

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
19/02308/PREAPP	Proposed conversion of existing out buildings into residential units

- 4.2. The report concluded that any future planning application for the proposals could not be considered favourably, as the proposals involved considerable demolition and very little conversion and therefore conflicted with Policy Villages 1 and saved Policy H19 and were therefore unacceptable in principle.

It was stated that a successful development would involve an extension to connect the two existing buildings facing the yard to the north-east, and conversion of the third building on the field side for use by the proposed dwellings as storage, shed, etc., with its use perhaps shared between the two dwellings.

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 **3 July 2020**, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. The comments raised by third parties are summarised as follows:

- Concerns regarding the design and scale of the development.
- The proposed parking arrangements would affect the existing parking arrangements for the nearby dwelling.

- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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. STRATTON AUDLEY PARISH COUNCIL: No comments received.

OTHER CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections**, subject to a condition that the parking area shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site
- 6.4. CDC BUILDING CONTROL: Development would require a building regulations application.

6.5. CDC ECOLOGY: No comments received.

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 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient and Efficient Use of Land
- ESD1: Mitigation and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems
- ESD10: Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the open countryside
- H19: Conversion of buildings in the countryside
- C18: Development proposals affecting a listed building
- C28: Layout, design and external appearance of new development
- C30: Design Control
- ENV1: Environmental pollution
- ENV12: Contaminated land

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)

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology

Principle of development

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4. Cherwell District Council can demonstrate an adequate supply of deliverable housing sites (3 years following the ministerial statement). Therefore, the tilted balance in the presumption in favour of sustainable development, as advised by the NPPF, will not need to be applied in this context (see footnote 7 to paragraph 11 of the NPPF), and assessment of the proposal must be made in accordance with the Local Plan.
- 8.5. The principle of residential development in Stratton Audley is assessed against Policy Villages 1 of the Cherwell Local Plan (2011-2031) Part 1. Stratton Audley is recognised as a category C village in the Cherwell Local Plan Part 1, which restricts new residential development to infilling and conversions. Infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Category C settlements are considered the least sustainable settlements in the District's rural areas and are inherently poor in terms of services and facilities.
- 8.6. It is considered that the site is outside the built limits of the village. Saved Policy H19 of the Cherwell Local Plan 1996 states that: 'proposals for the conversion of a rural building, whose form, bulk and general design is in keeping with its surroundings to a dwelling in a location beyond the built-up limits of a settlement will be favourably considered provided:
- (i) The building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character;
 - (ii) The proposal would not cause significant harm to the character of the countryside or the immediate setting of the building;
 - (iii) The proposal would not harm the special character and interest of a building of architectural or historic significance;
 - (iv) The proposal meets the requirements of the other policies in the plan.'
- 8.7. Following the scheme being amended, the proposed development now involves the conversion of the existing buildings on the site. Although extensions are proposed, the two-storey rear extension being of significant scale, in this instance, and on balance, it is considered that the latter extension is not required in order to facilitate the conversion of the buildings and the extensions are not 'major' relative to the amount of existing buildings. It is considered that the revised proposal would entail conversion these buildings 'without major rebuilding or extension and without inappropriate alteration to its form and character'. The proposed development as amended therefore complies with Saved Policy H19 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Design and impact on the character of the area

- 8.8. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that 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.
- 8.9. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
 - 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 to live, work and visit.
- 8.10. 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. All new development will be required to meet high design standards.”
- 8.11. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.
- 8.12. The site is located within the Stratton Audley Conservation Area and the building that would form Plot 1 is locally listed, alongside the buildings to its north. The buildings are of simple design and a small scale but have the appearance of typical farm buildings which add to the rural character of the area and contribute positively to the character and appearance of the area.
- 8.13. The extension elements of the scheme have been designed to closely match the design of the existing buildings in terms of their appearance, scale and materials. The largest of the extensions is the rear extension to Plot 1, which is 1 ½ storeys in scale and would have ridge and eaves height to match the existing building. Given that this extension would have a limited depth and is the only extension to this unit, with the rest of the development comprising a conversion, it is considered that this extension would not cause harm to the character and appearance of the area.
- 8.14. The changes to plot 2 would involve attaching it to both Plot 1 and the building to its rear. The infill extension element to the front of the building would have the same, lower ridge and eaves height of Plot 2 and replicates the stable door feature of Plot 1. To the rear, the extension would also match the ridge and eaves height of the rear element of the building. All of the extension elements are proposed in the same materials as the existing buildings on the site.
- 8.15. The development when viewed from the courtyard would replicate and reinforce the agricultural character of the area. This area currently contributes to the character and appearance of the conservation area and the reuse of these buildings would

result in a minor enhancement to this, by bringing back into use redundant and derelict buildings.

