

«location_nocr»

«application_number»

Case Officer: «case_officer_lookup»

Recommendation:

«recommendation_lookup»

Applicant: «applicants_name»

Proposal: «proposal»

Expiry Date: «expiry_date»

Extension of Time: «extension_date»

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to a single dwelling. The existing dwelling is positioned on an east-west axis at the far northern edge of the site with the front of the dwelling facing towards the south and the property's private gardens and grounds.
- 1.2. In terms of design / appearance the existing dwelling is of a stone construction with a slate tile roof and due to the slope on the site from west to east the ridge height drops across the site in a stepped arrangement down to a single storey element at the far eastern end of the site. On the front elevation on the ground floor the existing dwelling maintains a large flat roof projection which provides an extension to the kitchen to provide a dining room. The walls of this extension are all glazed allow directs into the dining room.
- 1.3. The dwelling is locally listed as a non-designated heritage asset and positioned within the Steeple Aston Conservation Area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks to vary conditions 2, 4 and 8 attached to the planning permission 21/02366/F. This previous application granted permission for the demolition of the existing building and its replacement with a new dwelling on the same footprint.

3. RELEVANT PLANNING HISTORY

- 3.1. The following Planning History and Pre-Application discussions are considered relevant to the current proposal.

11/00115/CAC: Demolition in part of existing main house and outbuildings. Application Withdrawn

11/00114/F: Demolition in part of existing main house and outbuildings and the erection of a new residential dwelling. Application Withdrawn

21/02366/F: Demolition of the existing dwellinghouse and the erection of a replacement dwellinghouse. Permission

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 local newspaper expiring **7 July 2022** 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 **7 July 2022**.

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

- object to the requested variation of Condition 4 of the application, where the new construction is currently required to be of ironstone.
- site is wholly within a Conservation Area, specific purpose is to retain and conserve the existing elements that have been giving the Conservation Area its particular historical, architectural and cultural characteristics.
- preserving the features of the Conservation Area would dictate that the architectural nature of ironstone buildings be retained in any new buildings on this site, since it is in a large part the ironstone that has contributed to the architectural, aesthetic and historical features of the site.
- features are very clearly visible from the surrounding area and altering them in the visually very drastic manner that the applicant is proposing would profoundly and adversely affect the whole way in which the site is sitting within and forming part of the Conservation Area.

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. STEEPLE ASTON PARISH CLERK: No comments received

OTHER CONSULTEES

6.3. OCC HIGHWAY ENGINEERS: No objection

6.4. CDC CONSERVATION OFFICER: No objection.

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- PSD1 – Presumption in favour of Sustainable Development
- SLE 4 – Improved Transport and Connections
- ESD 1 – Mitigating and Adapting to Climate Change
- ESD 5 – Renewable Energy
- ESD 6 – Sustainable Flood Risk Management
- ESD8 – Water Resources
- 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 character or appearance of a conservation area
- C28 – Layout, Design and External Appearance of New Development
- C30 – Design of New Residential Development

Mid Cherwell Neighbourhood Development Plan

- PD1: Development at Category A Villages
- PD4: Protection of Important Views and Vistas
- PD5: Building and Site Design
- PH6: Parking Facilities for Existing Dwellings

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

8.1. As this application seeks to vary three conditions attached to an existing planning permission the key issues to consider the impact the changes sought would have on the development.

8.2. Condition 2 covers the issue of the approved plans and states the following:

The development shall not be carried out otherwise than in complete accordance with the approved plans reference 20064 Sqp Zz Zz Dr A PL121 Rev P1, 20064 Sqp Zz 01 Dr A PL123 Rev P1, 20064 Sqp Zz Rf Dr A PL 124 Rev P1, 20064 Sqp Zz Zz Dr A PL220 Rev P1, 20064 Sqp Zz Zz Dr A PL 221 Rev P1, 20064 Sqp Zz Zz Dr A PL002 Rev P1, 20064 Sqp Zz Zz Dr A PL320 Rev P1, 20064 Sqp Zz Zz Dr A PL321 Rev P1, 20064 Sqp Zz Zz Dr A PL001 Rev P1, received 08/07/2021 and plan reference 20064 Sqp ZZ 00 Dr A PL122 Rev P2 received 23/07/2021 and Ecological Appraisal by Aspect Ecology dated 30/06/2021, Arboricultural Impact Assessment by Aspect Arboriculture dated 01/07/2021, Construction Traffic Management Plan by Mewies Engineering Consultants dated July 2021, received 08/07/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason : To clarify the permission and for the avoidance of doubt.

