

APPLICATION NO.	P18/S1744/FUL and P18/S1745/LB
APPLICATION TYPE	FULL APPLICATION and LISTED BUILDING
REGISTERED	1.6.2018
PARISH	WATERPERRY
WARD MEMBER(S)	John Walsh
APPLICANT	Mr Simon Buchanan
SITE	Waterperry House, Waterperry Estate Waterperry, OX33 1JY
PROPOSAL	Relocation of Teashop to Marketing Yard and erection of rear extension to Market Building (as amended by drawing nos. 43A, 44A, 45A, 46A 52A, 53A to remove pergola and alter external appearance of teashop received on 20/07/18 and 41B, 42B, 47C, 51C, 55C and 56C to remove the roof mounted solar panels to the Market Building extension received on 12/09/18)
AMENDMENT	Amended by drwgnos 43A, 44A, 45A, 46A 52A, 53A to remove pergola and alter external appearance of teashop received on 20/07/18 and 41B, 42B, 47C, 51C, 55C and 56C to remove the roof mounted solar panels to the Market Building extension received on 12/09/18
OFFICER	Will Darlison

1.0 INTRODUCTION

1.1 The planning application is referred to planning committee because the Officer's recommendation for approval conflicts with the views of Waterperry with Thomley Parish Council.

1.2 Waterperry House is located on the South-Eastern edge of the village. The house and estate are owned by the School of Economic Science and educational courses are run from the house. The estate and many of its outbuildings are let to Waterperry Gardens Ltd. who manage the horticultural enterprise on the estate.

1.3 The main house is listed Grade II* and there are a number of other listed buildings across the estate including the Grade I listed St Mary's Church. The site is also located within the Oxford Green Belt. A plan identifying the site can be found at **Appendix 1** to this report.

2.0 PROPOSAL

2.1 The applications seek planning permission and listed building consent for the erection of a replacement teashop, which would be located within the Marketing Yard and a rear single storey extension to the Market Building.

2.2 The applications have both been amended responding to comments made by the Conservation Officer. See paragraph 6.20 of this report.

2.3 Reduced copies of the plans accompanying the applications can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the Council's website www.southoxon.gov.uk under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Waterperry Parish Council – Objection**

- Concern expressed over the large number of planning applications submitted and that it is very important now to see an overall plan for development within the Estate, so that the Parish Council and the Planning Department can consider the wider context.
- Some recent applications have not been completed according to the agreed plans.
- The proposal will have a significant impact on the historic buildings and there is concern that this extension to the building will be in scale and materials enhance rather than detract from the site.
- The wall to be removed along the yard boundary is felt to be a shame as it is very much part of the character of the Estate.
- There is a stated intention in the Heritage Plan to increase visitor numbers to the gardens.
- A letter from the Estate Steward mentions visitor number of 200,000 per annum – the village road infrastructure simply will not withstand such an increase in traffic.
- The increase in traffic will render the village simply an extended access road to the Estate and be entirely detrimental to the character of the village. This is the only access to the Estate so any increase in visitors will mean a directly proportional increase in traffic through the village, on road which is already beyond its capacity – as evidence by the damage structure, potholding and erosion of verges.
- Concerns about the potential impact on the adjacent Grade I listed church, especially in terms of access to the churchyard and also attaching part of the building to the churchyard wall.

3.2 **Church of St Mary - Objection**

- The building works in this application could directly impact the fabric of the church property.
- Time is required in order to properly understand what the impact upon the listed church would be.

3.3 **County Archaeological Services - No objection subject to conditions**

3.4 **Joint Committee of the National Amenity Societies – No response received**

3.5 **Forestry Officer - No objection subject to conditions**

3.6 **Environmental Health Food Safety - No objection and suggesting an informative**

3.7 **Conservation Officer – No objection subject to conditions**

3.8 **Historic England (South East) – No comments**

3.9 **Highways Liaison Officer (Oxfordshire County Council)** - No objection subject to conditions

3.10 **Neighbour Representations** – None received

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P18/S0705/PEO](#) – Pre-application advice 10/04/2018

Relocation of teasop to Market Yard, rear extension to market building and additional enclosed sales building within sales area, additional spaces to replace loss of floor area from removal of prefab building housing the existing tea shop.

