

**Land Adjacent To 1 Creampot Crescent  
Croprey**

**18/00613/F**

**Applicant:** Cherwell District Council

**Proposal:** Variation of Condition 2 (plans) of 14/01908/F - To make a minor material amendment to the floor plans, elevations and position of the building on the site.

**Ward:** Croprey, Sibfords And Wroxtton

**Councillors:** Cllr George Reynolds  
Cllr Douglas Webb  
Cllr Phil Chapman

**Reason for Referral:** CDC Application

**Expiry Date:** 7 June 2018                      **Committee Date:** 21 June 2018

**Extension of Time** 25 June 2018

**Recommendation:** Approval

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**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located within a residential area of Croprey on the edge of the Conservation Area and is land that was formerly part of the garden to the side/rear of 1 Creampot Crescent. The land is raised up from the road to the side and a number of mature trees are situated along the boundary in the highway verge.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application comes following the granting of application 14/01908/F, for the proposed erection of a single detached dwelling with two off street parking spaces; granted planning permission on 6th March 2015.
- 2.2. The current application has been submitted under Section 73 of the Town and Country Planning Act and seeks to vary the approved plans condition (Condition 2 of 14/01908/F) to allow for the revised siting of the proposed new dwelling (0.75m further to the south-east off the boundary with 1 Creampot Crescent), minor alterations to the scale of the building (0.4m reduction in the width, 0.2m increase in depth and minor increase in ridge height (0.04m)) and amendments to the fenestration detailing (to facilitate a reconfiguration of the internal layout), as approved under the original application 14/01908/F.
- 2.3. The general overall design approach, access and parking arrangements and choice of construction materials of the proposal would remain as previously approved during the original application (14/01908/F) and subsequent clearance of conditions application ref. 15/00160/DISC.
- 2.4. At the time of this application work had commenced on site with site clearance and excavation works having taken place, the permission is therefore considered to have been implemented.

### 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>
14/01908/F	Erection of a single detached dwelling with two off street parking spaces	Application Permitted
15/00160/DISC	Discharge of conditions 4 (Access), 5 (Parking & Manoeuvring) and 6 (Boundary Enclosures) of 14/01908/F.	Application Permitted

### 4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this current proposal.

### 5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site 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 21.05.2018.

5.2. No comments have been raised by third parties.

### 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. CROPREDY PARISH COUNCIL: **No objections.**

#### STATUTORY CONSULTEES

6.3. LOCAL HIGHWAY AUTHORITY: **No objections.**

#### NON-STATUTORY CONSULTEES

6.4. ARCHAEOLOGIST: **No objections.**

6.5. OPEN SPACES SOCIETY: **No comments received.**

6.6. RAMBLERS ASSOCIATION: **No comments received.**

6.7. RIGHTS OF WAY (OCC): **No comments received.**

### 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)

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 15: 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
- C30: Design control

#### 7.3. Other Material Planning Considerations

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

### **8. APPRAISAL**

#### 8.1. The National Planning Policy Practice Guidance (PPG) advises:

*In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306)*

8.2. As such, the assessment in this case is limited to considering the merits of the applicant's request for the revision of Condition 2 of 14/01908/F (approved plans condition), to be varied to allow for a revised siting, scale and detailing of the proposed new dwelling as, as set out above.

2.5. Given the context of the site nature of the proposed amendments to the approved scheme, it is considered that the only impacts would be those on the overall appearance of the buildings and the visual amenities of the site, its setting within the wider street-scene and potential impacts on residential amenity.

2.6. Notwithstanding the above, since the approval of the previous consent, while there do not appear to have been any significant changes in the context of the site, the policy context has changed with the Council adopting the Cherwell Local Plan 2011-2031 Part 1. The amendments therefore need to be assessed in the light of the current Development Plan policy context.

#### Principle:

8.3. The principle of development was previously considered acceptable with the granting of permission 14/01908/F. It is considered that the amendment now proposed and change in policy context do not introduce any further considerations that would result in the principle of the development no longer being seen in a favourable light. The principle is therefore considered acceptable in general sustainability terms subject to further considerations below.

