

Case Officer: Matthew Chadwick

Applicant: The Magpie Partnership Ltd

Proposal: Conversion of barn to form new dwelling - re-submission of 18/01115/LB

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr George Reynolds
Cllr Douglas Webb
Cllr Phil Chapman

Reason for Referral: Application called in by Councillor Reynolds as ward member

Expiry Date: 28 February 2019 **Committee Date:** 14 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

Proposal

Listed building consent is sought to make internal and external alterations in order to convert and extend the building to form a single dwelling house

Consultations

The following consultees have raised **objections** to the application:

- Shenington with Alkerton Parish Council

The following consultees have raised **no objections** to the application:

- CDC Conservation

Two letters of **objection** have been received.

Planning Policy and Constraints

The site is located within Shenington with Alkerton Conservation Area and is a curtilage listed building. The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are the impact on the historic significance and setting of the listed buildings.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and

Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the village of Shenington on the south side of Rattlecombe Road at the junction with Mill Lane. The redevelopment of the site into two dwellings was approved in 2017 under 17/01201/F and 17/01202/LB. This consent has been implemented and the building in the southwest of the site (Barn B) is fully constructed, whilst works have also been undertaken to 'Barn A'.

2. CONSTRAINTS

- 2.1. The site is located within the Shenington with Alkerton Conservation Area and the ruined building in the northeast of the site (to which this application relates) is considered to be a curtilage listed building given that it is attached to the Grade II listed dwelling named 'Longworth' to the east. Common Swifts have been located in proximity of the site, which are a protected species. The site is also located within an Archaeological Constraint Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Listed building consent is sought to convert and extend the dilapidated barn to form a single dwelling. The dwelling would be 1 and ½ storeys in height, with a single storey element to the southwest of the building. There are a number of changes from the previously approved application. The previously approved application had a single storey element on the northeast of the building and this has now been changed so that the ridgeline of the building continues at the same 1 and ½ storey height. The overall ridge height of the building would also be slightly reduced from the approved scheme. The fenestration of the building would be altered on both the front of the building facing onto Rattlecombe Road and the rear facing towards Fabi's House. On the front of the building, the historic doorway has been filled in and the ventilation slots to the west are to be retained. To the rear of the building, the door has moved further away from 'Longworth'.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/02183/F	Conversion and extension of existing buildings to form 2 dwellings	Application Refused
16/02184/LB	Conversion and extension of existing building to form a single dwelling	Application Refused
17/01201/F	Conversion and extension of existing buildings to form 2 dwellings - Resubmission of 16/02183/F	Application Permitted
17/01202/LB	Conversion and extension of existing buildings to form 2 dwellings -	Application Permitted

Resubmission of 16/02184/LB

18/01098/F	Variation of Condition 6 (surface water drainage) relating to the whole site, and Conditions 2 (rooflight), 7 (existing building fabric), 15 (doors, windows and rooflights) in respect of Barn B only of 17/01201/F	Application Permitted
18/01114/F	Conversion of barn to form new dwelling	Application Refused
18/01115/LB	Conversion of barn to form new dwelling	Application Refused

- 4.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Sherington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Sherington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 4.3. Design changes were approved to 'Barn B' under 18/01098/F at August 2018 planning committee.
- 4.4. Applications 18/01114/F and 18/01115/LB were refused at December 2018 planning committee, as the alterations to the building, particularly the new windows on the Rattlecombe Road frontage, would cause less than substantial harm to the significance of the curtilage listed building and the character and appearance of the conservation area, for which the public benefits did not outweigh the harm.
- 4.5. A planning application is submitted alongside this application (19/00014/F).

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. 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 (amend as appropriate). The final date for comments was 14.03.2019.
- 6.2. At time of writing this report, two letters of objection have been received. The comments raised by third parties are summarised as follows:
- The submitted landscaping plans are inconsistent (these have been superseded).

- The drainage scheme may impact on the neighbouring dwelling.
- The development would affect a Right of Way across the land (this is a private matter between the neighbours and the applicant).
- Spanish slate is to be used which is not appropriate.
- The windows on the gable ends are not appropriate for a barn conversion.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects** on the grounds that the windows in the gable ends would not be in keeping with a listed barn.

CONSULTEES

7.3. CDC CONSERVATION: **No objections.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. 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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Proposals affecting a listed building
- C21 – Proposals for re-use of a listed building

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Shenington with Alkerton Conservation Area Appraisal (2009)

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

- 9.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed buildings.