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy 2027 (SOCS) policies:**

CSS1 - The Overall Strategy

CS1 – Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSEN2 - Green Belt protection

CSEN3 - Historic environment

CSQ3 - Design

CSR2 – Employment in rural areas

5.2 **South Oxfordshire Local Plan 2011 (SOLP) policies:**

CON2 - Extensions to listed buildings

CON3 - Alteration to listed building

CON5 - Setting of listed building

CON11 - Protection of archaeological remains

CON12 – Archaeological field evaluation

CON13 – Archaeological investigation recording & publication

C8 - Adverse affect on protected species

C9 - Loss of landscape features

D1 - Principles of good design

G2 - Protect district from adverse development

G4 - Protection of Countryside

GB4 - Openness of Green Belt maintained

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

TSM1 - Tourism

TSM2 - Tourist attractions and facilities

5.3 **South Oxfordshire Design Guide 2016 (SODG)**

National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The following considerations relate to the listed building application and the planning application;

- **Impact on the special architectural, historic interest and setting of the listed buildings.**

6.2 The following considerations relate solely to the planning application;

- **The principle of development.**
- **Impact on the openness and visual amenity of the Oxford Green Belt.**

- **Impact on the character and appearance of the existing buildings, the site and the wider area.**
- **Impact on the special architectural and historic fabric of the listed buildings and their setting.**
- **Impact on parking, access and highway safety.**
- **Impact on trees.**
- **Impact on archaeological constraints.**
- **Community Infrastructure Levy.**
- **Other issues.**

- 6.3 **The principle of development.** Waterperry House and Estate is owned by the School of Economic Science and parts of the Estate are let to Waterperry Gardens Ltd who manage the horticultural and related commercial activities on the site.
- 6.4 The site currently offers a range of activities and attractions that includes the existing teashop, a rural museum, gallery, garden centre with shop and walled garden and walks around the landscaped ornamental gardens.
- 6.5 Through its development plan the Council taken a generally sympathetic stance to proposals to improve existing tourist attractions as well as attractions which have regard to the character and heritage of their locations.
- 6.6 Specifically, policy TSM2 of the SOLP sets out that proposals for improvements to tourist attractions and facilities, and proposals for new attractions based on the character of the area, will be permitted provided that:
- (i) there is no conflict with policies of the Green Belt;
 - (ii) the scale, nature and location of the development is appropriate and in character with the area;
 - (iii) the design, layout and materials relate well to adjacent building and are in keeping with the surroundings;
 - (iv) where appropriate the site is accessible by public transport and provision is made for pedestrian and cycle links with adjacent areas; and
 - (v) there are no overriding amenity, environmental or highway objections.
- 6.7 Therefore, the principle for the replacement of the teashop building at Waterperry House Gardens is acceptable. The specific assessment of the criteria set out above shall be covered in this report.
- 6.8 **Impact on the openness and visual amenity of the Oxford Green Belt.** The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is set out in Section 9 of the advice from Central Government in the National Planning Policy Framework.
- 6.9 The five purposes of the green belt are;
- to check the unrestricted urban 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.

