

Case Officer: Bob Neville

Recommendation: Approve

Applicant: Mr N Alcraft

Proposal: Variation of condition 2 (Plans) of 18/02159/F - to allow for minor material amendments to the approved scheme, including addition of new porch to the front elevation and reinstatement of 2 no. obscurely glazed windows to the northern elevation; and further the submission of details in respect of Condition 3 (doors, windows and rooflights) and Condition 4 (timber shed)

Expiry Date: 23 December 2019

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a former Methodist chapel within the village of Sibford Gower, which had been vacant for a number of years, but recently been granted approval for conversion to a residential use. The existing detached built building is of brick construction with a grey cladding/render to the front elevation, under a natural grey slate roof and with timber windows and doors. The building sits at a higher level than the adjacent highway, with a grassed area of land with supporting retaining wall to the front of the site. Residential properties flank the site and wrap around to the rear. The site has no vehicular access or associated parking.
- 1.2. In terms site constraints, whilst the site is not a listed building it does sit within the Sibford Gower Conservation Area which is of archaeological interest. There are several grade II listed buildings within the vicinity of the site; the closest being the Manor House adjacent to the north, which also wraps around the rear of the application site. There are records of several notable and protected species (Pipistrelle Bats, Swifts, Brown Hairstreak Spotted Flycatcher) within the vicinity of the site, however no evidence of such within the site itself. The geology in the area is known to contain naturally occurring elevated levels of Arsenic, Nickel and Chromium; as seen in many areas across the district, and further is an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. The site is also within a buffer zone surrounding an area of potentially contaminated land.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application comes following the granting of planning permission 18/02159/F, for the proposed 'Alterations to and conversion of existing redundant chapel building to residential use', granted planning permission on 21st of February 2019.
- 2.2. This application is submitted as a Section 73 application and seeks approval for amendments to the approved scheme, including:
 - addition of new porch to the front elevation;
 - the reinstatement of 2 no. obscurely glazed windows to the northern elevation;
 - revised configuration of rooflights in the rear roof-slope, in light of a revised internal layout;

- and further the submission of details in respect of Condition 3 (doors, windows and rooflights) and Condition 4 (timber shed).

The general nature and form of development would not change as a result of the proposed amendments from that as previously approved.

- 2.3. During the site visit for the current application it was noted that development had commenced on site i.e. the permission had been implemented, including the repair of the front boundary wall which had been appropriately completed at that time.

3. RELEVANT PLANNING HISTORY

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

18/02159/F	Alterations to and conversion of existing redundant chapel building to residential use	Application Permitted 21 February 2019
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4. PRE-APPLICATION DISCUSSIONS

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

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 **10 December 2019**.
- 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SIBFORD PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY (LHA): **No objections.**

NON-STATUTORY CONSULTEES

- 6.4. BUILDING CONTROL: **No objections.**
- 6.5. CONSERVATION: **No objections.**
- 6.6. ECOLOGY: No comments received.
- 6.7. ENVIRONMENTAL HEALTH: **No objections.**

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)

- Villages 1: Village categorisation
- BSC 12: Indoor Sport, Recreation and Community Facilities
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23: Retention of features contributing to the character and appearance of a conservation area
- C28: Layout, design and external appearance of new development
- C30: Design control
- S29: Loss of existing village services
- H21: Conversion of buildings within settlements

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012

8. APPRAISAL

- 8.1. The National Planning Policy Practice Guidance (PPG) advises:

In deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under Section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20180615)

- 8.2. As such, the assessment in this case is limited to considering the merits of the applicant’s request for the revision of Condition 2 of 18/02159/F (approved plans condition), to be varied to allow for the inclusion within the proposed scheme of a canopy porch to the front elevation, revised roof-light configuration on the rear roof-slope and the reinstatement of two previously blocked up windows in the northern elevation, with obscurely glazed windows; and the further consideration of additional information submitted in respect Condition 3 (doors, windows and rooflights) and Condition 4 (timber shed).

