

Case Officer: Matthew Chadwick

Recommendation: Approve

Applicant: Mr Roger Yates

Proposal: Reserved matters to 19/00250/OUT - Phase 1 of the outline permission - approval of reserved matters for conversion of the curtilage listed barn.

Expiry Date: 25 August 2020

Extension of Time: 21 October 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located to the north of the village of Great Bourton, at the outer limit of the village at the end of Manor Road. The site is currently occupied by a number of dilapidated farmyard buildings and barns. The buildings would previously have been used as part of a working farm in relation to Crockwell House to the east; however, the farm is no longer a working enterprise.
- 1.2. The site is located in close proximity to a Grade II Listed Building, Crockwell House, and the existing farmyard buildings are considered curtilage listed by association. Public Footpath 138/4/20 runs close to the southwest corner of the site and the site is in an area of Potentially Contaminated Land, most likely owing to the sites former use as a farmyard.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Approval of reserved matters is sought in relation to the outline consent ref. 19/00250/OUT for the conversion of the existing barn to a single dwelling. This forms part of the outline scheme which also related to the buildings in the north of the site. In the Planning Statement, the applicant has indicated that a reserved matters application for the buildings in the north of the site will be submitted in the future.
- 2.2. The reserved matters are the access, appearance, landscaping, layout and scale of the dwelling. The dwelling would be single storey in scale and would be constructed from brick walls with a corrugated metal roof. The dwelling would have four bedrooms. Two parking spaces would be provided to the west of the dwelling and a garden area would be provided to the front (north) of the dwelling.
- 2.3. The design has been amended during the course of the application to remove a protruding element to the north of the dwelling and to rectify errors in the plans.
- 2.4. This application is submitted alongside a listed building application (20/01730/LB).

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/00609/OUT	Proposed residential development of 3 no.	Application

	dwellings	Permitted
19/00250/OUT	OUTLINE - Residential development of 3no dwellings (Re-submission of approved application 16/00609/OUT)	Application Permitted

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 **25 September 2020**, 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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. THE BOURTONS PARISH COUNCIL: **No objections.**

OTHER CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections.**
- 6.4. CDC BUILDING CONTROL: A Building Regulations application will be required.
- 6.5. CDC ECOLOGY: No comments received.
- 6.6. CDC ENVIRONMENTAL HEALTH: **No objections**, subject to the submission of a verification report, prior to occupation, which demonstrates that remedial actions have been completed.
- 6.7. CDC RIGHTS OF WAY: **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 Part 1)

- ESD10 – Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

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. The principle of residential development on the site was considered acceptable in outline application 19/00250/OUT. As a result, both the principle and amount of residential development on this site has been established and is no longer for consideration. Therefore, having established that the proposal is broadly consistent with that granted outline consent, the scope of consideration of this application extends solely to the "reserved matters", i.e. matters directly associated with the access, appearance, landscaping, layout and scale of the approved development.

Design, and impact on the character of the area

8.3. Government guidance contained within the NPPF requiring good design 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. 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. Saved Policy C28 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

- 8.5. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 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, and should respect the historic environment including Conservation Areas and listed buildings.
- 8.6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 8.7. Crockwell House is a Grade II Listed Building and the barns on the site are considered to be curtilage listed. This reserved matters application has been submitted alongside a listed building consent application for the proposed works to the listed building.
- 8.8. The matters for consideration under this application are the access, appearance, landscaping, layout and scale of the development. This includes the changes proposed to the external appearance of the listed building and its setting, which are a material consideration for this application.
- 8.9. Following the design changes that have been negotiated during the course of the application, it is considered that the design of the dwelling is acceptable and is now similar to that shown on the indicative scheme on the outline application. The development would retain the simple form of the building – the scale of the building would not materially change – and the existing openings of the building have been used where possible, with new openings kept to a minimum. The ridge and eaves height of the roof of the building will not be altered under the proposals. The roof would be externally faced in clay tiles, which is an appropriate material given the context of the site.
- 8.10. The appearance and scale of the development are therefore considered to be acceptable and would retain the agricultural and simple character of the building.
- 8.11. A detailed landscaping scheme has not been submitted with the application, but some landscaping features are shown on the site plan. This drawing shows that a garden area would be provided to the front of the dwelling and would be bounded by a 1.4m beech hedge. This is acceptable in principle, subject to a more detailed landscaping scheme being required by a condition. The parking for the dwelling is proposed to the west of the dwelling. This location for the parking is considered to be acceptable and would contribute to the agricultural character of the site by not being located in front of the dwelling. Subject to conditions, the layout and landscaping of the development would be acceptable.
- 8.12. The creation of new openings in the building would result in less than substantial harm being caused to the significance of the listed building but based on the amended proposals on which this application is being determined and subject to conditions relating to materials and architectural detailing this harm would be minor. However, the proposal would bring a listed building back into use that has been derelict for a number of decades. The re-use of the listed building (as a residential dwelling) would be a public benefit of the proposal that would balance out minor harm to the listed building.

