

Bacon Farm, Whichford Road, Hook Norton

16/01028/F

Ward: Deddington

District Cllrs: Cllr Williams
Cllr Kerford-Byrnes
Cllr Brown

Case Officer: Abigail Chapman

Recommendation: Approval

Applicant: Mrs Imogen Paine

Application Description: RETROSPECTIVE: Erection of 1 No. dwelling (alternative to 14/01542/F)

Committee Referral: Major

Committee Date: 1st September 2016

1. Site Description, Planning History and Proposed Development

Site description

- 1.1 The application site lies in an isolated position north-east of the village of Hook Norton and south east of the village of Sibford Ferris. The site is accessed by a track that connects Swalcliffe Grange and Whichford Road. A public bridleway (BR 374/9 and BR 374/10) run to the north of the Bacon Farm buildings. A legally protected species (the Roman Snail) has been identified to the north of Bacon Farm buildings near to the access. The site is of medium archaeological interest. Part of the access lies within Flood Zones 2 and 3. The Land is potentially contaminated and naturally occurring arsenic, chromium and nickel may be present. Part of the access lies within Swalcliffe Common, a Local Wildlife Site.

Relevant Planning history

- 1.2 12/00522/F – Alterations to and amalgamation of existing buildings to form single dwellinghouse. Extension of outbuilding and formation of swimming pool - Approved 02/08/12
- 1.3 14/00549/F – Demolition of existing dwelling and some outbuildings. Repairs to retained outbuildings. Erection of dwelling and new swimming pool – Approved 24/06/14
- 1.4 14/01542/F – Demolition of existing dwelling and some outbuildings, repairs to retained outbuildings and erection of a family dwelling and new swimming pool (alternative to 14/00549/F) – Approved 29/09/14

Proposal

- 1.5 Following an investigation by the Planning Enforcement Team it became clear that the works which had taken place at Bacon Farm were not in accordance with the plans approved under 14/01542/F.
- 1.6 Planning permission was granted under 14/01542/F to demolish the existing dwelling and some outbuildings, make repairs to retained outbuildings and the erection of a family dwelling and new swimming pool (alternative to 14/00549/F). The existing dwelling was proposed to be demolished. This is indicated within the description of development, application forms and drawing number 051-005 and 051-003 Rev A. The

existing dwelling has not been demolished and a building joint has been constructed attaching the existing dwelling to the barn, further to this there has also been some repointing carried out to the existing dwelling. In addition to the failure to remove the existing dwelling the garage has not been constructed in accordance with the approved plans (the openings are facing east rather than west), there is an additional window in the east facing side elevation of the utility room, the approved conservatory has a chimney/flue which has not been constructed, the windows/doors and the detailed design of the conservatory do not accord with the approved plans and the windows and doors in the west and south facing elevation have not been implemented in accordance with the approved plans.

- 1.7 Further to the above there are two pre-commencements conditions which were attached to 14/01542/F which were not discharged prior to works commencing at Bacon Farm these are as follows;

3. *Notwithstanding the photo of a stone sample shown in the discharge of condition document, prior to commencement of the development hereby approved, a stone sample panel (minimum 1m² size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample.*

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 comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. *The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.*

Reason - To ensure that the development is provided with a risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 1.8 The failure to construct the development in accordance with application 14/01542/F and discharge the planning conditions prior to works commencing has rendered the development as a whole unlawful and as such this fresh planning application has been submitted to regularise the breach of planning control.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice, neighbour notification letters and publication in the local press.

There have been no third party comments.

3. Consultations

Hook Norton Parish Council: No objections

3.2 Cherwell District Council Consultees

Landscape Architect: The existing structural landscaping, hedgerow and trees on the proposed site plan, drawing number 139-001 are to be retained and the western boundary hedgerow maintained to a height of 3m above ground level

3.3 Oxfordshire County Council

Archaeology: There are no archaeological constraints to the scheme

Local Highways Authority: No Objections

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policies

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 (CLP2031)

ESD10: Protection and Enhancement of Biodiversity and Natural Environment

ESD13: Local landscape protection and enhancement

ESD15: The character of the built and historic environment

BSC1: District Wide Housing Distribution

Cherwell Local Plan 1996 (Saved Policies) (CLP1996)