- 8.3. Given the context of the site nature of the proposed amendments to the approved scheme, it is considered that the only impacts would be those on the overall appearance of the scheme, the visual amenities of the site and its setting within the wider street-scene and potential impacts on residential amenity.

Principle of development:

- 8.4. The principle of development was previously considered acceptable with the granting of permission 18/02159/F.
- 8.5. The proposed amendments detailed above are considered to be relatively minor amendments in the context of the wider scheme of proposed development and would not significantly alter the nature or form of the proposed development from the previously approved scheme. It is considered that the amendments now proposed do not introduce any further considerations that would result in the principle of the development no longer being seen in a favourable light.

Design, and impact on the character of the area:

- 8.6. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.7. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that: *"New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages"*.
- 8.8. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.9. The Council's Residential Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village.
- 8.10. The site is within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area, which was designated as such in 1985. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
- 8.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.12. As noted in the assessment of the original application (18/02159/F) the changes to the external appearance of the building are limited in their nature, with there being no significant change to the scale or form of the building; with the main appreciable difference in the front elevation being the insertion of new conservation style roof-lights.

- 8.13. The Council's Conservation Officer has assessed the application and again raises no objections to the proposals. The amendments now proposed do not change officer's opinion in respect of the nature of development or possible impacts on the overall acceptability of the scheme in terms of its potential visual impacts.
- 8.14. The proposed amendments would see the introduction of a small timber canopy porch to the front elevation, the opening up of two previously bricked up window openings on the side (north) elevation and a reconfiguration of roof-lights in the rear roof-slope. The alterations to the fenestration, being at the side and rear of the property, would not be subject to significant views from the public domain or visually prominent within the street-scene. The proposed timber porch canopy is of a design, including externally facing materials, that would be in sympathy with rural village character and further could potentially have been constructed under permitted development rights at a future date. Overall it is considered that these alterations are relatively minor in their nature and would not detract from the visual amenities of the site or the wider setting of the building within the conservation area.
- 8.15. The applicant has confirmed that it is the intention repair the existing windows retaining the existing appearance as detailed within the submission. Further details have also been provided in respect of new doors and the proposed new obscurely glazed windows in the northern elevation, as detailed on the submitted drawings. The details are considered to show appropriate design and materials for the context of the site and are considered acceptable; sustaining the character of the existing building and its wider setting within the street-scene and surrounding conservation area.
- 8.16. Details of the proposed timber cycle store (as previously required by condition 4 of the original consent) have been submitted with the application, showing a small timber structure under a metal roof. Whilst the storage shed would be visible in the public domain, it is a relatively small structure and given its siting adjacent the neighbouring property would not in officer's opinion be overly prominent within the street-scene to the extent that it would warrant a reason to refuse the application.
- 8.17. Overall it is considered that the amendments now proposed would not have any significantly greater impact on the visual amenities of the site or wider setting within the conservation than the scheme previously approved under the original consent. The proposals would not detract from the architectural character and significance of the surrounding conservation area and are therefore acceptable in this regard.

Residential amenity:

- 8.18. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.
- 8.19. The proposed amendments detailed above would not result in any impacts on the standards of residential amenity or living environment afforded to potential future occupants of the development from that previously considered acceptable with the granting of the original consent and are considered acceptable in this regard.
- 8.20. The proposed amendments to the configuration of the roof-lights would not result in any greater opportunity for overlooking of neighbouring residential properties than that previously assessed and considered acceptable under the original consent.
- 8.21. It is proposed to open two previously bricked up window openings in the north side elevation. These two windows are detailed to be obscurely glazed and of limited opening capability. Whilst the windows would be directed towards neighbouring properties given the obscure glazing and limited opening, and the context of neighbouring property layout (limited openings in the side southern elevation) it is

considered that they would not result in any significant opportunities for over-looking or be to the detriment of the amenity of neighbouring residential properties.

