

**St Georges Catholic Church Round Close Road
Adderbury**

19/02181/F

Case Officer: James Kirkham

Recommendation: Approve

Applicant: Mr Tim Catling

Proposal: Demolition of existing chapel and erection of 1 dwelling

Expiry Date: 16 December 2019

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within West Adderbury to the south of Round Close Road. The site comprises an existing one and a half storey detached building which is now vacant, but was previously used as a Catholic Church.
- 1.2. The site bounds Round Close Road to the north where there is a stone wall which encloses part of the frontage and to the front of the building there is a hard surfaced area which offers parking for one or two cars. The site is bounded to the west, south and east by residential uses. Partridge Court to the west is a two-storey building comprising 7 residential flats, to the south lies two detached dwellings, the gardens of which abut the application site and to the east the boundary is formed by the side elevations of number 13 and 15 Round Close Road which contains a number of windows.
- 1.3. The site is located within the Adderbury Conservation Area. An ordinary water course runs through the site from west to east and runs on into the neighbouring garden of 13 Round Close Road in the south east corner of the site. The site lies within 50 metres of potentially contaminated land and with a site of medium Archaeological Interest.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission for the demolition of the existing church and the construction of one, four bedroomed dwelling on the site. This would be constructed in the form of an L shaped building.
- 2.2. The building would have a gabled frontage onto Round Close Road, with a hipped wing set back from the road. The proposal contains 3 number of car parking spaces which are set in front of the hipped wing of the dwelling and adjacent to the neighbouring property of 15 Round Close Road.
- 2.3. The building would be constructed in stone with a plain tile roof and timber casement windows. The proposal would have a low level boundary wall at the front of the site adjacent to Round Close Road.

3. RELEVANT PLANNING HISTORY

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

Application: 15/01540/F

Application
Refused

1 February 2016

Demolition of existing chapel and erection of 4 no. dwellings

Application: 16/00814/F	Application Refused	24 June 2016
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Demolition of existing chapel and erection of 4 no. dwellings - Re-submission of 15/01540/F

Application: 17/00485/F	Application Withdrawn	22 May 2017
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Demolition of existing chapel and erection of 2 dwellings

Application: 17/02131/F	Application Refused	8 January 2018
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Demolition of existing chapel and erection of 1 dwelling

The above decision was appealed. The reasons for refusal related to impact on the conservation area, impact on the neighbouring properties and lack of information on flood risk. The Council agreed with the Council on all these matters.

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>
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15/00074/PREAPP	Detailed Pre-App response sent
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Pre-App enquiry - Demolition of existing chapel and erection of 2 No dwellings

19/00063/PREAPP	Detailed Pre-App response sent	17 June 2019
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Demolition of existing chapel and erection of 1 dwelling

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 **22 November 2019**, 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

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

OTHER CONSULTEES

6.3. OCC HIGHWAYS: **No objections.**

6.4. CDC BUILDING CONTROL: **Comment.** A demolition notice will be required.

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:

ADDERBURY NEIGHBOURHOOD PLAN

- AD1: Adderbury Settlement Boundary

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- BSC2: The Effective and Efficient use of land
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation (Adderbury Category A)

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23: Retention of features contributing to character or appearance of a conservation area.
- C28: Layout, Design and external appearance of new development
- C30: Design Control over new development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell New Residential Development Design Guide

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Planning history and principle of development
- Heritage, design, and impact on the character of the area
- Residential amenity
- Flood Risk
- Other matters

Planning history and principle of development

- 8.2. The site has a long planning history with a number of refusals on it. The principle of developing the site for residential purposes however has been accepted under the earlier applications on the site. It is not considered that there are any material change in circumstances which would lead to Officers to reach a different conclusion on the matters of principle. Therefore, the principle of development is considered to be acceptable. The main issue in this case is whether the proposal has overcome the earlier reasons for the dismissed appeal.