H17: Replacement dwellings

H18: New dwellings in the Countryside

C28: Control over the design of new development

C30: Design of new residential development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

5 Appraisal

5.1 The main issues to address in this report are as follows:

- Principle of development
- Impact on residential amenity
- Impact on character and appearance of the area
- Impact on highway safety
- Biodiversity
- Planning Conditions

Principle of development

- 5.2 The principle of a dwelling in this location has been established under application 14/01542/F. The development has not been implemented in accordance with the approved plans and the existing farmhouse is now proposed to be retained as part of the scheme. The only work that has taken place to the existing farmhouse at this stage is to improve the joinery between the house and the barn. The farmhouse is proposed through this application to be converted to a steam room and gym on the ground floor and the first floor will remain as bedrooms with a shared bathroom. The farmhouse will be accessed through the barn which will be converted into an indoor swimming pool.
- 5.3 One replacement dwelling was permitted under 14/01542/F in accordance with Policy H17 of the CLP1996. It is considered that the retention of the farmhouse as a separate dwelling would conflict with Policy H18 of the CLP1996 as such it is recommended that a condition is added to the permission indicating that the building is used for purposes ancillary to the main dwelling.

Impact on residential amenity

- 5.4 The application site is located in an isolated position a significant distance from any neighbouring occupiers. It is therefore not considered to cause any overlooking, overshadowing or to have an overbearing impact.
- 5.5 In light of the above it is considered that the application will comply with policy ESD15 of CLP2031 and Policy C30 of CLP1996 which seek to ensure *inter alia* that development proposals are not to the detriment of the amenities of any neighbouring occupiers.

Impact on character and appearance of the area

- 5.6 The design and landscape impacts of this proposal are assessed against Policies ESD13 and ESD15 of the CLP2031. These policies require *inter alia* new development within the countryside to respect and enhance the local landscape character and not to cause any undue visual intrusion into the countryside.
- 5.7 The main impact of the amended scheme on the character and appearance of the area is the retention of the existing farmhouse which is now incorporated into the scheme. Whilst it is considered that the development is more aesthetically pleasing without the existing farmhouse. On the basis of the fact that a planning condition was not attached to 14/01542/F requiring the removal of the existing farmhouse (although the new dwelling was not located on the same footprint) and that the dwelling is characterised by a cluster of buildings of differing heights and styles to give the impression of an historic farmyard. In addition to the isolated location well screened by a protected linear woodland feature the impact is not considered significantly harmful as to warrant the refusal of the planning application.
- 5.8 There have also been a number of amendments to the openings and the design of the conservatory these are, however, considered minor and not to the detriment of the character or appearance of the area.

Impact on highway safety

- 5.9 The Local Highway Authority has raised no objections to the proposed development. The development therefore accords with Policy ESD15 of the CLP2031 and Government guidance contained in the National Planning Policy Framework.

Biodiversity

- 5.10 Part of the site lies within Swalcliffe Common, a Local Wildlife Site. The legally protected Roman Snail has been identified close to the existing access to the site. The Roman Snails are likely to be living within the vegetation adjacent to the access and are unlikely to be affected by the development. A bat survey has been submitted with the application which did not record any evidence of bats present with any buildings within the site. Notwithstanding this it is recommended that an informative is added to the permission indicating that if bats are encountered during works all works must cease until a licenced bat worker has been consulted for advice on how to proceed.
- 5.11 In light of the above it is considered that the development would not adversely affect protected species or their habitat, in accordance with policy ESD10 of the CLP 2031.

Planning Conditions

- 5.12As identified in paragraph 1.7 there are two pre-commencement conditions which were attached to 14/01542/F, conditions 3 and 8 which were not discharged prior to the commencement of development. Condition 3 required the approval of a stone sample, details of the materials to be used in the development and a stone sample panel have been submitted with this application and are considered acceptable in accordance with policy ESD15 of CLP 2031 and as such a condition is recommended to that effect. With regard to condition 8 which required details of the drainage plans prior to commencement of development it is not considered that this condition is reasonable or necessary given that there was an existing house on the application site and the requirement to comply with building regulations. It is therefore not recommended that this condition is added to this permission.