- 6.10 In addition, there is a general presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. ‘Very special circumstances’ to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other circumstances.
- 6.11 The NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt except for the following purposes;
- Agriculture and forestry.
 - Appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the green belt and don't conflict with the purposes of including land in it.
 - The extension alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 - ***The replacement of a building where it is in the same use as the existing and is not materially larger.***
 - Limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan or;
 - Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing
 - development.
- 6.12 The proposed replacement tearoom would be the replacement of the existing one currently housed within a prefabricated building located to the west of the market yard and include its demolition as well as smaller garage and paint shop buildings within the market yard itself. Therefore, I consider that the proposed tearoom building would fall within the above exception highlighted in italics and as such an appropriate form of development.
- 6.13 The demolition of the existing tearoom building would open up this part of the site and allow for landscaping and a pedestrian pathway where currently there is built form. The proposed tearoom building would be pulled closer to be nestled amongst the existing buildings in the vicinity and sited within a yard area that is already developed. This is where the garage and paint shop are currently located. Furthermore, open elements of the yard are to be retained in the form of space in front of the Coach House to allow for deliveries, unpacking etc. These factors in my opinion would ensure that the proposal would not be harmful to the openness or visual amenity of the Oxford Green Belt.
- 6.14 The proposed rear extension to the market building would be located in a wedge-shaped area to the south of the Market Building a former stable housing the Waterperry Garden Shop. This area is currently a space used as outdoor retail space for products sold by the garden centre with a wall to the south forming the boundary with the adjacent church yard. In my view this is a location that is closely surrounded by buildings. Furthermore, the proposal is modest in terms of its size and scale and would therefore be an appropriate form of development.
- 6.15 The proposed extension would sit within the established built envelope of the complex of buildings and not encroach into the more open part of the site. The size, scale and location of the proposal would ensure that it is not harmful to the openness or visual amenity of the Oxford Green Belt.

- 6.16 **Impact on the character and appearance of the existing buildings, the site and the wider area.** Policy GB4 of the SOLP requires that development either within or conspicuous from the Green Belt should be designed and sited in such a way that its impact on the open nature, rural character and visual amenity of the Green Belt is minimised.
- 6.17 The existing teashop is a prefabricated block which makes a negative contribution to the character and appearance of the site through its incongruous style and materials as well as its location on the site. Set away from the marketing yard it is in front of a number of listed buildings where its length obscures a number of longer range views of these heritage assets. The demolition of this building would, in my view, be of a benefit to the setting of the main Georgian House, the Saxon/Norman Church and a number of listed agricultural buildings behind.
- 6.18 The proposed replacement teashop building would be nestled between the rural museum in the Oak Barn and the Coach House employing a single storey design that would be of a high quality, demonstrating subservience to the surrounding buildings through its height and sympathetic ties to the surrounding buildings through the use of rubble stone in the external walls. I am satisfied that under such circumstances a sense of hierarchy would be maintained, and that the proposal would be in keeping with the established character and appearance of the site.
- 6.19 **Impact on the special architectural and historic fabric of the listed buildings and their setting.** The replacement tearoom would be adjoining the existing gift shop to the west and for the extension to the gift shop to the south. The gift shop is located within the converted Grade II listed stable building, which itself is located within a former service area to the Grade I listed Waterperry House.
- 6.20 The applications were the subject of consultation with our specialist Conservation and Design team. They commented that after having considered the relative significance of the buildings on the site and the desirability of supporting the continued use of the site and buildings that they reached the view that the proposal would provide sufficient benefits to outweigh the harm identified to the significance of the Grade II listed stable building.
- 6.21 However, comments were put forward on a number of elements of the proposals that were suggested for amendment and or clarification prior to a decision being made. These included that the proposed permanent pergola structure be removed as it would encroach physically outside of the service area, clarification of the roof pitch required for the solar panels and their visibility from ground level, junction details between the extensions and existing stone work and a suggested change from downstand columns on the west elevation.
- 6.22 Amended drawings were subsequently submitted responding to the points raised by the Conservation Officer and provided improvements to the design of the new tearoom as well as details in relation to specific queries. They also offered comment upon specific heritage matters raised by the Parish Council as follows;
- '1. 'Concerns were also discussed about the potential impact on the adjacent Grade 1 listed Church, especially in terms of access to the churchyard and also attaching part of the building to churchyard wall.'*: At present the wall in this particular area is abutted by lean-to sheds providing cover to gardening products. The wall is not wholly appreciable in this area visually. The open nature of these structures do however allow access for maintenance purposes. The proposed

extension would adjoin but not bear upon the wall. A new internal blockwork wall would perform this structural function but would cover the wall and eliminate opportunities for maintenance. As such I would like to see that the wall is repaired and made good prior to the extension being constructed. The new wall will protect it from further weathering and a gap will be maintained to allow ventilation which I consider to be adequate. On a separate matter, I presume that the applicants will need to gain permission from the Church to adjoin the wall as part of legal agreements relating to property. Permission/Faculty may also be required from the DAC so I recommend that they are involved by the applicants in this element of the proposal.

