

SUBJECT **DEVELOPMENT APPLICATION REPORTS** **ITEM 9**

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P11/W2027
APPLICATION TYPE	FULL
REGISTERED	23.12.2011
PARISH	ASTON TIRROLD
WARD MEMBER(S)	Mr Leo Docherty
APPLICANT	Mr T R / CJ / SJ Worthington, Duncan, Fordahm
SITE	Races Farm Aston Street Aston Tirrold, OX11 9DJ
PROPOSAL	Conversion of vacant offices at Races Farm to form two dwellings.
AMENDMENTS	None
GRID REFERENCE	455757/186090
OFFICER	Mrs S Crawford

1.0 **INTRODUCTION**

- 1.1 The application has been referred to the Committee because the recommendation conflicts with the views of the Parish Council.

- 1.2 The site lies within the built up limits of Aston Tirrold. The existing building on the site has been in use for offices until early 2010 and much of the site is covered in concrete hardstanding for parking (space for 7 vehicles). The building was converted and extended from two former agricultural buildings in 1991 with a flat roof link and a courtyard. The site is located within the Aston Tirrold Conservation Area, the North Wessex Downs Area of Outstanding Natural Beauty, an area of archaeological constraint and there are two listed buildings opposite the site. The site and immediately surrounding area is also subject to an Article 4 direction dating from 1970 that withdraws agricultural and residential permitted development rights.

- 1.3 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission for the conversion of the existing building into two dwellings; both 3 bed units. The proposal includes roofing over an existing single storey, flat roof element to provide two bedrooms and three shower rooms at first floor and 4 new rooflights to light the new rooms. The courtyard would also be roofed over to provide a living/dining room for one of the units. Two parking spaces and a private garden area would be provided for each unit. Reduced copies of the plans accompanying the application are **attached** at Appendix 2. The supporting documents and neighbour representations are available for inspection on the Council's website at www.southoxon.gov.uk.

- 2.2 A similar application was refused by the Planning Committee on 28 April 2010 for the following reasons.

1. That there has been no marketing of the premises for an alternative commercial use contrary to Policy E6 of the adopted South Oxfordshire Local Plan 2011.
2. That, having regard to the change of use to residential, the existing glazing details and the proposed increase in the number of windows on the southern and eastern elevation, the proposal represents an unneighbourly form of development that would detract from the residential amenity of the occupants of Manor Farmhouse contrary to Policies G2 and D4 of the adopted South Oxfordshire Local Plan 2011.

This scheme differs from the refused scheme as the dormers windows in the roof on the south and east elevations have been removed and replaced with roof lights. In addition the property has been marketed and two independent valuations of the property have been carried out.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1	Aston Tirrold Parish Council	Refuse. The previous concerns have not been adequately addressed in terms of neighbour objections and number of windows to Manor Farm House, lack of parking and problems with access and lack of adequate marketing.
	OCC (Highways)	No objection subject to conditions
	OCC (Archaeology) Conservation Officer	No objection. The proposed conversion results in limited extension to the existing building. In terms of impact on the conservation area, there would be little effect. The reduction in large area of hardstanding would potentially be a minor improvement. Some concerns about contrived design of flat roof element and number of rooflights no but there are no overriding conservation issues for the scheme.
	Forestry Officer	No objection subject to conditions
	Health and Housing – Environmental Protection Team	No objection
	Building control	No adverse comments
	Neighbour Objectors (4)	Will increase traffic flow in a shared drive, limited parking space, concern in relation to the style of boundary treatment. Will affect the setting of the listed buildings opposite the site. New dormer windows will overlook. Roof extension is large and overbearing. Substantial structural alterations are required.

Neighbour
Supporters (1) This would be a useful addition to the villages rather limited small residential unit stock. Although the property overlooks others, this is a characteristic of villages where development occurs over the centuries. Indeed this was a point made by the Inspector in the relatively recent (successful) appeal at a nearby property (Meadow Cottage, Aston Street).

