

APPLICATION NO.	P23/S0302/S73
APPLICATION TYPE	SECTION 73
REGISTERED	30.1.2023
PARISH	DRAYTON ST LEONARD
WARD MEMBER(S)	Robin Bennett
APPLICANT	Lucy Developments Ltd
SITE	Drayton House Farm Drayton St. Leonard Oxfordshire, OX10 7BG
PROPOSAL	Variation of condition 2 (Approved plans) on planning application P21/S4551/FUL. Demolition of existing buildings, and construction of five dwellings.
OFFICER	Sharon Crawford

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This report sets out the officer's recommendation that planning permission should be granted having regard to the material planning considerations and the development plan. The application is referred to planning committee because Drayton St Leonard Parish Council has objected to the application on the basis that smaller dwellings are needed in the village and the changes increase the number of bedrooms to both properties.
- 1.2 This site lies on the south-western edge of the village of Drayton St Leonard. There are a number of large utilitarian agricultural buildings on the site and much of the ground is laid to hardstanding. The constraints for the site are;
- archaeological interest.
 - adjacent to a public footpath (DRAFP06).
 - within 10 metres of an area of Flood Zone 2 and an area at risk of surface water flooding.
 - Green Belt.
 - near to listed buildings (The Old Tythe Barn, a grade II*, the village war memorial, a grade II).
- A map extract identifying the site and a plan of the approved layout is attached at [Appendix 1](#).
- 1.3 Planning permission was granted in December 2021 for the redevelopment of the site to provide for five dwellings under planning permission reference P21/S4551/FUL.
- 1.4 Approval for some non-material amendments to the above permission have been granted under section 96A of the Town and Country Planning Act 1990 (ref P22/S4592/NM). The non-material amendments are:
- Various internal alterations to floor plans and external changes to window and door positions on Plots 3, 4 and 5.

- Loss of integral bike stores on plots 4 and 5 as result of internal alteration.
- 1.5 There is a current application (ref P22/S4591/DIS) to discharge the details required by conditions 3 (materials), 4 (surface water drainage), 5 (foul water drainage), 6 (contamination risk assessment) & 8 (archaeological written scheme of investigation) on application P21/S4551/FUL. Conditions 3, 4, 5 and 8 have been discharged subject to the development being carried out in accordance with the approved details. Condition 6 is partially discharged.
- 1.6 **The proposal.** This is an application under Section 73 of the Town and Country Planning Act for the variation of condition 2 (approved plans) of the original planning permission. The proposed changes to the approved scheme are;
- An additional bedroom in plots 1 and 2.
 - Some minor changes to external elevations comprising
 - Addition of two rooflights on rear elevation
 - Some alterations to window positions in the side elevations

The current planning permission allows for two bedrooms on Plot 1. This application proposes three bedrooms.

The current planning permission allows for three bedrooms on Plot 2. This application proposes four bedrooms.

- 1.7 Reduced copies of the plans accompanying the application are attached as Appendix 2 to this report. All the plans, supporting information and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 The comments below represent the latest comments on the scheme. Full details of the representations can be viewed on the Council's website www.southoxon.gov.uk under the planning reference number.

Drayton St Leonard Parish Council – Objection: The change to the original planning application which provided a wider range of accommodation which is needed in this village. This is a cynical attempt to increase the value of the development post planning approval.

Objection on the grounds of the scale and design.

County Archaeological Services – No objection subject to the implementation of the approved Written Scheme of Investigation.

Drainage - No objection

Highways Liaison Officer (Oxfordshire County Council) – No objection.

I have noted that Plots 1 and 2 are increasing in terms of number of bedrooms, an increase in one bedroom per unit, however two parking spaces are being provided which meets current guidance. The garage parking provision for Plot 2 will need to be retained as parking provision now if not previously conditioned.

Contaminated Land – No objection.