Conclusion

- 5.13 This application has been submitted to regularise the erection of a new dwelling at Bacon Farm which has failed to be constructed in accordance with the approved plans. The development is not considered to have a significant or adverse impact on the character, quality and appearance of the area, highway safety or the amenity of neighbours and is considered acceptable in all other material respects. It is therefore considered that the development will comply with policies ESD10, ESD13, ESD15 and BSC1 of the CLP2031 and policies H17, H18, C28 and C30 of the CLP 1996.

Engagement

- 5.14 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any issues that have arisen through the processing of this planning application have been addressed through a dialogue with the applicant. Additional information and clarification has been which has resulted in the approval of the application.

6. Recommendation

Approval subject to the following conditions:

- 1 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: JPPC Planning Statement June 2016, Arboricultural Method Statement BS5837:2012 'Trees in Relation to Design, demolition and construction – Recommendations' MWA Ref OX020714.01DW, Supporting Letter OMK Design Consultancy, Ecology Solutions Briefing Notes – Bats Ref 5423, DisCon051-WIL01 Stone Sample, DisCon051-WIL04 Schedule of Materials, DisCon51-WIL04 Parking Area Specification, Location Plan 1:1250, 139-001, 139-002, 139-003, 139-004, 139-005, land survey 1:200, 139-000-A, North and East existing elevations 1:50, West and South Existing Elevations 1:50, Floor Plans Existing 1:50, 051-301, 051-303, 051-304.

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

- 2 Prior to occupation of the development hereby approved the external walls and roof shall be carried out in accordance with the following schedule of materials;

Stone dressing to all principal buildings – Dressed Ironstone as identified in photograph 'Stone Sample' Fleming Architects

Stone to chimneys and lintels – cut stone to match masonry dressing

Roof to all principal buildings - Natural Cotswold tiles

Roof to Barn where repairs are required: Red dreadnought clay tiles to match existing

Elements of timber cladding to north elevation of link to barn – 225mm horizontal oak cladding, featheredge with fat edge showing nom 10mm, left to weather naturally

Windows: painted timber sash windows

Doors: vertically boarded oak doors

The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

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 comply with Policy C28 of the Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

- 3 The development shall be carried out in accordance with the approved landscaping scheme identified on drawing number 139-001. 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 buildings 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 C28 of the Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

- 4 All works on site shall be carried out in accordance with the Arboricultural Method Statement BS5837:2012 'Trees in Relation to Design, demolition and construction – Recommendations' MWA Ref OX020714.01DW.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with policy C28 of the Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

- 5 All construction traffic serving the development shall enter and leave the site via the northern access only in accordance details of a route and associated signage to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 Prior to occupation of the development hereby approved the parking and manoeuvring area shall be provided on site in accordance with the 'parking area specification' DisCon051-WIL04 and shall remain unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 8 The western boundary hedgerow shall be maintained to a height of 3 metres above ground level.

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 C28 of the Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

- 9 The former farmhouse identified on the approved floorplans to be used as a gym and steam room at ground floor, guest bedrooms and a family bathroom at first floor level and cinema/playroom in the attic space shall remain incidental to the enjoyment of the main dwellinghouse and as such shall not be sold, leased or used as an independent dwelling unit.

Reason: The use of the building as a separate dwelling unit would result in sporadic, unsustainable residential development which would erode the character and appearance of the wider countryside contrary to Government guidance contained within the National Planning Policy Framework, Policies ESD13 and ESD15 of The Cherwell Local Plan 2011-2031 Part 1 and Policy H18 of the Cherwell Local Plan 1996.

Planning Notes

- 1 There is a possibility, due to the age, construction and location of the building, that bats could be uncovered during the works. Should bats be encountered, all work in that area must cease until a licenced bat worker has been consulted for advice on how to proceed. Particular care must be taken when roof tiles or slates are removed (remove gently by hand and check the underside for bats before stacking). The applicant and contractors should be aware that all bats and their resting places are protected from harm and disturbance by law and that to proceed without seeking professional advice if bats are found could result in prosecution.
- 2 All wild birds and their nests receive protection under the Wildlife and Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore in order to avoid contravention of this legislation any site works likely to affect potential bird nesting habitat should be timed to avoid the main bird nesting season which runs from March to August. If this is not possible, a check should be carried out prior to any clearance or demolition works to ensure there are no active nests present.

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 2015), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.