

**Site Address: Yarnton Manor, Church Lane, Yarnton, Kidlington, OX5 1PY**

**14/00444/F**

**Ward:** Yarnton, Gosford and Water Eaton

**District Councillor:** Councillors Gibbard and Stevens

**Case Officer:** Caroline Ford

**Recommendation:** Approval

**Applicant:** Oxford Centre for Hebrew and Jewish Studies (OCHJS)

**Application Description:** Change of Use of The Manor House (Grade II\*) to form a single residential dwelling. Change of use of The Barn, Guest House, Apple Loft and Orangery to provide ancillary residential accommodation.

**Committee Referral:** Major

**Committee Date:** 15 May 2014

## **1. Site Description and Proposed Development**

- 1.1 Yarnton Manor is a large detached grade II\* listed Jacobean style manor house situated towards the end of Church Lane to the South of Yarnton. The building sits within a Park and Garden of Special Historic Interest and is within proximity to other buildings listed in their own right as well as curtilage listed buildings including features such as the terrace walk and attached gazebo, walls and gateways, and outbuildings. The site also sits behind the grade I listed St Bartholomews Church. The building is currently used for the Oxford Centre for Hebrew and Jewish Studies, therefore the buildings are within institutional use, provide student accommodation or ancillary facilities for the college, such as a library, offices and other storage. The site sits within the Oxford Green Belt, a public bridleway runs within proximity to the site, there are various ecological records in the area, the site is within an area of archaeological potential and the land has some potential to be contaminated. There are no other site constraints.
- 1.2 The Manor estate is currently for sale and so various planning applications have been made to allow some flexibility for potential purchasers. It is possible that a new user who would operate a residential institution falling within Use Class C2 could purchase the site, in which case the estate may continue in the same use as currently. However this particular application seeks to change the use of the main Manor House to a single residential dwelling (C3) along with the associated outbuildings to ancillary residential accommodation. A listed building application (14/00445/LB) accompanies this change of use application for alterations to the building and The Barn so that it can function as a dwelling house and ancillary accommodation, however whilst these alterations demonstrate the building could be used as a dwelling, a potential purchaser may choose to alter the buildings in a different way and so a further listed building application may be required. This listed building application will be dealt with under delegated powers. There are no external or internal alterations proposed to the Guest House, Apple Loft or Orangery, only their change of use.
- 1.3 The Manor House would form a large 8 bedrooomed property with staff accommodation. The current plans indicate the outbuildings could be used as ancillary accommodation forming a swimming pool/ cinema room/ ancillary guest accommodation (The Barn), a 2/3 bedroom ancillary unit (Guest House), a two bedroom ancillary unit (Apple Loft) and a 2 bedroom ancillary unit (Orangery). The works to be dealt with under the listed building application includes internal alterations to the Manor House including re-organisation of internal accommodation including removal and insertion of internal partition walls. Internal alterations to the Barn including re-organisation of internal accommodation and removal of internal partition walls and mezzanine floor to create swimming pool and other ancillary accommodation. Change of windows to the rear of The Barn to timber doors.

- 1.4 As mentioned above, there are currently various other applications under consideration relating to buildings within the current ownership of OCHJS. These are all due to be dealt with under delegated powers and are as follows:  
14/00459/LB (34 Church Lane) Internal alterations including removal and insertion of internal partition walls  
14/00462/F (34 Church Lane) Change of use of building from C2 (residential institution) to C3 (private dwelling house)  
14/00464/OUT (Storage Building at Mead Farm) Demolition of existing storage/library building and erection of 1 no. detached dwelling and associated works  
14/00472/OUT (Ricardo House) Outline – Demolition of Ricardo House and erection of 3 no. detached dwellings and associated works  
14/00487/F (36/38 Church Lane) Change of use of buildings from C2 (residential institution) to C3 (private dwelling)  
14/00600/LB (36/38 Church Lane) Alteration to windows and doors to rear elevation of both properties
- 1.5 Other planning history is available on the file and is not relevant to the consideration of this application. This history and listing description indicate that the building has been used as a residence in the past. It is understood that OCHJS has been resident on the site since the mid 1970's.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 24th April 2014. No correspondence has been received as a result of this consultation process.