Neighbours – objection (4)

We object on the grounds of scale and design. The original proposed development was for a range of sizes of dwellings, allowing for people of low to middle incomes to afford properties. The revised plan will eliminate the lowest priced properties.

Also, I would draw your attention to the planned route for sewage. It recommends sending the sewage down a pipe which already is fractured and spills out at times of flooding.

My concerns are for the increase of sewerage to an already way-overloaded system. Also the huge increased volume of traffic in/out of the village, both during & after construction.

At this time the routing of sewerage as Indicated in application Ref P22 S4591/DIS, shows all foul waste outflow is routed directly into a weak point of an already broken and leaking network. This is well known by Thames Water who frequently need to attend call outs for blockages, reports of sewage in surface water at times of high-water table and capacity issues. The proposed point of entry is frequently at capacity during the winter inhibiting use of the sewers by residents and causes sewage to leak into the road. Adding to this will add significant stress and further potential pollution on an already burdened system. Moreover, adding the potential for more individuals contributing to this without a clear plan for resolving this well recognised capacity and management issue is not acceptable. Additionally, it is likely that the residents of the proposed dwellings will also suffer sewerage outflow issues.

3.0 RELEVANT PLANNING HISTORY

3.1 P22/S4591/DIS – Current

Discharge of conditions 3 (materials), 4 (surface water drainage), 5 (foul water drainage), 6 (contamination risk assessment) & 8 (archaeological written scheme of investigation) on application P21/S4551/FUL.

[P22/S4592/NM](#) – Split decision - (12/01/2023)

Non-material amendment to P21/S4551/FUL - to change the internal layout to make better use of the space and external changes.

[P21/S4551/FUL](#) - Approved (20/12/2021)

Construction of five dwellings. 4- provision of gardens and landscaping.

[P21/S2537/PEM](#) - Advice provided (26/08/2021)

Redevelopment to provide five dwellings.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The site is not in a sensitive location, and an EIA is not required for this relatively small scale of development.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES10 - Carbon Reduction
- DES2 - Enhancing Local Character
- DES3 - Design and Access Statements
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources
- ENV1 - Landscape and Countryside
- ENV11 - Pollution -
- ENV3 - Biodiversity
- ENV4 - Watercourses
- EP3 - Waste collection and Recycling
- EP4 - Flood Risk
- H11 - Housing Mix
- H16 - Backland and Infill Development and Redevelopment
- H8 - Housing in the Smaller Villages
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- STRAT6 - Green Belt
- TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Drayton St Leonard Parish do not have a Neighbourhood Plan

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 When assessing section 73 applications the Council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition.

6.2 Paragraph 015 of NPPG notes where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

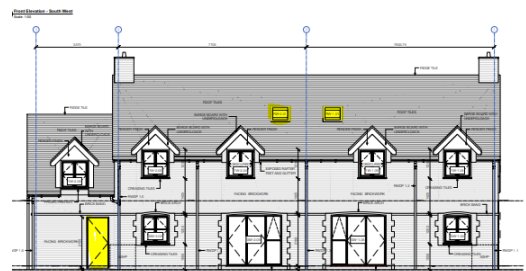
- 6.3 The main issues in this case are to assess the amendments to the plans and any changes to conditions on the approved scheme in terms of;
- Any changes to the development plan
 - Impact on the character and appearance of the scheme and area in general
 - Any neighbour impact,
 - Highway/ parking issues
 - Garden sizes
 - Drainage
 - Impact on conditions,
 - Any other material considerations

6.4 **Changes to the development plan.** There have been no changes to the Development Plan since planning permission was granted for application P21/S4551/FUL (20 December 2021).

6.5 **Impact on the character and appearance of the scheme and area in general.** There are no changes to the layout, to the size of the buildings, parking provision or the size of the garden areas. The minor changes to the exterior are not significant in your officers' view and comparisons against approved details are illustrated below. in terms of landscape and Green Belt impact the changes would be very limited. This scheme continues to accord with the design and landscape policies of the SOLP.