Heritage, design, and impact on the character of the area

- 8.3. Government guidance contained within The Framework states that developments should seek to provide good design and 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.
- 8.4. The application property is located within Adderbury Conservation Area. The Conservation Area is defined as a designated heritage asset in the NPPF. The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset and any harm or loss should require clear and convincing justification. The NPPF further states that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.5. Saved Policy C23 of the 1996 Local Plan states that there will be a presumption in favour of retaining features which make a positive contribution to the character and appearance of a conservation area and Policies C28 and C30 seeks to ensure the layout, scale and design of development is of a high standard. Policy ESD15 of the Cherwell Local Plan 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. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.6. The application site is located to the south of Round Close Road within Adderbury Conservation Area. It currently comprises a detached rendered one and a half storey building with a gable front to the road. The surrounding development is a mixture of historic development and vernacular architecture with more modern infill development and therefore the form and character of development in this location is mixed residential development.
- 8.7. The proposal is similar in form and appearance to the earlier dismissed appeal but seeks to address the specific design concerns raised by the Planning Inspector.

- 8.8. The Inspector noted that the majority of buildings in the locality have simple pitched roofs with gable ends and are constructed of ironstone which collectively creates a distinct character. He noted that the dwelling would have an L shaped footprint and the projection to the side would be wider than the width of the forward projecting gable and its ridge height would be the same. Whilst noting it would be set back he considered, due to its height and width, it would not be subordinate component of the building and would combine with the principle gable end to create a large imposing building when viewed from the highway. This would also fail to respond to the more traditional form of buildings in the locality where side projecting elements are subservient. He concluded on this matter by stating:

'The hipped roof would not form part of a subservient wing but instead, it would have an equal status with the projecting gable. In doing so, it would be afforded undue prominence within the street scene and, consequently, would have a harmful effect on the character and appearance of the CA.' (paragraph 10)

- 8.9. The current application has sought to address this in several ways. The width of the sideward projecting element has been reduced from 6.5 metres to 4.6 metres. The depth of this element has also been reduced from 5.9 metres to 5 metres and the ridgeline has been made lower than the forward projecting element. This creates a side projecting element which has a greater subservience in form and scale to the main element of the building particularly given its set back position.
- 8.10. Whilst the Council did have concerns regarding the use of a hipped roof the Planning Inspector appeared to have less concern in this regard as long as the sideward projecting element was clearly part of a subservient form. As such to aid in the subservient appearance of the extension the hipped roof of the proposed side wards projection has been retained, and is considered acceptable. On balance these changes are considered to overcome the previous reason for refusal. This is in line with the pre-app and the impact of the development on the character and appearance of the Conservation Area is now considered to be acceptable.

Residential amenity

- 8.11. The second reason for refusal related to the impact on the amenity of 15 and 13 Road Close Road. This read:

2. The proposal, by virtue of its layout, form and scale, would detrimentally impact on the outlook to the windows on the western side elevation of 15 and 13 Round Close Road. The relationship of the proposed garden with these windows would also result in an unacceptable level of overlooking and loss of privacy to these properties and would fail to provide a good standard of outdoor amenity space for the future occupier of the proposed dwelling. The proposal is therefore considered contrary to Saved Policy C30 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.

- 8.12. The neighbouring properties have windows directly onto the side boundary of the application site. The inspector considered the impact on the outlook of the proposal on these properties would be acceptable however he agreed with the Council that the proposal, with the main garden serving the proposed dwelling, immediately adjacent the windows of these properties would not lead to a good standard of amenity for the existing residents of these properties or the future occupants of the proposed dwelling.
- 8.13. In the current proposal it is intended to provide a stone wall around this area so that the windows would no longer face into the main garden of the proposed dwelling but

would face into a smaller side garden. Whilst the wall would impact on the outlook to these windows to some extent it is noted that a similar 2 metre wall could be erected on the existing site under permitted development. The application has tried to provide some space between this wall and windows to reduce the impact on the windows and on this basis the impact on the outlook and light to these windows is considered to be acceptable.