## **3. Consultations**

- 3.1 **Yarnton Parish Council:** No objections

### **Cherwell District Council Consultees**

- 3.2 **Biodiversity and Countryside Officer:** Yarnton Bridleway No. 21 (420/21) runs adjacent to a stretch of the southern boundary of the red line area but will not be affected by the proposed development.
- 3.3 **Conservation Officer:** No objection to the change of use of the Manor House (but conditions recommended relating to the potential changes). No objection to the changes of use of the other buildings in principle (but again conditions recommended relating to the potential changes).
- 3.4 **Ecology:** The change of use of the various buildings to residential will have no impact on protected species such as bats or nesting birds as the material structure of the buildings will remain the same. Therefore no comments to make. Swifts are known to nest close by and any future repair works to the roofs or eaves have the potential impact on this species and any listed building application for such works should be accompanied by a report detailing any potential impacts on bats and nesting birds and appropriate mitigation measures if necessary.

### **Oxfordshire County Council Consultees**

- 3.5 **Highways Liaison Officer:** No objections
- 3.6 **Archaeologist:** The site is within an area of potential archaeological interest. It is

advised that although the proposal is for a change of use there are a number of proposed ground disturbances (such as to create the swimming pool) which could cause disturbance. As such, planning conditions are required.

## **Other Consultees**

- 3.7 **Thames Water:** No objection with regard to water or sewerage infrastructure capacity
- 3.8 **English Heritage:** The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

- GB1: Development in the Green Belt
- C10: Historic Landscapes, Parks and Gardens and Historic Battlefields
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted for Examination in January 2014 with a view to the Examination taking place during Spring 2014. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031.

## **5. Appraisal**

### **5.1 The key issues for consideration in this application are:**

- Principle of the development
- Impact upon visual amenity and residential amenity of neighbouring properties
- Impact upon heritage assets
- Highway safety

#### **Principle of the development**

5.2 The NPPF introduces a presumption in favour of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. The NPPF advises that these three dimensions are interlinked and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The presumption in favour of sustainable development should be seen as a 'golden thread' running through both plan making and decision taking. For decision taking this means;

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of

date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted (footnote 9 gives examples of where development may be restricted, which includes land designated as Green Belt). (paragraph 14)

- 5.3 Yarnton is a sustainable settlement within the Cherwell District benefitting from services and facilities and good transport links to other nearby settlements offering a greater range of facilities. The settlements of Kidlington, Yarnton and Begbroke (East) are not covered by the Green Belt to allow for limited expansion within their built up limits. The NSCLP and emerging Local Plans all acknowledge that Yarnton has capacity to accept new residential development within the settlement.
- 5.4 There are no saved policies in the adopted Cherwell Local Plan in terms of new residential development in Yarnton, however the NSCLP classifies Yarnton as a category 1 village under policy H15 and which restricts new residential development to infilling (the development of a small gap in an otherwise built up frontage), minor development comprising small groups of dwellings on sites within the built up area of the village and the conversion of non-residential buildings. Within the Submission Local Plan, Policy 'Villages 1' classifies Yarnton as a category A settlement, suitable for new residential development in the form of infilling, minor development and conversions.
- 5.5 This site is situated to the south of the main built up part of Yarnton and is within the Green Belt, therefore it is necessary to assess the proposal against Green Belt policy, however essentially, given the proposal is for change of use only, it would comply with the policies mentioned above within a sustainable settlement.
- 5.6 With regard to the Green Belt, Policy GB1 of the adopted Local Plan is a saved policy and which states that inside the Green Belt, approval will not be given except in very special circumstances for development other than for agriculture, forestry, recreation, cemeteries, or for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Residential infilling or other appropriate development in settlements in the Green Belt may be permitted provided it does not conflict with the purposes of the Green Belt or its open and rural character.
- 5.7 The NPPF at Paragraph 79 describes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 identifies that the Green Belt serves five purposes; to check the unrestricted sprawl of large built up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. At paragraph 87, it is described that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF Paragraph 88 states that in considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.8 In this case, paragraph 90 is relevant, which sets out that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. One of these is 'the re-use of buildings provided that the buildings are of

permanent and substantial construction’.

- 5.9 Given the above advice, the fact that buildings exist on site, which are permanent and substantial and are within a well contained established curtilage, it is considered that the proposal represents appropriate development in the Green Belt. The use of the land for residential curtilage may change the nature of the land to a degree in terms of the potential introduction of residential paraphernalia (such as a washing line), however any new outbuildings would require planning permission and so control would be possible there and in any event, the land is well contained and would not result in any greater encroachment into the Green Belt. As such, the change of use of the Manor House and all outbuildings to a residential C3 use is considered to be acceptable in principle, would not harm the openness of the Green Belt or conflict with the purposes of including land within Green Belt. The proposal therefore complies with the above mentioned policies.

