

**Case Officer:** James Kirkham

**Recommendation:**

**Applicant:** Wroxton College

**Proposal:** Refurbishment and repair of North Arms with Change of Use and conversion of stables into private dining facility and ancillary facilities and underground LPG tank

**Expiry Date:** 15 August 2019

**Extension of Time:**

## 1. APPLICATION SITE AND LOCALITY

1.1. The application site is a two-storey detached public house located on Mills Lane in Wroxton. The main building and the barn to the south east are both Grade II listed buildings (individually). The site is also located in Wroxton Conservation Area. Access to a small area of parking and hard standing exists from Mills Lane with a separate pedestrian access from Church Street to the south. The site is also within the setting of numerous listed buildings around the site. The pub has been closed for a number of years and is currently vacant.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The current application seeks permission to refurbish the existing public house and convert the upper floors to dining space and associated offices (currently residential). It is also proposed to convert the existing listed barn to a dining space (currently used as storage) in association with the pub/restaurant.

2.2. The main changes to the building include the provision of eyebrow louvred vents to the western single storey element of the building, the re-thatching of the main building, a new roof on the existing barn and the provision of new windows and doors.

2.3. The current proposal also seeks permission for a new underground LPG tank to the south on the main building and a timber fence is proposed to the southern boundary with The Old Laundry.

2.4. There is a concurrent listed building consent application for the same proposals.

## 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>
11/00280/LB	Internal fire precautions works	Refused
10/01273/LB	Replace existing block cut patterned ridge with plain flush ridge	Permitted
07/01648/F	Erection of hexagonal timber shelter	Permitted

#### **4. PRE-APPLICATION DISCUSSIONS**

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

<u>Application Ref.</u>	<u>Proposal</u>
18/00308/PREAPP	Conversion of barn and upper floors to commercial use

4.2. The general principle of development was considered to be acceptable. There were concerns that a detailed heritage assessment had not been undertaken and concerns were raised regarding a number of the proposed internal works.

#### **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 **21 October 2019**, 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:

- Support the proposal and welcome the reopening of the public house. Important community use and economic benefits (jobs etc) to village. Good to see disabled facilities are being included.
- Concern over impact on listed building and Conservation Area of proposed vents.
- Concerns over parking from increased floor areas for commercial purposes. Proposal is an overdevelopment.
- Proposal to use the colleges parking is unconvincing.
- Concerns that if the door onto Mills Lane is used this could be dangerous to pedestrians.
- Concerns over odour and noise from proposed vents and extract system. Request windows be non-opening
- Proposal will lead to the loss of a dwelling.
- The kitchen areas appears too small.

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. WROXTON PARISH COUNCIL: **No objection** to amended proposal. Initial comments requested consideration of car parking, and noise and odour from extraction unit.

## STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections**. The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.

## NON-STATUTORY CONSULTEES

- 6.4. CDC CONSERVATION: Initially raised a number of detailed concerns regarding the proposal. Further to additional information and amendments has **no objection** subject to conditions (see extensive comments on file).
- 6.5. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions.
- 6.6. CDC ECOLOGY: Initially raised concerns regarding impact on bats. Further to the report being submitted has **no objection** subject conditions.
- 6.7. CDC HEALTH AND COMPLIANCE: **No objections**.
- 6.8. OCC ARCHEOLOGY: **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 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)

- BSC12 – Community Facilities
- ESD10 - Ecology
- ESD15 - The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C18 – Proposals affecting a listed building
- ENV1 – Environmental Pollution

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## 8. APPRAISAL

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

- Principle of development
- Heritage, design, and impact on the character of the area
- Residential amenity
- Highways
- Ecology

### Principle

8.2. In terms of broad planning principles, the site is noted to be listed as an Asset of Community Value and the principle of expanding the existing public house business with expanded food offering is considered to be acceptable. This is supported by Policy BSC12 Cherwell Local Plan Part 1 and paragraph 83 of the NPPF both of which seek to support the development of local community facilities which include public houses. Therefore, the principle of development is considered to be acceptable subject to other material considerations which are discussed below.

8.3. Concerns have been raised that the proposal would lead to the loss of an existing dwelling. However, there is no policy protection for dwellings and furthermore the use of the upper floors for residential accommodation is ancillary to the principle use of the building as a pub.