- 8.22. Overall it is considered that the amendments would have no significantly greater impact on residential amenity than the previously approved scheme. It is considered that given the context of the site, the nature of the proposed development and the site's relationship with surrounding residential properties it is considered that the proposed use of the building as a residential dwelling would not likely result in any significant impacts on residential amenity, whilst providing an acceptable standard of living for potential future occupants. The proposals are therefore considered acceptable in this regard.

Highway safety:

- 8.23. The LHA has assessed the proposals and raises no objections, in terms of potential impacts on the local road network or highway safety. Officers see no reason not to agree with this opinion.
- 8.24. The scheme was previously approved with no onsite parking given the context of the site and its relationship with the adjacent highway. The proposed amendments detailed above would have no greater impact on highway safety than the previously approved scheme.
- 8.25. Condition 4 of the original consent required details of cycle storage to be submitted and approved. As noted above the proposals include a small timber shed at the front of the site. The LHA has assessed the details submitted with the application and consider the cycle storage shed to be acceptable in terms of providing appropriate covered cycle storage in the context of the development; thereby promoting the potential use of cycling as a more sustainable form of transport.

Other matters:

- 8.26. As this application is a S73 application, it is necessary to repeat all conditions attached to the original permission, as amended, as the result of the approval of this application would be a new planning permission. The PPG makes it clear that: *"where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended (Paragraph: 015 Reference ID: 17a-015-20140306)"*.
- 8.27. The conditions attached to the original consent 18/02159/F have therefore been updated to reflect the variation to the approved plans condition (condition 2) and the further window, door, roof-light and shed details submitted in respect of conditions 3 and 4.
- 8.28. Condition 7 of the original consent required the repair or making good of the front boundary wall to be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing remaining section of front boundary wall. Given that this work had been satisfactorily been completed it is not considered necessary to carry this condition forward on any further permission.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The principle of development and detail of such has previously been considered acceptable with the granting of the original permission 18/02159/F. Given the above assessment it is considered that the proposed further amendments now proposed, as detailed above, are generally considered acceptable in terms of visual amenity, residential amenity and highway safety and introduce no further impacts above

those which have previously been assessed and considered acceptable, with the approval of the previous consents.

- 9.3. The changes to the original scheme proposed within this application do not introduce any further considerations that would now suggest that the proposals should not be seen in the same favourable light as has previously been adopted following the approval of the original consent. The application is therefore recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions

1. The development to which this permission relates shall be begun not later than the 21st February 2022.

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.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, drawings labelled: 'Reinstated windows in the north elevation', GGL-EDN-0114-1104, 'Timber Bicycle & Storage Shed', 'Refurbished Main Windows', 'Open Porch Over Kitchen Door', 'External Kitchen Door', 'External Front Door' and the application drawing pack received 28/10/2019.

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.

3. The windows, doors and rooflights and their surrounds shall be installed within the building in accordance with drawings labelled 'Reinstated Windows in the North Elevation', GGL-EDN-0114-1104, 'Refurbished Main Windows', 'External Kitchen Door' and 'External Front Door' and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Policy ESD 15 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.

4. The timber storage shed constructed/installed in accordance with the details shown on drawing labelled 'Timber Bicycle & Storage Shed' and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Policy ESD 15 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.

5. Any remedial brickwork necessary for the repair or making good of the external walls of the building shall be carried out in brick of the same type, texture, colour and appearance as the brick on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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 ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy ESD 15 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. Any remedial work necessary for the repair or making good of the roof of the building shall be carried out in natural grey slate of the same type, texture, colour and appearance as the slate on the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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 ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Policy ESD 15 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.

7. No rainwater goods shall be used other than those comprising entirely of either traditional cast iron or metal painted black and shall be permanently retained as such thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Policy ESD 15 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.

8. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character of the area and the amenities of the occupants of the adjoining dwellings in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Environmental Protection Team Leader for further advice on this matter.
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
4. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
5. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
6. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers.

For further information please contact the Council's Environmental Protection Officer.

Case Officer: Bob Neville

DATE: 18/12/2019

Checked By: Nathanael Stock

DATE: 19.12.2019