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P10/W0191](#) - Refused (28/04/2010)

Conversion of existing offices to provide two residential units (As amended by drawing numbers 10/54/ARR/002(tracking details), P05E. P10B and P11B(boundary finish details) accompanying applicant's email dated 13 April 2010)

[P91/W0087](#) - Approved (18/04/1991)

Conversion with extensions and alterations of redundant agricultural buildings to offices (B1a and B1b use)

[P90/W0239](#) - Refused (30/05/1990)

Erection of one four bedroom detached house and double garage.

The Stable site which is adjacent

[P09/W0879](#) - Approved (05/11/2009)

Demolition of steel framed former agricultural building. Erection of 3 bedroom two storey dwellinghouse with basement and creation of two parking spaces (amendment to planning permission P06/W0936).

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 policies;

C1 - Development would have adverse impact on landscape character

C2 - Harm to the AONB

CON5 - Setting of listed building

CON7 - Proposals in a conservation area

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D6 - Community safety

D8 - Conservation and efficient use of energy

D9 - Proposals for renewable energy

E6 - Loss of employment uses

EP6 - Sustainable drainage

EP7 - Impact on ground water resources

EP8 - Contaminated land

G2 - Protect district from adverse development

G3 - Development well served by facilities and transport

G6 - Appropriateness of development to its site & surroundings

H5 - Housing sites in larger villages in the Green Belt

H7 - Mix of dwelling types and sizes to meet district need

H8 - Density of housing development in and outside town centres

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

South Oxfordshire Design Guide 2008
NPPF – National Planning Policy Framework

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in this case are;

- Whether the principle of development is acceptable
- Loss of employment facilities
- Impact on the character of the conservation area and the AONB
- Highway issues
- Neighbour impact
- Tree issues
- Density and provision of gardens
- Mix of units

6.2 **Principle.** Aston Tirrold/ Aston Upthorpe is classified as one of the smaller villages where infill development would be allowed (Policy H5). This means that policy E8 in relation to the conversion of rural buildings is not the appropriate policy to consider in the determination of this application. E8 only applies where new residential development would not normally be allowed and that is not the case within Aston Tirrold. There are no specific policies relating to the conversion of non-residential buildings within the smaller villages apart from E6 (see below).

6.3 **Loss of employment.** The office use of the premises is subject to a personal permission restricted to Reading Agricultural Consultants rather than a general B1 (a) and B1 (b) permission. The personal permission was given to meet the particular employment needs of the company of a local resident but ensured control over any subsequent occupants given the very close proximity to residential neighbours and the potential for noise and disturbance to occur. Reading Agricultural Consultants employed up to 11 people at the site. With the 2010 application your officers considered that given the personal permission, the limited size of the building, the constraints in relation to the impact on neighbours and the current economic conditions the site had very limited scope for alternative commercial users and raised no objection to this loss of this particular employment site. Members disagreed with this view and were of the opinion that the site should be marketed for other commercial uses.

6.4 **Marketing exercise.** Since the refusal of planning permission Simmons and Sons, commercial estate agents, have been employed to market the premises for self contained offices on a freehold or leasehold option. The marketing commenced on 6 August 2010 and continued up to 20 October 2011; although a sale board remains on site. The marketing report states that the current demand for office accommodation in the Thames Valley and South Oxfordshire area is extremely limited. This is particularly so in the more rural villages, where demand for office accommodation on both a freehold and leasehold basis has been subdued for a considerable period. There has also been a large increase in the number of office premises available locally, in particular with new offices being developed at Howbery Park, Wallingford and the Harwell Innovation Centre. A number of office premises have also become vacant in recent years in the surrounding area, most particularly the Hithercroft Road Industrial Area of Wallingford, Milton Park, Abingdon and within the town centres of both Wallingford and Didcot. The substantial increase in both new and second hand office accommodation currently available has led to a reduced demand for offices in rural locations within South Oxfordshire. A detailed list of vacant office accommodation within the vicinity is included in the report.

