

## South Oxfordshire District Council – Planning Committee - 28 March 2018

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<b>APPLICATION NO.</b>	<a href="#">P17/S3714/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	23.10.2017
<b>PARISH</b>	ASTON TIRROLD
<b>WARD MEMBER(S)</b>	Pat Dawe Jane Murphy
<b>APPLICANT</b>	Cook Family Trust
<b>SITE</b>	Upthorpe Farm, Moreton Road, Aston Tirrold, OX11 9EW
<b>PROPOSAL</b>	Demolition of existing structures. Erection of three dwellings and associated development including parking areas and turning. (As amended by plan 150 P2 and 131 P2 received 12 December 2017 which alters the fenestration details in the rear and side elevations of the detached house).
<b>OFFICER</b>	Kim Gould

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### 1.0 INTRODUCTION

- 1.1 This application is before Planning Committee because the officers' recommendation to grant planning permission conflicts with the views of Aston Tirrold and Aston Upthorpe Parish Council.
- 1.2 The site lies within the built-up limits of Aston Tirrold outside but adjacent to the conservation area. The site lies within the North Wessex AONB. A planning application for the removal of modern buildings and conversion of two listed barns into two dwellings, adjacent to this site, has recently been approved under planning references **P17/S3917/FUL** and **P17/S3918/LB**.
- 1.3 In 2016, full planning permission was granted for the redevelopment of some modern barns with 5 new dwellings on a site immediately north of the current site. This permission has not yet been implemented. **P16/S4241/FUL**
- 1.4 An OS extract is **attached** as Appendix 1. A plan which shows the current proposal in relation to the scheme approved under P16/S4241/FUL is **attached** as Appendix 2.

### 2.0 PROPOSAL

- 2.1 This application seeks full planning permission to demolish some large, utilitarian modern agricultural buildings and erect 3 dwellings and associated parking and detailing.
- 2.2 The proposal includes the erection of a pair of 2 bedroom semi-detached dwellings and a single 4 bed detached dwelling.
- 2.3 Each dwelling will have its own garden and off street parking. The open grassed area at the front of the site which is locally known as Goose Green will be retained. The proposed finishing materials for the new development are plain tiles and red brick (materials to be confirmed by condition).
- 2.4 Since it was originally submitted, it has been amended by reducing the number of windows in the south facing elevation of unit 1 from 5 to 3.

- 2.5 A copy of some of the submitted plans are **attached** as Appendix 3. The full application together with the supporting information can be viewed on the council's website at [www.southandvale.go.uk](http://www.southandvale.go.uk)

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Aston Tirrold Parish Council** – Objection to both original and amended plans.

- Loss of privacy and loss of amenity to the neighbouring properties, particularly numbers 1 and 2 The Croft and Pendelm from the proposed Unit 1 of the development.
- The positioning and proximity of Unit 1 is considered unneighbourly.
- The inclusion of Unit 1 involves adding too much depth to the development which will impact the character of the village where the majority of the housing is close to the roads.
- The Parish Council feels that any further development of the site beyond the current plans would have a significant impact on the village as whole, changing the character of the settlements.
- In addition, the Parish Council continues to have significant concerns about road safety on this stretch of the Moreton Road, particularly for pedestrians and the development of this site will further increase traffic on this road. The Parish Council notes that although each house has sufficient designated parking, there is a lack of incidental parking which could lead to spillover parking on the Moreton Road, further increasing the dangers for other road users.
- There is already a farmhouse on the site – two farmhouses would be inappropriate.
- Insufficient details regarding boundary treatments.

**Neighbours** Object (4) the objections can be summarised as :

- Lack of privacy from first floor south facing windows of Unit 1
- Unit 1 is too large and too close to existing properties
- Unit 1 is out of character with surrounding development
- Unit 1 should be set back further from the Croft and be of a smaller scale.
- The large agricultural barn that is to be removed contains asbestos – no mention has been made of this within the planning application.
- Incremental nature of these planning applications – there have been 3 different applications which cumulatively proposed 10 new dwellings which is out of keeping with existing character of the village
- Approval of this could set precedent for further development on the farm
- No consultation was carried out with residents prior to the application being submitted.
- The 4 bed dwelling has no utility room. The double garage would be converted into utility/storage space, resulting in more vehicles being parked on the road
- Need for a bat survey

**SGN Plant Protection Team** - No strong views

**County Archaeological Services** ( Oxfordshire County Council) - No objection

**Conservation Officer** ( South ) - No objection – the structures for removal are not of historic significance and the proposed dwellings are in-keeping with the recently approved scheme and local vernacular.