The changes proposed to the plans include the following:

- *Porch added to the entrance as part of design development.*
- *Stone copings added to the gable ends to create a more robust detail.*
- *Ground floor bathroom in the west wing to be split into a shower room and en-suite for a more effective use of the space.*
- *Extractor fan added to the north façade of the utility room as required under the building regulations.*
- *Secret stair added for better connectivity between ground and first floor master bedroom.*
- *Hard landscaping increased to maintain the consented access widths around the barn.*
- *Barn increased in length by 1m to accommodate the detailed design of the fireplace and chimney without having a detrimental impact on the consented living spaces.*
- *Width of the barn terrace has increased by 800mm to accommodate a stair, ensuring that connection to the east area of the garden is retained.*
- *Layout of spaces along the east wing ground floor corridor have been revised to provide increased storage, better connectivity to the first floor master bedroom and a more usable living space.*
- *Entrance hall WC moved to under the stairs to improve entrance accessibility and efficiency of the space.*
- *Window on north façade of snug has moved to suit the revised layout.*
- *Windows to the north and east facades to match style of the rest of the property.*
- *Bedroom windows above the entrance hall have been moved to sit centrally to the bedroom, windows at ground have also moved to maintain the alignment.*
- *Windows of the ground floor en-suite have enlarged for improved natural light into the space.*
- *Windows on the east façade of the master bedroom have shifted positions to better suit the developed bedroom layout.*

The changes proposed do not impact on the overall character of the development approved and do not change the impact of the proposed development on the character or appearance of the area or on designated heritage assets and are therefore considered acceptable.

8.3. Condition 4 covers the issue of the stone to be used in the new development. The wording of this condition states that:

8.4. *No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site in natural ironstone to match the stonework on the existing building and has been inspected and approved in writing by the Local Planning Authority. 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. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone 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 the significance of heritage assets 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.

- 8.5. The main issue with this change relates to the fact that the applicant seeks approval for the use of limestone for the new build rather than ironstone. The applicant states that *the imposition of ironstone in Condition 4 did not form the basis upon which the proposal was consulted and discussed at the pre-application meetings with CDC or the Parish Council. Whilst it is accepted that the existing building is constructed from ironstone it was always the intention for the new building to be constructed from a limestone as referenced in Paragraph 5.7 of the original Planning Statement. We believe it is more in keeping with the general character of the village and is a less heavy and visually dominant stone type.*
- 8.6. The Council's decision on the planning application was on balance, and one of the turning factors which led to approval rather than refusal was the use of ironstone. The existing dwelling is constructed from ironstone which, along with limestone is a common stone used in this part of the village. The fact that the Conservation Officer raised a strong objection to the replacement building also underlined the fact that the new build should use the same type of materials rather than introduce a new material on the site.
- 8.7. Nonetheless, it is noted that the existing dwelling on the site has a mix of material with past extensions introducing newer material and the original ironstone aging over the years resulting in a patchwork appearance in places. It is also the case that the Cow Lane street scene contains examples of both ironstone (the adjacent site on the north side of the road and all of the dwellings on the southern side of the road) and limestone (the majority of the dwellings on the northern side of the road), as well as some brick buildings around the junction to the west of Cow Lane.
- 8.8. The Council's concern with limestone is that it would appear too light and show too much of a contrast to the existing building and in particular that some types of limestone are not locally distinctive and would be out of keeping with the character of the area – for the development to be policy compliant and appropriate in visual and heritage terms the stone used needs to be in keeping with that used in the local area.
- 8.9. The applicant in response to this concern has provided a number of samples of limestone material which have varying degrees of colour change of creams, greys and light brown. The Conservation Officer has reviewed the various samples and advises that the use of Grange Hill Buff is acceptable for the external building material. Although this is a limestone material it is considered not to be out of keeping with the limestone seen in this part of the village and although the previous decision was on balance one with the use of natural ironstone being a turning factor it is considered that given the specific material proposed and the variety in the locality that on balance the proposed stone is acceptable in visual and heritage terms.
- 8.10. Condition 8 covers the issue over construction worker parking provision on site during the development stage. The condition states the following:

Prior to the commencement of any works a plan detailing the proposed parking provision for construction workers vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision) shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be laid out and maintained as such during the construction period. Within a period not more than 6 months following the completion of the dwelling the access road/parking/turning areas used in association with the construction of the dwelling shall be removed and the land made good in accordance with a landscaping scheme which shall have first been submitted and approved in the writing by the local planning authority.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street parking/turning/unloading of construction vehicles and to safeguard the character and appearance of the Conservation Area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in Section 12 of the National Planning Policy Framework

- 8.11. An application to discharge this condition was made under application 22/01054/DISC which has been considered and permitted. The purpose of including this information in this application to ensure that the approved parking plan is incorporated in the decision as the approved plan and therefore condition 8 can be considered deleted from the permission. The local highway authority has considered the plan submitted and confirmed no objection. As such this plan can be treated as an approved plan and condition 8 can be deleted from any subsequent permission relating to this development.