2. 'This planned new tearoom will have a significant impact on the historic buildings and there is concern that this extension to the existing building will be in scale and materials to enhance rather than detract from the site.' I agree that it represents a significant impact upon the character of the Market Building however a holistic view of the relative significance of the heritage assets on the estate has been taken and led to the siting of the current proposal. I consider that the benefits outweigh the identified harm.

3. This application involves the removal of a large part of a yard boundary wall. Although the application suggests this has no actual historic value, it is very much part of the character of the Estate and it was felt that it is a shame to remove these: The northern wall is much later in date and of low significance, the western wall does have some historic value however large areas have been repointed and partially rebuilt some time ago in cement and would likely require rebuilding again in lime mortar to arrest long term decay. To mitigate its loss, I would have preferred to see the proposed building following the line of the wall to preserve this historic boundary line. At present it trespasses very slightly beyond the plane of the existing wall.'

6.23 The Conservation Officer concluded that, having considered the relative significance of the buildings on the site and the desirability of supporting the continued use of the site, the proposal provides sufficient benefits to outweigh the harm identified to the significance of the listed buildings affected. This is subject to a number of conditions requiring details to be submitted and approved prior to the commencement of the relevant works.

6.24 Comments from the churchwarden for St Mary's, Waterperry received on 5 July expressed the need for more time to allow for the Senior Church Buildings Officer at the Diocese of Oxford to fully assess how the proposals would impact upon the fabric of the Church property. However, no further correspondence has been received at the writing of this report. Due to the level of scrutiny given the matter by our specialist conservation adviser I am of the view that full regard has been paid to the impact on the heritage assets on the site.

6.25 **Impact on parking, access and highway safety.** The consultation response to the proposed development from the Oxfordshire County Council Liaison Officer were as follows;

The proposal is unlikely to result in any significant intensification of transport activity at the property. No change is proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network.

After reviewing the comments made by the Parish Council, the Highway Authority will further amplify its response. Issues have been raised in terms of:

- *Characteristics of the carriageway*

I note the concerns raised with regard to the lack of footway provision, however this is commonplace throughout the settlement. This is not unusual in such rural settings and does not present any exceptional risk to pedestrians; more specifically, I consider the carriageway running through Waterperry, is a relatively quiet lane and reasonable for shared use by walkers, cyclists and motorised users. I have reviewed the recorded personal injury accident record and there are no recorded accidents in this location. In addition, vehicles traveling along this carriageway are considered to be traveling at low speed and with relatively low traffic volume. It is worth noting that the carriageway varies in width which affects driver speeds as there is little room spare when vehicles pass. In addition, whilst it is noted that the carriageway is showing signs of deterioration, the existing/proposed use is unlikely to be the sole cause of the damage.

- *Grass verges*

Whilst the damage to Highway verge is unfortunate, this is not a matter which can be considered to be justifiable in recommending refusal to the proposal.

- *Speed of traffic*

It is worth noting that the Highway Code is quite clear and states that you should “Drive at a speed that will allow you to stop well within the distance you can see to be clear”.

- *Size of vehicles*

The use of delivery vehicles to the site is an unavoidable by-product of a business, however deliveries are likely to be outside of the peak traffic periods. With regards to the nature of vehicles delivering to the site, in terms of speed, this should be managed by the applicant.

It is noted that coaches visit the site, however the manner in which these vehicles travel to the site is not within the Planning application stage in which to comment on, and/or recommend refusal to the proposal. Again, this matter can be dealt with by the applicant internally.

After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to the above condition(s) being applied to any permission which may be granted on the basis of highway safety.’

The conditions referred to require the following; a turning area and car parking spaces are provided within the curtilage of the site and that a Construction Traffic Management Plan is submitted and approved in the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents with particular regards to morning and afternoon peak traffic times.

