

Site Address: Outbuilding, Elephant and Castle, Humber Street, Bloxham

15/00326/LB

Ward: Bloxham and Bodicote

District Councillor: Chris Heath and Lynda Thirzie-Smart

Case Officer: Rebekah Morgan

Recommendation: Refusal

Applicant: Mr James Clarke (Hook Norton Brewery)

Application Description: Change of use of outbuilding to residential accommodation. Removal of bread oven and repairs to building.

Committee Referral: Member Request – Cllr Chris Heath

Committee Date: 3 September 2015

1. Site Description and Proposed Development

- 1.1 The Elephant and Castle is a large imposing pub situated on the corner of Humber Street, Chapel Street and Rose Bank. The pub is a grade II listed building and is constructed from ironstone, with a slate roof. This particular application relates to a two storey outhouse to the north of the main part of the pub, which is currently in a poor state of repair and used mainly for storage.
- 1.2 The application seeks consent to convert the outbuilding to an independent dwelling. The works would include the removal of a large bread oven and both internal and external repair works to the building.

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 23rd April 2015.

1 letter has been received. The following comment was made:

We know that swifts nest in the outbuilding. Given the recent significant decline in swift numbers which can be caused by the loss of swifts' nest places as a result of building repairs and alterations, any repairs which are permitted should leave unaltered the small spaces which swifts use to access their nest places here. Local advice and information is available.

3. Consultations

- 3.1 Bloxham Parish Council: Objects to the application. The following comments were made:
 - The planning application refers to a change of use of the outbuilding to “residential accommodation”, the Planning statement references as viable options being short term lets, recent approvals for this site have been for guest accommodation. The Parish Council queries whether this dwelling be used to support the business of the Public House as a rental property?
 - The Parish Council would object to this building being converted to a non-business related residential property for sale on the open market. This would be contrary to Bloxham’s Neighbourhood Plan which seeks to safeguard land used for employment within the village.

- The Bread Oven; It is noted that the plan is to retain “unaltered and untouched” the bread oven openings and their doors in the wall of the Bakery fireplace, and that the rest of the oven can be used for historic research.
- If the Bread Oven was removed, The Parish Council would seek for this to be done sympathetically and with the approval of the Conservation Officer.
- We note that the Application Form states that all windows replacement would be done on a like for like, Conservation Grade repairs and this would also apply to repairs to masonry, roofs etc. We would seek that if Approval is given that this is monitored.
- The Parish Council draws the Planning Officers’ attention to the known Swift Nesting site on the wall facing Rosebank, that does not appear to be recorded on the District’s Information Map.

Cherwell District Council Consultees

- 3.2 Conservation Officer: The proposal is to convert part of the building which is currently occupied by a traditional C19 bread oven and the ancillary accommodation adjacent into a self-contained apartment. This scheme includes the removal of the bread oven although the picturesque oven and fire door front will remain.

The principle of creating ancillary accommodation is not an issue however the destruction of the bread oven very much is and is contrary to both national and local policies as this will result in fundamental harm to the heritage asset.

A single bedroom apartment can easily be accommodated within the rooms currently available and therefore there is no over-riding need to demolish the bread oven.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1:

ESD15: The Character of the Built and Historic Environment

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector’s report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website:
www.cherwell.gov.uk

Cherwell Local Plan 1996 (Saved Policies)

C18: Listed buildings

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Impact on the character and appearance of the Listed Building

Relevant planning history

5.2 **10/01567/LB:** Refit outhouse to create dwelling (Application withdrawn)

5.3 **11/01366/LB:** Refit outhouse to create dwelling (Application permitted)

5.4 **14/00323/LB:** Removal of the body of the existing bread oven and creation of a new window, as a modification of the previously approved scheme 11/01366/LB (Application withdrawn)

Impact on the character and appearance of the Listed Building

5.5 Saved Policy C18 of the Cherwell Local Plan 1996 states '*In determining an application for listed building consent the Council will have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Council will normally only approve internal and external alterations or extensions to a listed building which are minor and sympathetic to the architectural and historic character of the building*'.

5.6 Paragraph 132 of the National Planning Policy Framework states '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. A heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building...should be exceptional*'.

5.7 Paragraph 133 expands on this point by stating '*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use'*

- 5.8 The proposal is for the conversion of the attached outbuilding (Bakehouse) to create an independent, two bedroom dwelling. The proposal utilises the existing fenestration and general layout to provide two bedrooms and a bathroom on the first floor. At ground floor level, the proposal is to provide a living area and kitchen/dining area but to facilitate the layout; the development requires the removal of a large, traditional bread oven which currently occupies nearly half of the ground floor space.
- 5.9 The bread oven is a traditional and historic feature of the building with its front façade showing within the adjacent public house. Paragraphs 133 and 134 of the National Planning Policy Framework distinguish between how ‘substantial harm’ and ‘less than substantial harm’ should be treated in policy terms, however it does not define the difference between the two.
- 5.10 In this case, the applicant makes a case that the loss of the bread oven would lead to ‘less than substantial harm’ as the bread oven may not be an original feature of the building and it is believed that there are several other examples of bread ovens within this part of the country, although documented cases have not been provided. A detailed statement has been submitted to support this argument. Furthermore, it is proposed that the façade would be retained within the public house.
- 5.11 Yours officers consider that the bread oven is a historic and significant part of the building and therefore its removal would lead to ‘substantial harm’. There are very few documented cases of bread ovens (especially of this size and obvious commercial scale) within the district and this particular oven appears to be in a good state and apparently wholly intact. Although there may be other ovens contained within listed and non-listed buildings, they only tend to come to the local authorities attention when they are being threatened with removal. The simple assertion that ‘there must be other examples’ does not justify the loss of the bread oven within this building, furthermore the existence of other bread ovens wouldn’t detract from the significance of this feature in relation to this building.
- 5.12 Paragraph 133 of the National Planning Policy Framework suggests that proposals resulting in substantial harm or loss should be refused ‘unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss’ or if the proposal meets all four of the stipulated criteria.
- 5.13 The conversion of the property would bring the listed building back into use with some repair works and general improvements being included in the proposed works. However, this in itself does not outweigh the harm caused by the loss of the bread oven. The planning history demonstrates that it would be possible to convert the building to a two bedroom dwelling without the removal of the bread oven, albeit a smaller property than is proposed. Your officers do not consider that the applicant has made a convincing case regarding why the previous scheme could not be implemented.
- 5.14 The loss of the bread oven would result in substantial harm to a designated heritage asset contrary to government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.
- Engagement**
- 5.15 With regard to the duty set out in paragraphs 186 and 187 of the Framework, on-going discussions and meetings have been held with the applicant/agent during the application process. It is considered that the duty to be positive and proactive has been discharged by communicating effectively with the applicant/agent.

6. Recommendation

Refusal for the following reason:

1. The application property is a Grade II listed building and the conversion of the building in the manner proposed would result in the loss of a significant internal feature (the bread oven) causing substantial harm to the designated heritage asset. The proposal is contrary to government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure)(England) Order 2015 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 and with on-going discussions with the applicant/agent.