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

8.4. The site lies within the Wroxton Conservation Area and also consists of two Grade II listed buildings, the main public house and the outbuilding. As such the proposal would impact on designated heritage assets as defined by the NPPF.

8.5. The NPPF requires Local Planning Authorities take account of the desirability of sustaining and enhancing the significance of heritage assets. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation and any harm should require clear and convincing justification. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the Cherwell Local Plan echoes this advice. Furthermore Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to these heritage matters.

8.6. Saved Policy C23 of the Cherwell Local Plan 1996 states that there will be a presumption in favour of retaining buildings and other features which make a positive contribution to the character and appearance of the Conservation Area.

8.7. The works to interior of the buildings do not require planning permission and are considered in the associated listed building consent. Therefore, the impacts to assess in this application are the external works proposed.

8.8. The works to the buildings predominately comprise repair and would not materially impact on the external appearance of the buildings. The Conservation Officer has raise no objection to the windows and doors which will be replaced in the building and whilst there were some concerns raised regarding the new hatch in the roof of the barn building, this is required as part of the mitigation works relating to bats, which would be required for any new use of this building. As such it is considered to

be justified as it will help establish a new use for this building and secure its long term future which is considered to be a positive aspect of the scheme.

- 8.9. The proposal also seeks consent to re-roof the barn building given the poor condition of the existing roofing material. This will change the appearance of the building. However, the use of a replacement metal roof is considered to be acceptable subject to condition given the existing poor condition of the corrugated metal and asbestos cement sheeting roof.
- 8.10. The main concern relating to the principal building relates to the provision of the timber louvred features on the front and rear elevations of the single storey element of the building. When the application was originally submitted it included the kitchen extracts in these louvres as the kitchen is being relocated to this end of the building. During the course of the application, the applicant has revised the plans so that the extract from the kitchen now goes up the redundant chimney breast of the 2.5 storey building (due to noise and odour concerns).
- 8.11. However, the applicant has retained the vents on the roof of the building to provide air intakes to the kitchen. He states this would allow the kitchen to be operate without the windows being open and would reduce noise and disturbance to neighbouring properties in this regard.
- 8.12. The applicant has also amended the design following comments from the Conservation Officer. Whilst these details are not ideal, they are now relatively modest and the Conversation Officer is now satisfied with them subject to detail. It is noted that these elements are proposed on a more modern element of the building and would not adversely impact on the historic fabric of the building. Whilst they would be clearly visible in the street scene, they are not considered to dominate the elevations of the building and would be seen as an ancillary element to the overall building.
- 8.13. On the basis of the above, and noting that the proposed development is proposing to bring a new viable use to the building, on balance this is considered to be acceptable.
- 8.14. The current application would bring a number of heritage benefits associated with the repair of the existing buildings and bringing them back into use.
- 8.15. The current application also seeks permission for a new LPG tank. This would be situated underground and subject to full details of the visual appearance of this and landscaping (which can be controlled through condition) is considered to be acceptable as it would not have a significant impact on the setting of the building or Conservation Area.
- 8.16. Overall the impact of the changes to the external appearance of the building on the Conservation Area and the significance of the listed building are considered to be justified.

#### Residential amenity

- 8.17. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space. Saved Policy ENV1 states that development which is likely to cause materially detrimental levels of noise; smell or fumes will not normally be permitted.

- 8.18. The proposed development includes the relocation of the kitchen with associated ventilation and extraction which has the potential to cause odour and noise issues to the neighbouring properties. As noted above, during the course of the application, following concerns from the neighbouring properties, the extract systems have been amended so that they now extract up the redundant chimney of the public house which would allow for extraction at a higher point and further from the neighbouring properties. The Environmental Health Officer is now satisfied with this subject to condition on the noise and odour suppression systems. The development is therefore considered to be acceptable in this respect.
- 8.19. The proposal also includes a fence/screen on the southern boundary of the site with The Old Laundry. This property is on significantly lower ground than the application site and separated by a large historic retaining wall. Whilst the fence to the top of this wall will add to its overall height, given the existing height of the remainder of the wall this is not considered to result in a significant impact on this properties garden in terms of light and outlook.
- 8.20. The increase in the overall floorspace of the public house will increase the amount of activity at the site. However, the existing use as a public house is already established in the area and furthermore the proposal is only seeking to utilize existing buildings and in overall the floor space is relatively constrained. Furthermore the existing barn would not require planning permission to be used for a dining area as it is already an ancillary building to the pub. On balance it is not considered that the additional activity at the site would result in significant impacts on the amenity of the neighbouring properties.

