

Case Officer: Rebekah Morgan

Recommendation: Approve

Applicant: Crockwell Farm LLP

Proposal: Reserved matters application to 19/00250/OUT - application for approval of matters reserved by Condition 1 of 19/00250/OUT

Expiry Date: 8 November 2021

Extension of Time: 8 November 2021

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 several 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 barns to two single dwellings. This forms part of the outline scheme which also related to the building in the south of the site. The building to the south has already been granted reserved matters consent (20/01726/REM) separately, this brings the total to three dwellings on the site, in accordance with the outline consent.
- 2.2. The reserved matters are for access, appearance, landscaping, layout and scale of the dwellings. The dwellings would be two-storey in scale (the first floor accommodation is within the roof space) and would be constructed from ironstone walls with a slate roof. The dwellings are attached and each one would have four bedrooms. Two parking spaces would be provided for each dwelling, with some additional visitor spaces. A garden area would be provided for each dwelling.
- 2.3. A listed building consent application has also been submitted (21/02824/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. dwellings	Application Permitted

19/00250/OUT	OUTLINE - Residential development of 3no dwellings (Re-submission of approved application 16/00609/OUT)	Application Permitted
20/01726/REM	Reserved matters to 19/00250/OUT - Phase 1 of the outline permission - approval of reserved matters for conversion of the curtilage listed barn.	Application Permitted
20/01730/LB	Alterations to facilitate the conversion of the existing building into a residential dwelling. Works to include repair of the existing walls (to be internally insulated), creation of minor openings within the building, and to insert a new window. Existing openings are to be enclosed with glazing.	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, expiring **2 June 2021**, by advertisement in the local newspaper expiring **4 June 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **17 October 2021**.
- 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. **BOURTONS PARISH COUNCIL:** Support – This Council supports this application which is noted for being a sympathetic development improving the locale. We would like to see a construction traffic management plan, in view of the fact that Manor Road is very narrow and there have been access issues caused by delivery vehicles recently. Ideally, we would like to see a weight limit or length limit imposed and times for delivery restricted to after 10.00 and before 14.30 to avoid commuter and school run times. Specific arrangements should also be made regarding the parking of contractors own vehicles, ideally being contained within the site, but if this is not possible than an off-site car park should be arranged as parking must not be allowed in Manor Road or adjacent roads.

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: No objection – The access has already been constructed according to details agreed during Phase 1, and I have no comments on the internal layout of the site. The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view, therefore I offer no objection.
- 6.4. CONSERVATION OFFICER: The Conservation Officer provided detailed comments on the proposals and met with the applicant to discuss these issues. The applicant submitted amended plans and the following comments have been received from the Conservation Officer:

There is always an awkward junction when two ridge tiles meet at the same height, a difference in ridge height helps. They would need to take particular care and we would need to condition the detail.

Gabled stone dormer – the height difference would need to either be more or the triangular gable needs to rise from the eaves as would be more traditional for a gable of this width.

It is a pity about the windows as there would have been scope to articulate the building in a manner more appropriate to a farm, but I do not raise strong 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

Principal of the development

8.2. The principle of residential development on the site was considered acceptable in outline consent 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 dwellings is acceptable and is similar to that shown on the indicative scheme on the outline application. The scale of the buildings is considered to be appropriate for the setting and location.
- 8.10. The Council's Conservation Officer's final comments raised some points regarding specific design features and how the detail of these will be dealt with during the build. To ensure these are appropriate, conditions have been recommended to require full design details of the dormer and the junction where the ridge tiles meet.
- 8.11. The appearance and scale of the development are therefore considered to be acceptable and would retain the agricultural and simple character of the site.
- 8.12. The proposed site plan includes details of the proposed landscaping. This drawing shows that a garden area would be provided for each dwelling which would be bounded by a native hedgerow, estate style fencing or the retention of existing stone walls. The landscaping scheme is simple but appropriate for the scale and nature of this residential development.
- 8.13. The existing curtilage listed buildings (affected by this proposal) are in a poor state of disrepair and do not contribute positively to the setting of the main listed farmhouse. The replacement of these buildings would result in less than substantial harm being caused to the significance of the listed building. The proposals would have an overall positive impact on the site and the public benefit of bringing this site into use and providing two additional dwellings in the village, in this case, would outweigh the less than substantial harm.
- 8.14. 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

- 8.15. 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.
- 8.16. Given the scale and fenestration arrangement of the proposed dwellings, it is considered that the development would not cause harm in terms of overlooking or a loss of light on neighbouring dwellings.
- 8.17. 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

- 8.18. The Highways Officer has offered no objections to the development. It is noted that the access has already been constructed during phase 1 of the works and the officer provides no further comment on the internal layout of the site.
- 8.19. The development would take access from Manor Road to the southeast. Two parking spaces are to be provided for each dwelling and some additional visitor parking spaces.

- 8.20. The Parish Council support the proposal but have made comments regarding highway access and parking during the building works. They specifically seek a traffic management plan to impose restrictions in terms of a weight limit, timings of deliveries and parking arrangements for contractors. The outline planning consent includes a condition requiring the submission of a Construction Traffic Management Plan (CTMP), therefore it is not necessary to repeat the condition on this application as it still applies.
- 8.21. The Local Highway Officer has advised the proposals are unlikely to have any adverse impact on the local highway network from a safety and traffic point of view. The response does not request any conditions relating to highway matters.
- 8.22. The proposal would not have a detrimental impact on highway safety and is considered to be acceptable in this respect.

Ecology

- 8.23. 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.
- 8.24. 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.
- 8.25. 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 proposals would cause limited 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. Phase 1 of the development has provided a suitable access which would not cause harm to the safety of the highway network. 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:
 - Drawing number 3561/A Map – [Site Location Plan]
 - Drawing number 21.02.03.05 – [Existing Site Plan]
 - Drawing number 21.02.03.10 rev C – [Proposed Site Plan]
 - Drawing number 21.02.02.11 rev B – [Proposed Floor Plans]
 - Drawing number 21.02.03.13 – [Proposed elevations]
 - Drawing number 21.02.03.14 rev A – [Proposed elevations]
 - Drawing number 21.02.02.03 – [Proposed elevations]
 - Drawing number 21.02.03.11 rev B – [Proposed Floor Plans]
 - Drawing number 21.02.03.12 rev B – [Proposed Floor Plans]

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. A schedule of materials and finishes to be used in the external walls and roof(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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. Samples of the slates (including ridge tiles) to be used in the covering of the roof of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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. The external walls of the development shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed using a lime-based mortar with brushed or rubbed joints in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development

in accordance 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. The stone from the demolition of the existing buildings shall be removed and stored undercover for re-use in the construction of the dwellings hereby given consent.

Reason: To safeguard the preservation and retention of the existing historic fabric and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the Section 16 of the National Planning Policy Framework.

6. 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.

7. Full design details of gabled dormer shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic buildings and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework

8. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the ridge (including joints), together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

9. 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.

10. 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.

11. 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.

12. 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: Rebekah Morgan

DATE: 08/11/2021

Checked By: Andy Bateson

DATE: 8th November 2021