**Highways Liaison Officer** (Oxfordshire County Council) - No objection subject to conditions relating to access, vision splay, parking and construction traffic management.

**Health & Housing - Contaminated Land** – Approve subject to condition  
The planning application site has formerly been used as agricultural land. Whilst the questionnaire has not identified any former agricultural uses of concern at the application site, potentially there are a range of contaminants that could be present in agricultural land. As a precautionary approach, I would therefore recommend that any planning permission is subject to an unsuspected contaminated land condition which requires contamination land investigations only in the event that contaminated land is discovered during the development.

**Countryside Officer**(South Oxfordshire & Vale of White Horse) – Holding objection – need for a preliminary bat roost assessment.

The consultation responses can be seen in full on the council's website at [www.southandvale.gov.uk](http://www.southandvale.gov.uk)

#### 4.0 **RELEVANT PLANNING HISTORY**

##### 4.1 [P17/S1416/PEM](#) – Letter (02/06/2017)

Demolition of existing modern barns. Erection of new dwellings in their place and conversion of traditional (listed) buildings to residential.

Listed Building Site Visit & Letter

[P16/S4241/FUL](#) - Approved (21/02/2017)

Demolition of existing structures/buildings and redevelopment to provide five dwellings with parking and gardens and associated works.

[P13/S2045/HH](#) - Approved (21/08/2013)

Erection of 1.8m timber gates to existing driveway.

#### 5.0 **POLICY & GUIDANCE**

##### 5.1 **National Planning Policy Framework (NPPF)**

**National Planning Policy Framework Planning Practice Guidance (NPPG)**

**South Oxfordshire Core Strategy (SOCS) Policies**

- CS1 - Presumption in favour of sustainable development
- CSEN1 - Landscape protection
- CSEN3 - Historic environment
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy

**South Oxfordshire Local Plan 2011 (SOLP 2011) policies;**

- A2 - Non agricultural development near to existing agricultural buildings
- C8 - Adverse affect on protected species
- CON5 - Setting of listed building
- CON6 - Demolition in conservation area
- CON7 - Proposals in a conservation area
- D1 - Principles of good design
- D10 - Waste Management

- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- H4 - Housing sites in towns and larger villages outside Green Belt
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2016 (SODG 2016)

## 6.0 PLANNING CONSIDERATIONS

6.1 The main issues in the consideration of this application are:

- **Principle of residential development.**
- **Policy H4 criteria**
- **Impact on neighbours**
- **Impact on the setting of the listed farmhouse and listed barns**
- **Impact on the character of the conservation area**
- **Impact on the special character of the AONB**
- **Housing mix**
- **Garden sizes**
- **CIL**
- **Other issues.**

## 6.2 Principle

The site lies within the built-up limits of Aston Tirrold. The NPPF allows for the redevelopment of sites for housing within the villages. Policy CSR1 of the SOCS allows for the redevelopment of sites within the built-up limits of the villages in the District provided they are in line with other policies within the Development Plan. The site lies within the built-up limits of Aston Tirrold. The principle of residential development is therefore acceptable in your officers' opinion.

6.3 The council cannot currently demonstrate a five-year supply of deliverable housing land. Paragraph 49 of the NPPF makes it clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing land and the "presumption in favour of sustainable development should be applied.

The mechanism for applying that presumption is set out in paragraph 14 of the NPPF. This advises that where relevant policies are out-of-date (unless material considerations indicate otherwise) then **permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits** when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicated development should be restricted, and one of those locations is within the AONB.

Although out of date, the development complies with Policy CSR1. The presumption in favour of granting planning permission is engaged skewing the planning balance towards approval unless any harm that the development causes significantly and demonstrably outweighs the benefits this development would bring.