#### **Visual amenity and Residential amenity**

- 5.10 This planning application relates to a change of use of the building only. Very minor external changes are proposed to The Barn to the windows and doors to the rear of the site (and these and the other internal alterations proposed are being dealt with under the listed building application). Therefore the change of use would not impact upon the visual amenity of the area. The curtilage of the building is established and would become residential curtilage, which may, as described above, change the nature of the area to a degree; however it is considered that this would be a relatively minor impact that would not seriously harm the character or amenity of the area. Officers consider it is unlikely that any neighbouring property would experience any undue harm to their residential amenity by way of loss of light, loss of privacy or over dominance. The proposal is considered to comply with Policy C28 and C30 of the adopted Cherwell Local Plan and the NPPF in this regard.

#### **Heritage assets**

- 5.11 The NPPF advises at paragraph 131 that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness. Full heritage statements have been provided in accordance with the requirements of the NPPF and provide an assessment of the proposals as well as the historical development of the site.
- 5.12 The Manor building is large and has been altered over time by the College for its purposes. The building could be converted in all likelihood as it currently stands, however some minor internal changes are proposed to improve the accommodation for its use as a dwelling. The work generally involves modern partitions and the Heritage Statement advises that there would be minor impact upon parts of the building with 17<sup>th</sup> century origins but a moderate impact upon 19<sup>th</sup> and 20<sup>th</sup> century fabric. The actual impact upon the listed building will be considered in detail under the listed building application, but for the purposes of this assessment, it is considered that the building is capable of conversion without serious harm being caused to the significance or interest of this important heritage asset. This is confirmed by the heritage assessments submitted. This assessment similarly applies to the outbuildings and all alterations can be controlled via condition (through the listed building application). The Barn would include some very minor external changes to the windows and doors to the rear, but these are considered to be acceptable alterations that would not harm the significance of the building. The Historic Park and Garden would become the residential curtilage; however this is considered to be acceptable and furthermore as the building is proposed to be one dwelling with ancillary accommodation, it would remain as one garden (i.e. not subdivided) and

therefore this would ensure there is no impact on the significance of this heritage asset. This proposal should not harm the significance or historic importance of any other listed building nearby. The Conservation Officer raises no objections to the change of use and therefore this further demonstrates the suitability of the proposals and that policy requiring heritage assets to be preserved will be complied with. Conditions are recommended in relation to the alterations to be made, but these would be included within the listed building consent, and a query has been raised in terms of the works to create the swimming pool, however these can also be dealt with via condition.

- 5.13 The site has some archaeological potential and as is set out within the response from the County Archaeologist, further survey work should be carried out due to the alterations that are proposed. Whilst these changes are shown on the plans within the full application, the work actually only requires listed building consent, therefore it is appropriate that these recommended conditions are included on the listed building consent only and not on the full planning permission.

#### **Highway safety**

- 5.14 The building exists and benefits from large amounts of off road parking therefore there is more than adequate parking available for the use of the site as a dwelling. Traffic movements would most likely decrease as those related to a dwelling would more likely be less than those to a college taking into account student, visitor and staff movements. The Highway Authority raises no objection and it is considered that the proposal is acceptable in highway safety terms.

#### **Other matters**

- 5.15 The comments of consultees as set out above are noted. Ecology is not a constraint to the current application for change of use and the alterations proposed under the listed building application are all internal, do not affect the roof form and would not affect ecology. Conditions relating to the change of use only are required as part of this application as all alterations are dealt with under the listed building application and so any relevant conditions can be imposed there. Condition number 2 refers only to the supporting statement and site location plan as the proposal is for change of use only. The alterations shown require listed building consent only and it is possible that further changes could be made by a future occupier which would require a further listed building (but not necessarily a further application for change of use).

#### **Engagement**

- 5.16 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

#### **Conclusion**

- 5.17 As has been discussed, the proposal is considered to be acceptable in principle and which represents an appropriate form of development. No significant harm has been identified; the proposal is considered to comply with the above mentioned policies and is considered to achieve sustainable development. The proposal is recommended for approval as set out below.

## **6. Recommendation**

**Approval**, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and

Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Planning Statement dated March 2014, Yarnton Manor 'Zone 1: Manor House, The Barn, The Orangery, Apple Loft and Guest House Heritage Statement' dated March 2014, Yarnton Manor Historic Building Assessment dated March 2014 and Site location plan (1018805-14-01).

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the application has been determined in an efficient and timely way.