- 8.16. The design and scale of the development is considered to be acceptable and the conversion and reuse of the buildings would result in a minor enhancement to the character and appearance of the conservation area. It is therefore considered that the proposed development complies with Policy ESD15 of the Cherwell Local Plan 2011 - 2031, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Residential amenity

- 8.17. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph B.42 in the Cherwell Local Plan Part 1 states that: "In all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential property will not be permitted."
- 8.18. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that: "Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted."
- 8.19. The two proposed dwellings are located in close proximity of each other. However, due to the location of the windows on the dwellings, it is considered that there would be no harmful overlooking of the proposed dwellings themselves. Plot 1 would overlook the garden of Plot 2, but this would be no different to the relationship between terraced dwellings in any other part of the district, where rear gardens are overlooked in a similar way.
- 8.20. It is therefore considered that the proposed development would not result in undue loss of light, overlooking or loss of light, or the creation of an overbearing effect and that the proposals therefore comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Highway safety

- 8.21. The Highways Officer has offered no objections to the application, subject to a condition relating to the drainage of the parking area. Sufficient parking would be provided for both dwellings and visitors. It is therefore considered that the development is acceptable in this regard and would comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 and Government guidance contained within the NPPF.

Ecology

- 8.22. A significant number of protected species have been located in close proximity of the site and a bat survey has been submitted with the application which has found roosts in the buildings subject to this application. The Council's Ecology Officer has not commented on the application at the time of writing this report.
- 8.23. The bat survey has found that there is common pipistrelle day roost and a brown long-eared bat day roost. The report states that as all bat roosts are protected under legislation, the applicant will need to register the site under Natural England's Bat Low Impact Class Licence (BLICL) scheme to permit the destruction of the existing

roost sites and access points within these buildings and to disturb any bats present. The survey also makes a number of recommendations, which include a bat box and crevices being created between the roof tiles, alongside a number of more general mitigation measures.

- 8.24. It is unfortunate that a building with a bat roost in would need to be disturbed as a result of the proposals. However, the applicant would need to apply for a licence from Natural England and this work must be done by a qualified ecologist. Furthermore, the proposed mitigation would provide replacement roosting opportunities for bats on the site. Subject to conditions, it is considered that the proposed development is acceptable in this regard and complies with Policy ESD10 of the Cherwell Local Plan 2011 - 2031 and Government guidance contained within the NPPF.

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. Following amendments being made to the scheme, it is considered that the proposals would constitute a conversion of the existing buildings, and that the extensions are minor relative to the scale and massing of the existing buildings. The development would not cause harm to the character and appearance of the conservation area, neighbour amenity or highway safety. Subject to conditions, the development would not cause harm to local biodiversity and is therefore considered to be acceptable, in accordance with Policy ESD10 of the Cherwell Local Plan 2011 - 2031 and Government guidance contained within the NPPF.

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 expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: 19246 3_113 Rev G; 19246 3_212 Rev E; 19246 3_101; 19246 3_112 Rev G; 19246 3_114 Rev E; 19246 3_211 Rev E and 19246 3_213 Rev D.

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. No development shall commence until a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) has been constructed on site, and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be constructed in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and to comply with Policy ESD15 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. No development shall commence until samples of the tile to be used in the construction of the roof of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 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. Prior to the replacement or insertion of any window or door, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the building other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 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. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 19246 3_112 Rev d) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. The development hereby approved shall be carried out in accordance with the recommendations set out in section 5 of the Phase 1 and 2 Bat Survey carried out by Ridgeway Ecology on 11 August 2019.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwellings shall not be extended, nor shall any structures be erected within the curtilage of the said dwellings, 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 amenities of the occupants of the adjoining dwellings and to safeguard the character and appearance of the area and because otherwise the development would not accord with Saved Policy H19 of the Cherwell Local Plan 1996 and in the interests of sustainable development and in accordance with Policy ESD15 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.

Case Officer: Matthew Chadwick

DATE: 07/07/20

Checked By: Nathanael Stock

DATE: 10.07.2020