#### Highways

- 8.21. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”* Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”* The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
- 8.22. The existing building has a small area of parking located in the courtyard to the front of the building which is accessed from Mills Lane. During the course of the application a smoking shelter, which was located on part of this parking area, was removed from the application.
- 8.23. The proposed development will clearly increase the amount of activity at the site and would be likely to result in a higher demand for parking in the locality particularly given the rural nature of the proposal which is likely to also rely on business from further afield. The Local Highway Authority (LHA) has been consulted and have raised no objection to the application and do not considered it is likely to significantly impact on highway safety.
- 8.24. The historic constraints of the site mean that additional parking does not appear to be achievable on site. Therefore, the current proposal is likely to lead to more on-street parking in the area as the existing public house and a number of residential properties already rely on. Whilst further on-street parking is not ideal, users of the site would only be likely to be present in the area for a few hours and would need to park with due care and attention on the nearby roads. Many rural pubs rely on

street parking and there are areas where parking can be undertaken on the street. On the basis of the above and in the absence of any objection from the LHA it is not considered that a refusal based on highway safety concerns stemming from on street parking would be a sustainable reason for refusal especially when weighed against the benefits of the scheme. Furthermore the impact on traffic would also be relatively modest and it is not considered that the proposal would result in a 'severe' impact on the highway network which is the test laid out within the NPPF (i.e. development should only be refused on traffic impacts were the impact would be severe'). It is noted that the applicants are the occupiers of Wroxton College. They have indicated that people who use the pub could park in their grounds to the south of the site. Whilst this is noted it is not considered to be a significant factor and it is not considered that this arrangement can be given any significant weight in determining the application as there would be no way of the local planning authority controlling such a situation and the college may not always allow such a situation.

- 8.25. Further concerns have been raised that the proposal would re-open the original door which exists on the north elevation of the building and opens onto a narrow public footpath. The applicant states that it is intended that this would be only used in the event of emergencies. However, the re-opening of this door would not require planning permission so whilst the situation is not ideal it appear to be a historic issue and would not be controlled through this planning consent.

### Ecology

- 8.26. During the course of the application a bat survey has been submitted. From the results obtained, there are small day-time bat roosts of brown long-eared bat and common pipistrelle bat in the outbuildings and small day-time bat roosts of common pipistrelle bats and a soprano pipistrelle bat in the former public house. The barn/garage is also used a night-time roost/feeding perch for brown long-eared bats. There was no evidence of a bat maternity roost in any of the buildings surveyed but it is considered the outbuildings provide good potential bat hibernation opportunities.
- 8.27. Given that the proposal will impact on these areas with the re-roofing of the barn and the main building it needs to be demonstrated that adequate mitigation and compensation will be provided. As part of the mitigation works that application proposed to create a loft void in the converted barn as a replacement roost, the provision of bat roosting boxes in the locality and sensitively time the works. These works will also require a licence from Natural England which will be subject to a separate decision and control. The Council's ecologist has considered the proposal and considers that the developments impact on bats is acceptable. The Ecologist has request that details of the mitigation measures and enhancement measures be provided which can be dealt with through planning condition. Based on this advice of the ecologist the proposal is considered to be acceptable in this regard.

## **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 proposed development would allow the existing public house to reopen and expand therefore providing an improved facility to the village. The proposal would also bring some modest economic benefits with the associated jobs and spending in the area. The proposed development is largely considered to preserve the listed building and where harm is proposed this is considered to be justified in accordance with the NPPF. The proposal will increase on-street parking in the locality however

this would not result in severe impacts and there is no objection from the Highway Authority. It is considered that neighbour amenity could be protected through conditions. It is therefore recommended that planning permission be granted subject to conditions.

**10. RECOMMENDATION**

That permission is granted, subject to conditions.

Case Officer: James Kirkham

DATE: 06.01.2020

Checked By: Nathanael Stock

DATE: 09.01.2020

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