#### 6.4 Policy H4 criteria

Policy H4 of the SOLP allows for housing on sites within the built-up areas of the villages providing the following criteria are met

6.4i ***An important open space of public, environmental or ecological value is not lost, nor an important public view spoilt.***

The site has most recently been used for agricultural purposes but the buildings to be demolished are currently vacant. By demolishing the large agricultural building and other smaller buildings, the site will appear more open and the site is not considered to be an important open space. A bat survey has been submitted with the application and an informative in relation to bats has been recommended. Immediately in front of the site is an attractive grassed area which is known as Goose Green. This is to be retained and will form an attractive frontage to the new development.

6.4ii ***The design, height, scale and materials of the proposed development are in keeping with its surroundings.***

The proposed buildings are traditional and simple in style to be in keeping with the materials and forms of the existing buildings around the Astons. The elevations have taken a simple, traditional and local vernacular approach to their appearance with the main elevations consisting of red brick, arched brick lintels, exposed eaves and simple roofs to the frontage buildings. They reflect the varied style of residential properties surrounding the site and relate well to the extant permission approved under reference P16/S4241/FUL.

6.4iii ***The character of the area is not adversely affected.***

The character of the area will be enhanced in your officers' opinion by the removal of large modern agricultural buildings and the subsequent increase in green and open spaces. A landscaping scheme is proposed which would enable more planting to take place which would lead to a softening of the appearance of the site and a general enhancement of this part of Aston Tirrold.

6.4iv ***There are no overriding amenity, environmental or highway objections amenity:***

Issues of amenity and impact on neighbours is discussed under a separate heading in 6.5 below.

**Environmental:** The planning application site has formerly been used as agricultural land. A contaminated land questionnaire has been submitted which has not identified any former agricultural uses of concern at the application site. The council's Environmental Health officer has however recommended that a precautionary approach is taken as potentially there are a range of contaminants that could be present in agricultural land. Any planning permission is therefore subject to an unsuspected contaminated land condition which requires contamination land investigations only in the event that contaminated land is discovered during the development.

**Highways:** Policy T2 of the SOLP requires that all developments provide parking for vehicles in accordance with the Council's parking standards. One of the Parish Council's objections relates to the lack of incidental parking on the site. The council's standards in relation to 2 bed and 4 bed parking is 2 off street parking spaces. In this case both the 2 bed dwellings have 2 spaces each and the 4 bed dwelling has 4

spaces. As such the parking provision on this development exceeds the council's standards for parking.

Also, a total of 16 car parking spaces are being provided for the 3 dwellings which are proposed under this scheme and the 2 no 4 bed dwellings which were approved under planning ref P17/S3917/FUL. This provides a total of 6 additional spaces which can be used for visitors and provide incidental parking for the development. The Highway Authority have raised no objection to this proposal subject to conditions relating to access, vision splays, parking and construction traffic management. This proposal therefore accords with policies T1 and T2 of the SOLP.

***If the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.***  
The proposal does not constitute backland development.

#### 6.5 **Impact on neighbours/amenity**

Policy H4 (iv) of the SOLP seeks to ensure that there are no overriding amenity objections to a housing development. Objections have been received from owners of properties along The Croft which lie south of plot 1, in particular owners of Pendelm and 1 The Croft which are the properties most affected by this proposal. There is a conservatory at the rear of no 1 which is not shown on the submitted plans. There would be a distance of some 30 metres between the proposed first floor rear windows in plot 1 and the conservatory and also between first floor windows at Pendelm facing the rear of plot 1. The distances between windows of the new development and windows in the rear of properties along The Croft exceed the 25-metre standard of window to window distances as set out in the South Oxfordshire Design Guide.

When originally submitted, there were 5 no windows in the rear elevation of plot 1 which faces the rear of properties on The Croft. In trying to address neighbour's concerns, the applicant has submitted amended plans which have reduced the number of windows in the rear elevation from 5 to 3. The remaining windows serve a landing and main bedroom. Whilst it is recognised by your officers that there are no windows which overlook the rear of no 1 the Croft at present, the proposed plot 1 will have only oblique views from the rear windows into the rear garden of no 1 and the side windows will look out over the far end of the garden rather than towards the private part of the garden.

There is a very high and dense Leylandii hedge in the rear garden of Pendelm which would screen the development from their garden. If the hedge was removed in the future, the distances between Pendelm and plot 1 meet or exceed Design Guide advice. It is your officers' opinion that the proposal accords with policy H4 of the SOLP in relation to amenity.

