden beyond the tiled dining area.

Planning History

1.3 The site has been the subject of an enforcement investigation when work was being done without any consent. Therefore, many of the applications listed (include this current one) have been as a result of attempts to regularise unauthorised work. The table below illustrates the various applications submitted on this site in the recent past:

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| **APP NUMBER** | **DESCRIPTION** | **DECISION** |
| 14/01026/F & 14/01027/LB | Single storey rear extensions, internal alterations and extension to parking area | APPROVED |
| 15/00172/F & 15/00072/LB | Amendments to application 14/01026/F | APPROVED |
| 15/00185/F | Detached accommodation block | APPROVED |
| 15/00186/LB | Removal of curtilage listed building | APPROVED |
| 16/01430/F | Proposed accommodation block - Alteration to approval 15/00185/F | APPROVED |
| 16/02581/F | Retrospective – erection of an external coursed stone hearth a stone chimney, grey brick flaunching and | PENDING |
| 16/02582/LB | Retrospective – erection of an external coursed stone hearth a stone chimney, grey brick flaunching and | PENDING |

Proposal

1.4 Full consent is sought for a variety of amendments to a previously approved application (15/00172/F). These alterations were also picked up as part of the enforcement investigation when during a site visit to the property, it was noted that a significant number of deviations from the approved plans had occurred. The extent of the retrospective works for which regularisation is now sought is indicated below:

- Step in roof of extended barn. Use of metal cladding to gable end of existing building

- Changes to the roof of the small rear extension to the south of the site

- Changes to side elevation of small rear extension

- Addition of a new window to the new kitchen

- Two existing flues repositioned

- Changes to signage on northern gable with associated lighting and planters

- Reinstatement of southern boundary wall

- Addition of external wall lights mounted on kitchen extension

1.5 A concurrent application for listed building consent (16/01877/LB) accompanies this application.

1.6 As part of the enforcement investigation, pre-application advice has been given to the applicants both in writing and at a meeting. This application (and its partner one for listed building consent) is one of a series of applications to be submitted following this investigation. The advice provided in relation to this submission did encourage the submission that is subject to this application. It is supported by both the Enforcement Officer and the Conservation Officer.

**2. Application Publicity**

1. The application has been advertised by way of a site notice, advertisement in the local newspaper, and letters sent to immediately adjoining properties. The final date for comment was **03 November 2016**. No letters from third parties were received.

**3. Consultations**

3.1 Wendlebury Parish Council:

The Parish Councillors have considered the applications.

The Councillors believe that whilst the majority of the changes applied for are acceptable, the Councillors do have concerns about the addition of the external wall lights mounted on the kitchen extension and the lighting on the northern gable as they may disturb the neighbours more with the night’s drawing in.

**Cherwell District Council Consultees**

3.2 Ecology**:**  No comments have been received

**External Consultees**

3.3 OCC Highways: No comments received

3.4 OCC Drainage: No comments received

3.5 Thames Water: No comments received

3.6 Environment Agency: No comments received

**4. Relevant National and Local Policy and Guidance**

4.1 **Development Plan Policy**

Cherwell Local Plan 2011 - 2031 Part 1

BSC12 – Indoor Sport, Recreation and Community Facilities

ESD15 - The Character of the Built Environment

Cherwell Local Plan 1996 (Saved Policies)

C28: Development Control Design

4.2 **Other Material Policy and Guidance**

Planning Practice Guidance

National Planning Policy Framework

**5. Appraisal**

5.1 The key issues for consideration in this application are:

* Visual amenity and Heritage Impact
* Impact on neighbours
* Highway safety

**Visual amenity and Heritage Impact**

5.2 Government guidance contained within the NPPF attaches great importance to the design of the built environment and 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.

5.3 Saved Policies C28 of the adopted Cherwell Local Plan seeks to control new development to ensure that it is sympathetic to the character of its context.

5.4 Government guidance contained within the NPPF requires LPA’s to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 132 of the NPPF states that: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

5.5 The application seeks retrospective consent for a number of alterations to the building (outlined earlier in this report). In terms of the visual impact that these alterations have, given that they are predominantly located on the rear of the building and consequently visible only from within the courtyard, they do not have a significant visual impact on the streetscene. It is noted that there is some alteration to the northern gable end of the building – visible on the approach into the village. However this alteration relates to painted signage and is considered to be of an appearance that is sympathetic to the building and its historic use as a public house.

5.6 The majority of the alterations now to be regularised are minor and on parts of the building which have already been altered or extended under the existing permissions, and in my view any additional impact on the historic fabric, form and appearance of the building is limited and not harmful. Whilst the extractor hoods are visually intrusive and do cause some harm, this is less than substantial and the harm has been reduced through their siting to the rear, and finished appearance (painted black). In my view the harm caused is outweighed by the need for the extractor hoods to service the kitchen, as part of the ongoing use of the building as a public house.

5.7 Overall, I do not consider that there is any unacceptable harm caused by the various alterations to the character, appearance and historic significance of the building. I am also satisfied that due to intervening structures and the positioning and scale of the proposed alterations, there is not any adverse impact on the setting of other listed buildings in the area. Therefore I consider that the proposals accord with the requirements of Policy C28 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031, and the premise of other Government Guidance.

**Impact on Neighbours**

5.8 Both local and national planning policy seeks to ensure that development does not cause undue harm to the amenity of existing neighbours, including by way of loss of outlook, noise, nuisance or loss of light. The Parish Council have made comments relating to concerns about the addition of the external wall lights mounted on the kitchen extension and the lighting on the northern gable as they may disturb the neighbours.

5.9 This matter has been carefully considered and the lighting is some distance from any of the neighbouring properties. Given that this lighting would blend into the existing lighting used daily by the public house, it would be difficult to say that it has any significant impact to warrant the refusal of these items.

5.10 There have been no comments from either neighbouring property. There is not considered to be any detrimental impact caused by these lights to any neighbour and the remainder of the proposed alterations, given their minor scale and siting on the building in relation to neighbouring properties, are not considered to cause harm in other respects. As such the proposals are considered to comply with policy.

**Highway Safety**

5.11 As the proposed alterations are to the external appearance of the building and do not interfere with the local highway network or the existing car park, there are no implications for highway safety or safe access to and from the site. The Local Highways Authority has not objected to the proposals, and so they are considered acceptable in this regard.

Conclusion

5.12 The principle of the proposal is considered to be acceptable and it is considered that the harm resulting to the character, significance and setting of the Grade II listed building would be minimal having regard to the extent of the permitted works and, on balance, outweighed by the public benefits of securing the continued use of the building as a public house. The proposal is also considered not to have an adverse impact on the setting of the other nearby Grade II listed buildings, visual amenities of the locality, residential amenity or highway safety and is therefore compliant with the policies outlined in section 4 of this report. The application is therefore recommended for approval and planning permission should be granted subject to appropriate condition.

**6. Recommendation**

**Approval** –

1. The development hereby approved is as shown on the following plans and documents: Application forms, site location plan (drawing 001 Rev P1), revised site plan (drawing 070 Rev P1), revised ground floor plan (drawing 071 Rev P1), revised elevations (drawings 075 & 076 Rev P1).

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.

Planning Note

The applicant is reminded that the carrying out of any unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

**Signed Case Officer:** Michelle Jarvis  **Date:** 09/01/2017

**Signed SPO/TL:** Alex Keen **Date:** 27/01/2017