6.6 **Approved elevations –**

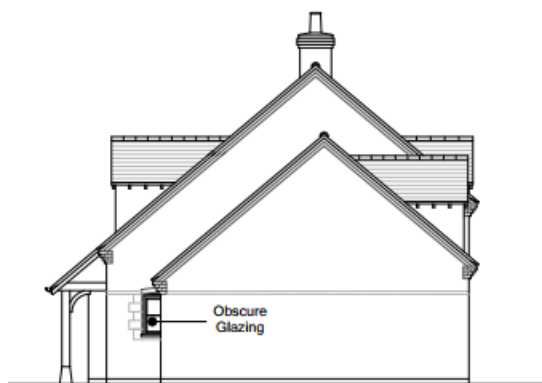
Proposed elevations –



Approved elevations

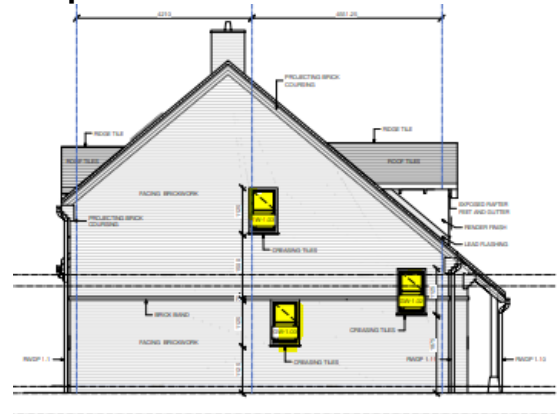


Plot 1
Side Elevation - North West

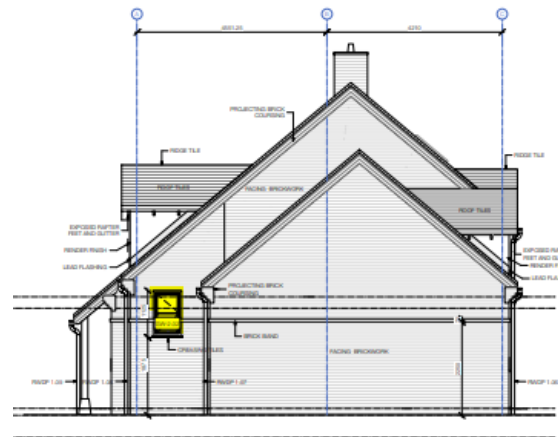


Plot 2
Side Elevation - South East

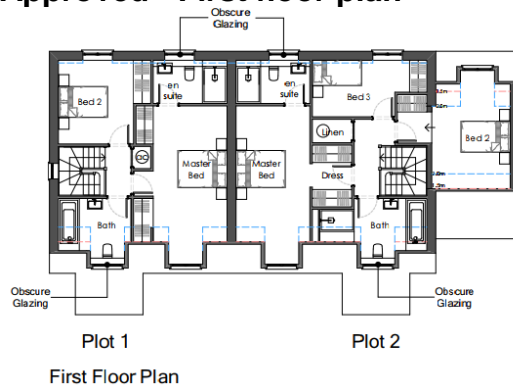
Proposed elevations



Side Elevation - North West
Plot 1

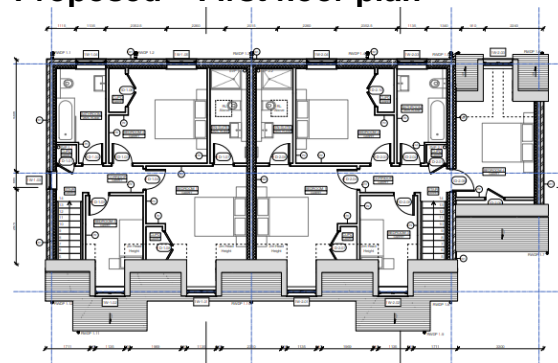


6.7 Approved - First floor plan



Plot 1
Plot 2
First Floor Plan

Proposed - First floor plan



6.8 Neighbour impact. There are no residential neighbours to Plots 1 and 2. The building to the north west of Plots 1 and 2 is a former farm building converted to offices. The addition of rooflights at the rear and some minor changes to the

approved window details in the side elevations have no greater neighbour impact than the approved scheme. The scheme continues to accord with Policy DES6 of the SOLP.