#### 6.6 **Impact on the setting of the listed farmhouse and barns / conservation area.**

Advice within the NPPF and policy CON 5 of the SOLP seek to resist development which would adversely affect the setting of a listed building. In this case, there are 3 listed buildings which lie south of the site (units 4 and 5) and west of the site (unit 1) west of the site (unit 1) and the site lies adjacent to the conservation area. The proposed redevelopment of the site will have an impact on the setting of the listed buildings. These listed buildings will be the remaining traditional buildings. As part of the proposal for the conversion of the listed barns to residential use (P17/S3917/FUL and P17/S3918/FUL) modern additions to the listed barns will be removed. With this current application, a large, unattractive utilitarian building will be removed which will

serve to enhance the character and setting of these listed structures. The proposed dwellings will be constructed using traditional materials which will be in keeping with the character of the listed buildings and the conservation area. The council's conservation officer has no objection to the proposal on listed building or conservation area grounds. The proposal is considered to accord with Government advice and policy CON 5 of the SOLP.

#### **6.7 Impact on the special character of the AONB**

Paragraph 115 of the NPPF advises that great weight should be given to conserving landscapes such as Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. Policy CSEN1 of the SOCS also seeks to protect AONBs from inappropriate development and requires Local Planning Authorities to have regard to their setting when making planning decisions.

The site lies within an AONB. The proposed scheme will sit well with the established character of the area which is predominantly residential and will open up the site to allow more planting and views into and out of the site to take place. Unattractive agricultural buildings will be removed which will enhance the appearance of the site. Your officers consider that this proposal is in accordance with policy CSEN1 and Government advice as it would not be inappropriate development and would conserve the landscape.

#### **6.8 Housing mix**

Policy CSH4 of the SOCS requires a mix of dwelling types and sizes to meet the needs of current and future households.

A variety of dwelling types is sought on all new residential developments. In accordance with policy CSH4, this proposed scheme would provide a mix of dwellings – 2 x 2 bed, 1 x 4bed.

#### **6.9 Garden sizes**

Policy D3 of the SOLP requires a private outdoor garden or outdoor amenity space for all new dwellings. The amount of land to be used for the garden or amenity space will be determined by the size of the dwelling proposed, by the character of surrounding development and by plot coverage standards. There is a mix of property sizes proposed on this site. The SODG advises 4 bed houses have a garden of some 100sqm with a 2-bed house having a garden of 50sqm. In this case, each of the properties have a garden area which exceeds the recommended garden size.

#### **6.10 CIL**

This development is CIL liable but as the amount of floor space being removed exceeds that being replaced and it accords with the requirements regarding use, there is no CIL to be paid on this planning application.

#### **6.11 Community Led Plan**

The village of Aston Tirrold has a community led plan which accepts the redevelopment of sites such as this one. It is my view that this reflects the appropriateness of the development providing small units of residential accommodation within the village which is what local people want.

## **7.0 CONCLUSION**

- 7.1 The presumption in favour of sustainable development at paragraph 14 of the NPPF provides that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicates development should be restricted, and one of those locations is within the AONB.

The principle of redeveloping this site for residential development is acceptable. The proposed scheme would enhance the character of the AONB and the setting of the adjacent listed buildings. The proposal would not result in unacceptable levels of residential amenity. Overall, the proposed benefits of the proposed development would outweigh any harm.

This is a relatively small-scale proposal which will make a modest contribution to the council's housing shortfall but that carries some weight in terms of social benefit. In term of an economic role, the development would, in the short term, provide some employment during the construction phase and some investment in the local economy. The environmental impact, having regard to the dwelling's location in the AONB has been carefully assessed and is not considered to be significant or harmful. As such the proposal accords with the relevant policies in the Development Plan and Government guidance.

## **8.0 RECOMMENDATION**

- 8.2 **That planning permission is granted subject to the following conditions:**

- 1. Commencement three years.**
- 2. Approved plans.**
- 3. If contamination is found – a programme of investigation to be carried out.**
- 4. No garage conversion.**
- 5. Existing vehicular access.**
- 6. Vision splay protection.**
- 7. Parking manoeuvring areas retained.**
- 8. Construction traffic management.**
- 9. Sample materials.**

**Informative: Bats**

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