- 6.26 The comments from the Highways Liaison Officer therefore address the concerns raised by Waterperry and Thomley Parish Council with regards to the increase in traffic to the site being unacceptable in safety terms and being beyond the capacity of the road. It should also be noted that the proposed development would be for the replacement of an existing teashop facility on the site and not a brand-new activity. As such the proposed development does not represent a significant intensification of activity on the site that would warrant the refusal of the proposal.

- 6.27 **Impact on trees.** The trees within the site are not protected through a Tree Preservation Order but it is acknowledged that the trees in the vicinity of the teashop do contribute positively to the setting of the listed buildings and visual amenity of the area. An arboricultural report has been submitted which has been considered to be acceptable subject to a condition requiring the measures proposed within this report are implemented with regards to tree protection.
- 6.28 A further condition has been suggested by the specialist Forestry Officer that would require a landscaping scheme to be submitted for trees and shrubs in order that the proposed development is sufficiently softened and for the continuation of the very high level of visual amenity of the site. This shall also allow for a consideration of the Conservation Officer to be addressed as the landscaping and planting around the tea room should complement the character of the designed parkland.
- 6.29 **Impact on archaeological constraints.** The site is located in an area of archaeological interest immediately north of the Late Saxon and medieval St Mary's Church. Saxon and medieval features were recorded during an archaeological excavation 65m south of the proposed development. The settlement at Waterperry is recorded in the Domesday survey and the Church was likely to have formed the focal point of the early settlement. It is therefore likely that this development will encounter archaeological features related to the late Saxon and medieval development of Waterperry.
- 6.30 They therefore recommended that, should planning permission be granted that the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction and that this can be ensured through the imposition of appropriately worded conditions.
- 6.31 **Community Infrastructure Levy.** The Council's CIL charging schedule has been adopted and will apply to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area and is primarily calculated on the increase in footprint created as a result of the development. In this case the proposed development would not be a liable form of development as defined on the CIL charging schedule.
- 6.32 **Other issues.** Concern have been expressed over the large number of planning applications submitted and that it is very important now to see an overall plan for development within the Estate, so that the Parish Council and the Planning Service can consider the wider context. This is noted and understood but as these application are essentially for the replacement of an existing facility so such an approach is not reasonable or necessary in this case.

7.0 CONCLUSION

- 7.1 Officers recommend that planning permission is granted because the proposed development would be an appropriate form of development in the Oxford Green Belt and not harmful to its openness or visual amenity. It would be of an acceptable design and appearance demonstrating sufficient benefits that would outweigh the level of harm identified to the significance of the listed building affected. It would not pose a risk to highway safety or an unacceptable intensification of the number of vehicle movements to the site and, in conjunction with the attached conditions, the proposal accords with development plan policies.

7.2 Officers recommend that listed building consent is granted because the proposed works would demonstrate sufficient benefits that would outweigh the level of harm identified to the significance of the listed buildings affected. In conjunction with the attached conditions the proposal accords with development plan policies.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission subject to the following conditions:**

- 1 : Commencement three years - full planning permission.**
- 2 : Approved plans.**
- 3 : Schedule of external materials.**
- 4 : Archaeology (submission of written scheme of investigation).**
- 5 : Archaeology (implementation of written scheme of investigation and reporting of findings).**
- 6 : Landscaping scheme (tree and shrubs only).**
- 7 : Tree protection (implementation as approved).**
- 8 : Turning area and car parking.**
- 9 : Construction traffic management.**

8.1 **To grant listed building consent subject to the following conditions:**

- 1 : Commencement three years – listed building consent.**
- 2 : Approved plans (listed building).**
- 3 : Schedule of external materials.**
- 4 : Church wall method statement.**
- 5 : Joinery details.**
- 6 : Schedule of works of repair and alteration to the market building.**
- 7 : Details of junction/connection between the extensions and the market building.**
- 8 : Signage details.**

Author: Will Darlison

E-mail: will.darlison@southandvale.gov.uk

Contact No.: 01235 422600