Policy Context

- 9.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 190 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 9.4. Paragraph 193 and 194 of the NPPF states that: *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. Any harm to, or loss of, the significance of a designated heritage asset should provide clear and convincing justification.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.5. The site is located within the Shenington with Alkerton Conservation Area. Longworth to the east of the site is a grade II listed building and Barn A is attached to Longworth and historically associated with this dwelling, so is curtilage listed.
- 9.6. The application proposes to extend and convert the existing dilapidated barn to form a single dwelling. The previously approved scheme was a 1½ storey dwelling, with single storey elements at the northeast and southwest gable ends of the dwelling. The fenestration was simple, with arrow slit windows on the front elevation and full height barn-door style openings on the rear, with some more domestic openings in the west of the building.
- 9.7. The present application proposes a number of changes to the approved scheme, such as the reduction in the overall ridge height of the building, the continuation of the 1½ storey element to the north-east and alterations to the fenestration on the building.
- 9.8. The ridge height of the element that is in closest proximity to the Grade II listed 'Longworth' to the east would be continued at the same ridge height as the rest of the building. On the previously approved scheme, this was a single storey element. Historically, it would appear that this part of the building had the same ridge height as the rest of the building and the consistent ridge height would be a more traditional form of development.
- 9.9. The overall ridge height of the building is lower than that of the approved scheme, with the proposed ridge height being approximately 0.3m lower than the approved scheme. The lower ridge height of the building would also help to emphasise the subservience of the building to 'Longworth', to which it had a historic relationship with and this is a positive element of the scheme. The single storey element on the western end of the building is retained from the previously approved scheme; however the depth of this element has slightly increased.
- 9.10. The fenestration on the front elevation of the building would be altered from the approved scheme. The approved scheme had three large arrowslits and one rectangular window on the east of the building in the single storey element that was closest to 'Longworth'. The proposed scheme would now have a single window on the Rattlecombe Road frontage, in the same location in close proximity to 'Longworth' as the window that was in the approved scheme. Two arrowslit ventilation slots are proposed to be retained at first floor level. Given that only a single window would be created on the Rattlecombe Road frontage and that this window has been previously approved, on balance it is considered that only minor harm would be caused due to the new fenestration.
- 9.11. There are also changes proposed to the fenestration on the rear and sides of the building from the approved scheme. Two rooflights are proposed in the rear roofslope in a similar location to the approved scheme. The barn door style opening would also be in a similar location to the barn door opening in the previous scheme, with the main change to this window being that it would extend up to the eaves of the building. The eastern door on the rear elevation has been moved further away from the neighbouring dwelling 'Longworth' and would be more than 2.3m away from this property. A single glazed door would be created to the west of the barn door style opening and in the single storey element; a four casement window of a domestic design would be created in a similar design to the approved scheme. The fenestration on the rear elevation is broadly similar to that of the approved scheme and the proposed changes are considered to result in a minor improvement to the visual appearance of the building.

- 9.12. A window is proposed to be created in the east elevation at first floor level. A window was previously approved in this location. However, the proposed window would be more centrally positioned in the gable elevation and this is considered to be acceptable. A window would also be created in the west elevation at first floor level and this would be in the same location as a window in the approved scheme. There have been objections to the windows on the gable ends of the building; however, windows were approved here under 17/01201/F and 17/01202/LB. Furthermore, these windows would comply with the guidance provided in Cherwell District Council's 'Design Guide for the conversion of farm buildings (2002)'.
- 9.13. The proposal would bring a listed building back into use that has been derelict for a number of decades. It is considered that a residential use is the optimum viable use for the listed building and that this would be a public benefit of the proposal.

Conclusion

- 9.14. It is considered that the proposed development would cause minor harm to the setting and significance of the affected listed buildings and the Sherington with Alkerton Conservation Area. However, the harm caused to these heritage assets is limited and would be outweighed by the public benefits of providing a dwelling in a location that accords with the Development Plan, along with bringing the site back into use.

Human Rights and Equalities

- 9.15. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.16. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

- 9.17. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

- 9.18. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

- 9.19. Officers have considered that, in the event that the application is granted listed building consent, there will not be any discrimination (or potential discrimination) on neighbours.

Duty under The Equalities Act 2010

- 9.20. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.21. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. On balance, it is considered that the proposed development would cause less than substantial harm to the setting and significance of the curtilage listed building, the nearby Grade II listed building and the Shenington with Alkerton Conservation Area. However, the public benefits provided with the scheme by bringing back into use a building that has been derelict for many years and the provision of a dwelling in a location that accords with the Development Plan would outweigh the harm and the development is considered to be acceptable subject to the conditions below.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limit

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan and 'Scheme Drawings Barn A' (P751-022X).

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 Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government

guidance contained within the National Planning Policy Framework.

Stone

3. The external walls of the dwellings to be constructed in stone shall be laid, dressed, coursed and pointed in strict accordance with the stone sample panel viewed on site by the planning case officer on 5th April 2018, as approved under 18/00065/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to preserve historic fabric and the significance of designated heritage assets, to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Slate Roof

4. No externally facing tiles shall be used in the development other than in strict accordance with the slate sample viewed on site by the planning case officer on 5th April 2018, as approved under 18/00065/DISC.

Reason - To preserve the significance of designated heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Window Details to be submitted

5. Within one month of the date of this consent and prior to the installation of the doors, windows and rooflights, full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds, and the rooflights, shall be installed within the buildings in accordance with the approved details.

Reason - To preserve the significance of designated heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Rainwater goods

6. No rainwater goods shall be used in the development unless they are either cast iron or aluminium finished and shall be painted matt black.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the historic character and significance of designated heritage assets, comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Bat and Bird Mitigation Strategy

7. The development shall not be occupied unless and until the bat and bird mitigation measures and the measures for enhancing swift nesting have been carried out as set out on page 8 of the 'Mitigation Strategy - Bats, Nesting Birds

& Swifts' prepared by Ridgeway Ecology, dated 22nd August 2017, as approved under 17/00441/DISC and shall be retained as such thereafter.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754