- 6.5 During the term of marketing, Simmons & Sons received a number of enquiries in respect of Races Farm. However, the majority of enquiries, which are estimated to be in the order of 15 to 20 (with 11 viewings), have been from individuals and development companies seeking to convert the property to residential. Once these enquiries have established that the conversion of the property would be subject to an uplift clause payable to the vendor on the grant of permission for conversion to residential use, they have not wished to progress with making an offer.
In addition to the enquiries for residential use, Simmons and Sons have received a small number of enquiries from potential purchasers claiming they wish to purchase the property for commercial occupation. However, these occupiers were not prepared to purchase the property subject to the uplift clause, and were not interested in leasing the property. From this, Simmons and Sons have concluded that whilst these interested parties may initially intend to occupy the property for commercial use, in most cases they would seek to convert the property to residential use in the short to medium term.
- 6.6 The marketing agents have been instructed to market the property on a freehold basis with a guide price of £250,000, subject to an uplift payment the equivalent of 70% of the increase in the value of the property being payable to the vendors in the event of residential planning consent being granted for the conversion of the property. The purpose of marketing the property with the uplift clause was to enable the building to be marketed to commercial occupiers on a freehold basis at the open market value for commercial use, rather than a value reflecting its residential development potential, which would not be viable for commercial purchasers.
- 6.7 The property has also been offered on a leasehold basis with a quoting rent of £19,000 per annum, equating to a rent of £9.25/ft². The lease has been offered on flexible terms, to be negotiated, and would be excluded from the Security of Tenure Provisions of The Landlord & Tenant Act 1954. The tenant would be responsible for services, maintenance and business rates payable in respect of the property, with the landlords undertaking to ensure the property was in a good state of repair and condition prior to the lease start date.

Negotiations commenced with 4 parties but none of these have been progressed for a number of reasons including;

- Extensive refit requirements with no guarantee of continued occupation
- Attempts to reduce uplift in terms of percentage payback and time period
- Concerns in respect of rights to light after discussions with neighbours
- The need for new occupants to make a planning application for an unrestricted B1 use or apply for a change of use to other commercial use.

It is clear from the above that despite an extensive and comprehensive marketing campaign, there was a very limited number of viewings undertaken, none of which have resulted in an acceptable offer for the freehold, with the uplift provisions in the event of residential consent being granted for conversion of the property.

On the basis that the only serious interest received in respect of the property has been from potential purchasers who are not prepared to enter into the uplift agreement, it would appear that the property does not appeal to commercial occupiers, other than those seeking to obtain planning consent for residential conversion in due course. There has been very little interest received in the leasehold interest of the property from commercial occupiers, despite an extremely competitive quoting rent being offered on flexible terms.

The site has been marketed for at least a year and in your officer's opinion the marketing meets the requirements of Policy E6. As such the loss of the employment

use is acceptable and a residential use of the site it the most appropriate alternative use given the close proximity of other residential properties.