- 8.13. It is therefore considered that the development would 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 NPPF.

Residential amenity

- 8.14. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 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.
- 8.15. Given the single storey scale and fenestration arrangement of the proposed dwelling, it is considered that the development would not cause harm in terms of overlooking or a loss of light on neighbouring dwellings. The dwelling would have rooflights on the southern roofslope which would result in a small amount of lightspill which would be visible from the dwellings to the south. However, given the size of the rooflights and their location relative to the neighbouring dwellings, it is considered that the impact on these dwellings would not be so harmful as to justify a reason for refusal in this regard.
- 8.16. It is therefore considered that the proposed development complies 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 NPPF.

Highway safety

- 8.17. The Highways Officer has offered no objections to the development, subject to the conditions imposed on the outline consent. Given that these conditions are imposed on the outline consent they do not need to be re-imposed to any consent given here. The development would take access from Manor Road to the southeast. Two parking spaces are to be provided to the west of the dwelling.
- 8.18. A condition requiring further details of the access was included on the outline consent. Subject to this condition, it is considered that the development would not cause harm to highway safety.

Ecology

- 8.19. A bat survey has been submitted with the application. The Council's Ecology Officer has been consulted on the application but has not provided comments at the time of writing this report.
- 8.20. The bat survey found a single Brown Long-eared Bat roosting within gaps in the rafters of the building. The bat survey states that appropriate mitigation would be needed, along with a licence from Natural England consenting to the loss of the roost. Given the presence of a roosting bat, and the low status of the roost, the site is eligible for registration under Natural England's Bat Mitigation Class Licence (BMCL) scheme. The bat survey also recommends the provision of two bat boxes.
- 8.21. A condition shall be included requiring no works to be carried out until a Bat Licence has been granted and a further condition shall be included to ensure that bat boxes are provided as part of the development. It is considered that subject to these conditions, the development would not cause harm to local ecology and biodiversity and that the proposals would comply 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. The principle of residential development on the site was established under the granting of 16/00609/OUT and 19/00250/OUT. Following amendments to the scheme, and subject to conditions, the layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. The alterations to the building would cause harm to the significance of the listed building, but subject to appropriate materials and architectural detailing this harm would be minor and would be balanced out by the public benefits of the scheme namely the re-use of the listed building. The development would provide a suitable access which would not cause harm to the safety of the highway network. Subject to conditions, the development would not cause harm to the safety of the local highway network or the amenities of neighbours. The application is therefore recommended for approval.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Site Location Plan (3561/A Map); Proposed Site Plan (20.08.03.13 Rev B); Proposed Ground Floor Plan (20.08.02.10 Rev B); Proposed North and South Elevations (20.08.02.11 Rev B); Proposed East and West Elevations (20.08.02.12 Rev C); Estate Car Swept Path Analysis - Access and Internal Site Road (SP02) and Fire Appliance and 7.5T Box Van - Swept Path Analysis - Access and Site Road (SP03).

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.

2. No development shall commence until samples of the timber to be used in the louvres over the glazing screens of the development and any new tiles to be used externally to cover the roof of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the significance of heritage assets and in the interests of 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.

3. No development shall commence until 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, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in strict 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 significance of heritage assets and in the interests of 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 rainwater goods shall be used in the development unless they are either cast iron or aluminium finished and shall be painted matt black.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the historic character and significance of designated heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the landscaping shown on the submitted site plan and prior to the occupation of the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

The hard landscaping shall be provided in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development 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.

7. No development shall commence unless and until full details of a scheme for the location of bat boxes have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed on the site in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

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 shall not be occupied until the remedial works have been carried out in accordance with those set out in Section 8.4 of the Ground Investigation Report prepared by Soiltechnics dated June 2020. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the dwelling.

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. 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.

Case Officer: Matthew Chadwick

DATE: 16.10.2020

Checked By: Nathanael Stock

DATE: 21.10.2020