- 6.9 **Highway/ Parking issues.** Increasing the number of bedrooms in a property can require additional parking spaces to be provided and can also increase traffic generation. Plots 1 is proposing to increase from two to three bedrooms and Plot 2 from three to four bedrooms.

The OCC highways officer has no objection to this application. The traffic generation involved with an increase of one bedroom per unit is not considered to be material.

Two parking spaces continue to be provided for each unit which meets current guidance. A condition on the original planning permission prevents the conversion of the garage on Plot 2 to living accommodation to ensure that two spaces are provided. A similar condition to restrict the garage conversion is recommended on this application. The proposal continues to accord with Policy TRANS5 of the SOLP.

- 6.10 **Garden sizes.** The Joint Design Guide sets out the requirements for garden sizes on new developments. Three bed properties and over should have a minimum of 100sqm metres of private amenity area.



In this case the plot sizes are generous and are in excess of the requirements. The development continues to accord with Policy DES5 of the SOLP.

- 6.11 **Drainage.** Conditions to require additional details of the surface and foul water specifications and connections were included on the original permission. Details have been submitted and approved under the DIS application.

A number of local residents have objected to the current S73 application. They are concerned that the existing foul sewage system is in a poor state of repair

and does not have capacity to accommodate any increase in demand. These concerns are acknowledged; whilst there will be some increase in demand for the foul sewage connection with the addition of two further bedrooms, the increase is not considered to be materially different to flows from the approved development

The agent for the application is aware of the local concerns and they will be addressed as part of the development on the site.

- 6.12 **Impact on conditions.** The NPPG advises that to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. There is a current application to discharge the pre-commencement conditions on the original application. Conditions 3 (materials), 4 (Surface water details), 5 (foul water details) and 8 (written scheme of investigation for archaeology) have been discharged subject to the development being carried out in accordance with the approved details. Condition 6 (contamination) is partially discharged. All the planning conditions from the original planning permission have been repeated or updated to reflect details already approved under the DIS application. The wording of conditions has been agreed with the agent.

7.0 **CONCLUSION**

- 7.1 Officers recommend that planning permission is granted for a variation of the approved plans condition to allow for the addition of an additional bedroom for Plots 1 and 2 and for some minor changes to the exterior. The changes to the development are acceptable in terms of landscape, parking impact, garden sizes and the proposal would not be unneighbourly. The proposal continues to accord with the Development Plan.

8.0 **RECOMMENDATION**

That Planning Permission be granted subject to the following conditions

- 1. Commencement of development linked to original permission**
- 2. Development to be carried out in accordance with approved plans**
- 3. Materials as approved under P22/S4591/DIS**
- 4. Surface water drainage works as approved under P22/S4591/DIS**
- 5. Foul Water Drainage as approved under P22/S4591/DIS**
- 6. Contaminated Land – partially discharged under P22/S4591/DIS**
- 7. No occupation until contamination has been addressed**
- 8. Archaeological written scheme of investigation as approved under P22/S4591/DIS**
- 9. Implementation of Programme or Archaeological Work**
- 10. Improve means of access onto unmade road as shown on plan**
- 11. No obstruction of vision splay**

12. Provide parking & Manoeuvring Areas as approved
13. Energy Statement Verification prior to occupation
14. Provide Electric Vehicles Charging Point
15. No Garage conversion into accommodation on plot 2 garage
16. Landscaping implementation
17. Provision of bat and bird boxes

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