- 6.4 **Impact on the character of the conservation area and the AONB.** Manor Farmhouse to the east of the Races Farm building is identified as a building of local note in the conservation area character appraisal and views across the front of the buildings are shown as an important feature of the character and appearance of the area. Where changes of use are involved residential uses can have a significant impact on the character of a building due to the requirements to provide light to small rooms and to provide gardens with washing lines and other domestic paraphernalia. However, in this case this building is already of a small scale, and has a residential style, detailing and fenestration. In my view a residential use can be easily accommodated with little change to the overall character of the building. In some respects removing the large areas of parking area around the building to provide for gardens would enhance the character of the area as would pitching over the existing flat roof. In your officer's opinion the removal of large areas of hardstanding will enhance the character of the conservation area and the wider AONB.
- 6.5 **Highway issues.** In this case the building is located within a village and will not give rise to unsustainable car trips; the traffic generation associated with two dwellings will be no greater than the use for offices and the access already exists; the parking provision also meets the required standard. The Highway Officer supports the application subject to the conditions set out in the recommendation. The existing access serves the offices and two dwellings. Planning permission has also been granted for a further dwelling on the Aston Street road frontage which will also share this access. Neighbours have expressed concerns about the narrow width of the access track, the potential for the track to be blocked, the reduced area of parking and increases to traffic. However, as the traffic generated by two dwellings will not create significantly more traffic movements than the office use a refusal of planning permission on these grounds would not be justified.
- 6.6 **Tree issues.** There is a large chestnut tree on the site that provides an important amenity in the conservation area. In the past your officers have been concerned that a residential use on the site may give rise to greater pressure for the removal or reduction of the tree than a commercial use of the site and planning permission for a new dwelling was refused for this reason in 1990 (P90/W0239). However, the previous application for a dwelling on the site involved the demolition of the then agricultural buildings and the construction of a new chalet style property much closer to the tree. In that case the principal elevations and windows to habitable rooms would have been considerably overshadowed by the tree. The current proposal would be less affected because it uses the existing building and the impact would be primarily on the garden of the front unit. There is no objection to the proposal on the grounds of the impact on the health of the tree and any works to the tree in the future would require approval from the council because it is in a conservation area.
- 6.7 **Neighbour impact.** There are two aspects of the proposal that have caused some neighbour concern; overlooking and access/parking issues. The access and parking impact has already been assessed in 6.5 above. The occupants of Manor Farmhouse to the east are the neighbour most affected by the works of extension to the roof. The southern elevation of the offices marks the boundary with Manor Farmhouse and there are two smaller and one larger window in the ground floor offices and one at first floor. The existing ground floor windows are obscure glazed; the first floor window is clear glazed. The windows look onto the relatively open, front lawns of Manor Farmhouse.

The pitched roof element of the works do not have an unneighbourly impact as Manor Farmhouse is set well back into the site some 29 metres away from Races Farm. The current application now proposes three rooflights in southern elevation rather than the refused rooflights; the ability to look out of rooflights is considerably reduced. There will be some impact on the neighbouring property but the additional overlooking is not materially greater than that currently experienced from existing windows. Furthermore, the windows in the southern elevation overlook a front garden area that has public views into the site. As such the extent of additional overlooking is not material in your officer's view.

There is also a rooflight proposed in the east elevation (rather than the dormer window included on the previous refusal) and the ability to look out of rooflights is considerably reduced. Again with the window in the east elevation there is no direct line of vision to the main dwelling as it would face onto an ancillary outbuilding. There are existing windows that overlook Manor Farmhouse and in your officer's opinion the extent of any additional overlooking would not be materially greater subject to the conditions recommended below. A condition to withdraw Class B permitted development rights for extension to the roof of dwellings is not necessary in this case because the site lies within a conservation area and the AONB. As such any new dormer windows would require planning permission.

- 6.8 **Provision of gardens.** Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in policies D3 and H8 of the Local Plan. Both gardens would be in the region of 160 square metres in size which is in excess of the minimum standards set out in the South Oxfordshire Design Guide.

7.0 **CONCLUSION**

- 7.1 Your officer's recommend that planning permission is granted because the site has been marketed for commercial use for a period of at least a year. The constraints on the site make an alternative commercial use difficult to provide and a residential use is in keeping with the character of the building and the area. The new windows proposed will have some impact on the neighbouring property but the additional overlooking is not materially greater than that currently experienced from existing windows. The works to remove areas of hardstanding and to provide a pitched roof over an existing flat roof would enhance the character of the area and there would be no increase in traffic generation on the site. As such the development accords with the Development Plan policies.

8.0 **RECOMMENDATION**

8.1 **Planning Permission**

1. **Commencement 3 yrs - Full Planning Permission**
2. **Planning condition listing the approved drawings**
3. **Matching materials (walls and roof)**
4. **Withdrawal of permitted development rights (Part 1 Class A) - no extension/alteration**
5. **Parking & Manoeuvring Areas Retained**
6. **Tree Protection (Detailed)**
7. **Boundary Treatments to be implemented prior to occupation**
8. **Obscure glazing to specified windows**

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