- 8.14. In regard to the issue of privacy whilst this is not ideal, on balance, it is considered to be an acceptable compromise as the use of this side garden space is likely to be more limited than the main garden space to the rear of the dwelling. Furthermore it has to be remembered that events could take place in this garden space serving the existing use (D1) which could lead to large groups of people being gathered in this space. Planning conditions are recommended to be imposed which seek landscaping details of this space and ensures that outbuildings, extensions or new means of enclosure cannot be provided without the need for further planning permission to protect the amenity of the neighbouring properties.
- 8.15. In regard to the impact of the development on the adjacent properties at Partridge Close this remains very similar to the early applications, which on balance was considered to be acceptable. It is therefore considered that this matter remains acceptable.

Flood Risk

- 8.16. There is an ordinary watercourse which passes through the site and then east into the rear garden of number 13 Round Close Road. During visits to the site the watercourse was observed flowing quickly through the neighbour's garden and through the area which it exposed in the site. It therefore appears to be an important drainage channel within this part of the village. The proposed development will be constructed in close proximity to this drainage channel.
- 8.17. Policy ESD6 of the CLP 2031 (Part 1) seeks to secure the management and reduction of flood risk. This policy seeks a site-specific flood risk assessment to support the application because the development is within 9 metres of a watercourse. In earlier applications there was no such information provided and the application was refused on a lack of information. The Inspector on the recent appeal noted:

I therefore conclude that in the absence of a site-specific flood risk assessment, I cannot be confident that the proposal would have an acceptable effect on flood risk. Consequently, the proposal fails to accord with Policy ESD6 of the LP which seeks to manage and reduce flood risk in the district and which is consistent with policies in the Framework in that regard.

- 8.18. It is noted that the previous applications sought to culvert the drainage channel, whereas it is now their intention to leave it open. A Flood Risk Assessment has also been submitted to understand the impact of the development on Flood Risk.
- 8.19. The FRA notes that the proposal is within Flood Zone 1 which has a low risk of Fluvial Flooding. It goes on to note that the EA Surface Water Flood Depth Maps for medium and low risk scenarios may experience some shallow flooding but is not impacted by the High Risk Scenario. The Risk of Flooding from Surface Water also indicates that during the 1 in 100 year event and 1 in 1000 year event parts of the site could experience flooding depths of 0.3m and 0.6m respectively however the majority of this is outside the areas occupied by the proposed dwellings. The SFRA Level 1 does not include any records of previous flooding that affects the development site.

- 8.20. The FRA indicates that infiltration could be viable given the desktop geology information however they are proposing to connect to the existing watercourse like the existing building. The existing building has unrestricted flows into the watercourse and it is proposed to restrict the flows from the redeveloped site to result in a reduction in the peak rate of surface water discharge and provide betterment compared to the existing situation. It is also recommended that the dwelling be set 150mm above external ground levels to reduce the risk of flooding.
- 8.21. Overall the FRA concludes the proposal will not increase flood risk on the site or elsewhere and in the absence of any further technical information this is considered to be acceptable.

Other matters

- 8.22. The Council considers the provision of electric vehicle charging infrastructure is necessary in order to make resident parking places EV ready for future demand. The NPPF and Policies SLE4, ESD1 and ESD3 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport and address the issues relating to climate change. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan. It is considered reasonable and necessary for this to be secured through a condition of any permission given.

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. Overall the proposal is considered to address the earlier reason for refusal. The proposal would provide a new home in an areas supported by the Development Plan and would also mitigate the environmental impacts of the development. The proposal is now considered comply with the Development Plan when read as a whole and it is recommended that planning permission be granted.

10. RECOMMENDATION

That permission is granted, subject to conditions (see decision notice)

Case Officer: James Kirkham

DATE: 12.12.19

Checked By: Nathanael Stock

DATE: 16.12.2019