#### Design, and impact on the character of the area:

- 8.4. The proposed amendments would not significantly affect the general nature of the development as previously approved under the original application 14/01908/F. The proposed re-siting further off the boundary with 1 Creampot Crescent again would not introduce any significant impacts on the general appearance of the proposals within the street-scene above those previously assessed and considered acceptable under the original permission 14/01908/F. Further, it is considered that the proposed changes to the scale of the building would not present an appreciable difference to the general appearance of the building when viewed in the wider context or when compared with the previously scheme.
- 8.5. The proposed amendments to the fenestration include the removal of a small window to the side of the main entrance to be replaced by a side-light to the front door. And to the rear the replacement of a mid-floor window to the stairs to be replaced by two single casement style windows (serving a toilet at ground floor and the stair landing at first floor). This is considered an improved balance to the fenestration detailing on the rear elevation.
- 8.6. Overall it is considered that the proposed amendments would not significantly alter the appearance of the dwelling as previously approved. It is considered that the proposed amendments would result in a residential property that would sustain the character and appearance of the site and its setting within the wider street scene adjacent the conservation and are therefore considered to be acceptable in terms of visual amenity.

#### Residential amenity:

- 8.7. The proposed re-siting of the stable building would not introduce any further impacts on the residential amenity of neighbouring properties above those assessed and considered acceptable under application 14/019108/F. The proposed re-siting of the building would reduce the potential impact on the adjacent neighbouring property (1 Creampot Crescent) and the reduction in the overall width of the dwelling would ensure that there would be no significant further impact on the amenity of residential properties to the north of the site as a result of the proposed re-siting. The proposed amendments are therefore considered acceptable in this regard.

#### Highway safety:

- 8.8. The proposals would not introduce any further impacts on highway safety above those assessed and considered acceptable under application 14/01908/F. The details required by conditions attached to the previous consent, including access and parking and manoeuvring, have approved under application 15/00160/DISC and the proposed amendments would not affect the approved layout in this respect.
- 8.9. Subject to the approved access and parking and manoeuvring areas being implemented in accordance with the details approved under 15/00160/DISC, it is considered that the proposals would not significantly impact on the safety and convenience of highway users and are therefore again considered acceptable in terms of highway safety.

#### Other Matters:

- 8.10. As this application is a S73 application, it is necessary to repeat all conditions attached to the original permission, as amended, as the result of the approval of this application would be a new planning permission. The PPG makes it clear that: *"where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended"*. The conditions have been updated to reflect the variation to the approved plans condition (condition 2) that is the subject of this application, and those that have been previously been addressed through the submission and approval of clearance of condition application 15/00160/DISC.

## 9. PLANNING BALANCE AND CONCLUSION

- 9.1. The principle of development and detail of such has previously been considered acceptable with the granting of the original permission 14/01908/F. Given the above assessment it is considered that the proposed amended siting, scale and fenestration detailing is considered acceptable in terms of visual amenity, residential amenity and highway safety and introduces no further impacts above those which have previously been assessed and considered acceptable, with the approval of the previous consent.
- 9.2. The changes to the scheme and in the policy context do not introduce any further considerations that would now suggest that the proposals should not be seen in the same favourable light as has previously been adopted. The application is therefore recommended for approval as set out below.

## 10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the application form and the following plans and documents: Cambridge Swift Nesting System detail and drawings numbered: 17108-01A, 17108-02 and 17108-03.

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. Retained Tree

a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the completion of the development.

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 ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan, and Government guidance contained within the National Planning Policy Framework.

3. The means of access shall be constructed and retained in accordance with the details approved under application 15/00160/DISC.

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

4. Prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the details approved under application 15/00160/DISC and shall be retained unobstructed except for

the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

5. The means of boundary enclosure shall be erected prior to the first occupation of the dwelling, in full accordance with the details approved under application 15/00160/DISC.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

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