

East Area Planning Committee

1<sup>st</sup> June 2011

**Application Number:** (1) 11/00826/CAC

(2) 11/00825/FUL

**Decision Due by:** 17th May 2011

**Proposal:** (1) Demolition of existing barn and outbuildings.)

(2) Erection of 2 x 4-bedroom dwellings. Provision of 3 car parking spaces for each house. (Amended Description)

**Site Address:** Colthorn Farm Oxford Road (**site plan: appendix 1**)

**Ward:** Marston Ward

**Agent:** Riach Architects

**Applicant:** Mrs Anne Joshua

**Application called in** by Councillors Hazell, Van Nooijan, McManners, Clarkson, and Sanders on grounds of overdevelopment, and the potential increased traffic movements being dangerous.

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## **Recommendation:**

The East Area Planning Committee are recommended to approve conservation area consent and planning permission for the following reasons:

- 1 The loss of the redundant farm buildings would not have a material impact upon the special character and appearance of the Old Marston Conservation Area. The proposed development would make an efficient use of land in a manner that suits the sites capacity and would maintain the buffer between the built up part of the village and the countryside and green belt that lies beyond the site. The dwelling houses would be of a size, scale and design that create an appropriate visual relationship with the built form of the existing buildings within the site and special character and appearance of the Old Marston Conservation Area, while also safeguarding the residential amenities of the adjoining properties. The overall siting of the buildings would respect the historical significance of the agricultural use of the site. The dwelling houses would have a good standard of internal and external environment for the future occupants of these family dwellings, and would maintain the residential amenities of the adjoining properties.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application, however officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm

identified could be successfully mitigated by appropriately worded conditions.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions (11/00826/CAC):

- 1 Development begun within time limit
- 2 Architectural recording
- 3 Contract for re-development

Conditions (11/00825/FUL):

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Sample materials in Conservation Area
- 4 Landscape plan required
- 5 Landscape carried out by completion
- 6 Details of means of enclosure
- 7 Details of parking areas and access road to meadow
- 8 Sustainable urban drainage system
- 9 Obscure glazing of first floor en-suite and bedroom windows in House 2
- 10 Removal of Permitted Development Rights
- 11 Archaeological Investigation
- 12 Details of ecological measures – bat boxes
- 13 Contaminated land risk assessment & remediation measures

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE4** - Loss of Agricultural Land
- NE15** - Loss of Trees and Hedgerows
- HE7** - Conservation Areas
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

**Core Strategy**

- CS2\_** - Previously developed and greenfield land

**CS9** - Energy and natural resources  
**CS18** - Urban design, town character, historic environment  
**CS19** - Community safety  
**CS23** - Mix of housing

**Other Material Considerations:**

This application is within the Marston Conservation Area.  
PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPS3: Housing  
PPS5: Planning for the Historical Environment  
PPS7: Sustainable Development in Rural Areas

**Relevant Site History:**

98/00198/NOZ:

Outline application for 10 dwellings: 1x2 & 2x3 single storey with integral garage, 3x3 & 4x4 bed 2 storey with integral garage, accessed from Oxford Road, landscaped public open space, detached double garage.

Refused on grounds relating to the development of the field would have a detrimental impact upon the special character of the land; and remove the buffer between the village and the countryside. An appeal against this decision was subsequently dismissed in November 1998.

00/00715/NFZ:

Erection of detached two-storey 4 bed house with 2 associated parking spaces & detached 2 storey 5 bed house (with 1st floor in roof space) & 3 parking spaces in open front garage, three parking spaces for Colthorn Farm: Approved in January 2002.

06/01872/CAC & 06/01871/FUL:

Demolition of redundant farm buildings and erection of 2 x 4 bedroom houses and provision of car parking (Renewal of the planning permission granted under application no. 00/00715/NFZ): Approved in March 2007

09/00805/FUL

Demolition of existing barn and outbuildings and erection of new detached 5 bed family dwelling with associated workspace/office and covered parking area (amended plans): Withdrawn

**Representations Received:**

Occupant, 1 Cumberlege Close:

- Overdevelopment of a cramped site
- Residential buildings too far to the west away from the established building line impact on areas of gardens and open land
- Dangerous increase of traffic movements using shared access driveway
- Proposed parking capacity gives indication of likely car use creating hazardous junction with Oxford Road impacting on pedestrians and road vehicles

## **Statutory and Internal Consultees:**

English Heritage South East Region: Would make no comment on the application, other than it should be determined in accordance with national and local policy guidance

### Oxford Civic Society:

The site is in a sensitive area of the medieval heart of Old Marston, a village which is still greatly valued for its charm and interest. Buildings here should not be demolished but should be allowed to retain their character as farm houses and barns. They could perhaps be tactfully converted to modern use with minimal alteration of the fabric, conserving their unique features, and also their relationship with neighbouring buildings within the village setting. There are plenty of examples where this ideal has successfully been achieved. It would be wrong and unacceptable in a Conservation Area to demolish the barn and outbuildings.

Replacing them with fantastic 'rustic cottage style' new buildings as shown in the plans would be quite inappropriate, the strange 'lead dormer' being particularly so. Conversion of the garden to parking for six cars would be another sad outcome, and it would be likely to cause traffic problems in this awkward corner.

### Oxford Green Belt Network

The houses are not in the Green Belt but raise potential Green Belt issues on account of its proximity to the Green Belt. The retention of the access to the meadow would invite future development, especially given the fact that the Design and Access Statement makes reference to a pre-application enquiry into 29 houses being built on redundant land beyond the pony paddock. We know nothing of this development, but are concerned that it should be thought appropriate to refer to in the statement accompanying these applications. We hope therefore that in determining the application account will be taken of any future intentions that might put the Green Belt at risk. We would not wish to see larger developments that extend development to Back Lane and into the Green Belt.

We have some misgiving about the two houses themselves as possibly representing overdevelopment on this small site, but if officers are minded to approve the application we would request stringent conditions be applied that prevent any extension of the development as referred to above.

### