

Stedman Cottage, Middle Aston

14/00145/F

Ward: The Astons and Heyfords

District Councillor: Cllr Kerford-Byrnes
Cllr Macnamara

Case Officer: Paul Ihringer

Recommendation: Approval

Applicant: Mr and Mrs Clifton

Application Description: new dwelling

Committee Referral: Departure from policy

1. Site Description and Proposed Development

- 1.1 Stredman Cottage is a two storey stone property fronting onto to the main thoroughfare running through Middle Aston. There is an area of hardstanding to the side of the house, accessed via a shared drive (the occupiers of a nearby property, Markhams, use it to access their garage), which is currently used for parking and storage. This area is screened from the road by a 2.3m high stone wall (there is a shed and double carport immediately behind the wall).
- 1.2 Planning permission is being sought for a new dwelling on the aforementioned parking/storage area. The front elevation of the proposed two storey stone property would be constructed along the line of the existing wall – a small section of the wall at either end will be retained as part of the development.
- 1.3 An application for a similar proposal (13/01790/F refers) was withdrawn at the end of last year to allow time for concerns raised by officers to be addressed.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was the 27th March 2014. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 **Middle Aston Parish Council:** No objections

Cherwell District Council Consultees

- 3.2 **Planning Policy Officer:** No comments received in respect of 13/01790/F
- 3.3 **Conservation Officer:** Comments as follows:

“I feel that this is overdevelopment of a very small site. The house is too large for the site, the design resulting in a lack of amenity, parking and access, but

too small to comfortably provide the accommodation required while maintaining the historic appearance of the village.

“Principle: an important gap site within a loose-knit settlement (against policy C33). Also does not follow the historic settlement pattern (C27) and the design is not compatible with the immediate vicinity. It also results in the loss of an historic wall, which is an important asset within the area. Although the village is not within a conservation area, and the wall is not listed, this does not mean that the wall is insignificant. On the contrary, it raises the historical value of the immediate vicinity. The issue of access is also problematic, due to the ownership issues adjacent to the site, and this has a negative impact on the overall design of the scheme.

“Design: the local character is for long linear buildings adjacent to the highway. The proportions are too extreme, due to the requirement for modern building standards, and when combined with the rise in ground level, the result is a building which towers over the adjacent cottage. The fake front door is terrible - either have the front door as a working door, or do not have one there. It's existence as a fake only strengthens the argument against the house.

“I would suggest that if a property has to go on this site, there are two options. Option one is my preferred option to maintain the historical integrity of the village:

1. A new buildings it breaks the local building traditional properly, and is constructed as a 1.5 storey linear building sited perpendicular to the road. This could provide the same amount of amenity space, the same access to both adjacent properties, and would be respectful of the neighbouring properties.
2. The interior space is reorganised. The front door and hall is at the front, the upstairs bathroom is at the back, which would work better for the plumbing etc. of the downstairs toilet and utility area.”

Oxfordshire County Council Consultees

3.4 **Highways Liaison Officer:** No objections subject to condition

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H15: The Category 3 settlements

C13: Area of High Landscape Value

C27: Development in villages to respect historic settlement pattern

C28: Layout, design and external appearance of new development

C30: Design of new residential development

C33: Protection of important gaps of undeveloped land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted to the Planning Inspectorate in January 2014 for Examination to take place in June 2014. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031. The policy listed below is considered to be material to this case:

Policy Villages 1: Village Categorisation

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

H17: The Category 3 Villages

5. Appraisal

The Principle

- 5.1 Middle Aston is identified as a Category 3 settlement in both the adopted Cherwell Local Plan (CLP) and the Non-Statutory Cherwell Local Plan (NSCLP) - Policies H15 and H17 respectively. Both these policies limit new housing to conversions and homes for agricultural workers or other undertakings where an essential need can be demonstrated. The proposed development quite clearly does not comply with the purposes of these policies (the proposed dwelling would be occupied by the applicants).
- 5.2 As with the CLP and NSCLP, Policy Villages 1 of the Submission Cherwell Local Plan (SCLP) also groups villages into three separate categories (A, B and C). Although some villages have been reassessed and have changed designation, Category A villages equate to Category 1 villages in the CLP and NSCLP in terms of identifying appropriate new residential development (similarly Category B and C villages compare to Category 2 and 3 villages respectively).
- 5.3 Policy Villages 1 of the SCLP does however differ from the previous policy in that it identifies "satellite villages" which are small hamlets and villages

(previously recognised as either category 2 or 3 settlements) which are considered to be more sustainable than other small settlements given their proximity to a larger village. As a result of this relationship to a larger settlement, it is considered appropriate to allow infilling in such settlements rather than limiting development to conversions and agricultural worker dwellings.

- 5.4 Middle Aston is identified as a satellite village as it is less than 1 km from the northern boundary of Steeple Aston (Category A settlement). As the application site constitutes a small gap in an otherwise built-up frontage, the principle of a new dwelling is considered to comply with Policy Villages 1 of the SCLP.
- 5.5 The adopted CLP still carries more weight than the SCLP given that, unlike the emerging plan, it is part of the Development Plan. Nevertheless, as the Council cannot currently demonstrate a five year housing land supply, the adopted Local Plan policy is not considered up-to-date where the focus is on new housing. Given its age, limited weight can only be attributed to CLP housing policy, even if the Council had a five year housing land supply.
- 5.6 In the absence of a five year housing land supply, paragraphs 14 and 49 of the NPPF are engaged and as a result permission for sustainable development should only be resisted where *'any adverse impact in doing so would significantly and demonstrably outweigh the benefits'*.
- 5.7 Although not yet development plan policy, as the Council's attitude to settlements such as Middle Aston is changing in terms of assessing their sustainability credentials, officers are of the opinion that there are not sufficient grounds to resist the principle of the application; particularly as significant weight has to be attributed to the provision of new housing.

Design

- 5.8 The Conservation Officer (CO) is reluctant to see the demolition of the old wall which fronts on to the road, as it is unquestionably a positive feature in the street scene. However, it has to be taken into account that, as it is not listed or within a conservation area; it can be removed at anytime without the need for formal approval.
- 5.9 The CO is concerned that the proposal does not have the linear form of a number of the surrounding properties. In the opinion of officers this should not, however, preclude the development of what is an obvious in-fill plot (gap of approximately 14.5m between Stedman Cottage and Herdsman Cottage). Contrary to what the CO argues, planning officers are of the view that this is not such an important gap in the street scene that the development would run contrary to Policy C33 of the CLP. Notwithstanding the presence of a listed building on the opposite side of the road, this is not a sensitive part of the built environment.
- 5.10 The proposed stone dwelling is of an appropriate scale as the Street Scene plan illustrates. Furthermore, the traditional design attempts to mirror the local vernacular, e.g. brick detailing around timber windows and doors, and would therefore not appear incongruous in this village location. The setting of the

listed building on the opposite side of the road would not be unduly affected by the proposed development.

- 5.11 As the CO observes, whilst it is somewhat unfortunate that the dwelling is showing a 'fake' front door there is no reason as to why this opening could not be used by future occupiers (the internal layout does not prevent its use). Although the original layout plan allowed for only a limited garden area, the revised plan shows an adequate, albeit still small, area of garden for the future occupiers. As set out below, the only reservation officers had in respect of neighbour amenity was to do with vehicle movements. As this issue has been resolved, the proposal is considered to comply with Policies C28 and C30 of the CLP.

Parking

- 5.12 Following discussions with the Highways Officer (HO), in respect of the withdrawn application, the architect amended the proposed parking arrangement so that the scheme now meets the requisite parking requirement and provides sufficient space to accommodate an appropriate turning area. Furthermore, the revised arrangement addressed previous concerns about the potential loss of amenity to the future occupiers of the proposed dwelling. As a result of the changes, the HO now considers the development to be acceptable subject to condition.

Consultation with applicant

- 5.13 Good communications were maintained through the applicants' agent to ensure that all the issues arising from the previous application were successfully resolved.

Conclusion

- 5.14 Based on the assessment above, officers have concluded that although the development does not accord with development plan policy, in the absence of a five year housing land supply and given that the proposal complies with emerging Policy Villages 1 of the SCLP, the principle of the development is acceptable. The scheme is also considered to be acceptable in design terms and will not unduly affect the setting of the nearby listed building. The proposed dwelling is therefore recommended for approval.

6. Recommendation

Approval, subject to the following conditions:

- 1 That 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 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with

the following approved plans: 1350-LP-BP C; 1350-01 C; 1350-02; 1350-03 F; and 135004 E.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

- 3 The walls of the dwellinghouse shall be constructed in natural limestone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1m² in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and/or on the adjoining building and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 4 That samples of the brick to be used for the detailing in the walls surrounding the approved openings of the dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 5 That samples of the slate to be used in the covering of the roof of the dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 6 That full details of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 7 That full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.

- 8 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 9 That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to ensure that the property retains adequate amenity space in accordance with Policy C28 of the adopted Cherwell Local Plan.

Planning Notes

- 1 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
- 2 The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a

remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.