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 has been set and agreed under the previous permission. For the reasons set out in this report, the changes to the design are considered minor and do not change the principle of the development. With no objection from the Conservation Officer, it is accepted that the wording of condition 8 can be changed to introduce a darker form of limestone onto the site as an agreed building material. The construction workers parking plan has been agreed under the discharge condition application and can therefore form part of the approved plans.
- 9.3. There are no other objections raised on this application and the proposal is therefore considered to be sustainable development and, in accordance with Paragraph 11 of the NPPF, planning permission should therefore be granted.

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. The development shall not be carried out otherwise than in complete accordance with the approved plans reference 20064 SQP-ZZ-ZZ-Dr-A-PL100 Rev P1, 20064 SQP-ZZ-00-Dr-A-PL100 Rev P1, 20064 SQP-ZZ-01-Dr-A-PL100 Rev P1, 20064 SQP-ZZ-RF-Dr-A-PL114 Rev P1, 20064 SQP-ZZ-ZZ-Dr-A-PL210 Rev P1, 20064 SQP-ZZ-ZZ-Dr-A-PL211 Rev P1, received 26/05/2022, 20064 SQP-ZZ-B1-Dr-A-PL115 Rev P1, received 31/05/2022, 20064 SQP-ZZ-ZZ-Dr-A-PL121 Rev P1, 20064 SQP-ZZ-00-Dr-A-PL100 Rev P4, 20064 SQP-ZZ-01-Dr-A-PL123 Rev P3, 20064 SQP-ZZ-RF-Dr-A-PL124 Rev P3, 20064 SQP-ZZ-B1-Dr-A-PL125 Rev P1, 20064 SQP-ZZ-B1-Dr-A-PL125 Rev P1, 20064 SQP-ZZ-ZZ-Dr-A-PL220 Rev P3, 20064 SQP-ZZ-ZZ-Dr-A-PL221 Rev P3, 20064 SQP-ZZ-ZZ-Dr-A-PL001 Rev P1, 20064 SQP-ZZ-ZZ-Dr-A-PL002 Rev P1, 20064 SQP-ZZ-ZZ-Dr-A-PL320 Rev P1, 20064 SQP-ZZ-ZZ-Dr-A-

PL321 Rev P1, received 16/05/2022, 20064 SQP-ZZ-ZZ-Dr-A-PL131 Rev P1, received 23/05/2022, and Ecological Appraisal by Aspect Ecology dated 30/06/2021, Arboricultural Impact Assessment by Aspect Arboriculture dated 01/07/2021, Construction Traffic Management Plan by Mewies Engineering Consultants dated July 2021, received 16/05/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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 above slab level unless and until samples of the slates (including ridge tiles) to be used in the covering of the roof of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out 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 character and appearance of the area and the significance of heritage assets and 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. No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site using Grange Hill Buff limestone or Burford Cream limestone or a limestone local to Steeple Aston or natural ironstone or a mix of two or more of the foregoing and has been inspected and approved in writing by the Local Planning Authority. 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. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone 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 the significance of heritage assets 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. Notwithstanding the information submitted, prior to the installation of any new doors, windows or rooflights within the development hereby approved full details of the doors, windows and rooflights 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, windows and rooflights shall be installed within the building in full 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 conservation area and 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 and Government guidance in the National Planning Policy Application No.: 21/02366/F 3 of 7 Framework.

6. No development shall commence above slab level unless and until full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the buildings has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To preserve the character and appearance of the conservation area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

7. No development shall commence above slab level unless and until a scheme for landscaping the site has been provided to and approved in writing by the Local Planning Authority which shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas, to include trees to replace those removed to form the construction access
- (b) details of the hard landscaping including hard surface areas, pavements, and pedestrian areas,
- (c) details of boundary treatments.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation/use of the development and shall be retained as such thereafter.

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 character and appearance of the area, to ensure the creation of a pleasant environment for the development and to safeguard the significance of the Conservation 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.

8. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside Application No.: 21/02366/F 4 of 7 normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework

9. The development hereby permitted shall not be carried out other than in accordance with the recommendations set out in the Ecology Appraisal of

Wincote, Cow Lane, Steeple Aston by Aspect Ecology dated 30/06/2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Section 15 of the National Planning Policy Framework.

10. Notwithstanding the provisions of Classes A-E (inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved dwelling shall not be extended without the grant of further specific planning permission from the Local Planning Authority.

Reason: Taking into account the sensitivity of the site and that this is an on-balance decision and given the scale and design of the dwelling and to safeguard the character and appearance of the area and the significance of the Conservation Area and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Section 12 of the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework

Case Officer: Wayne Campbell

DATE: 21/07/2022

Checked By: Nathanael Stock

DATE: 26.07.2022
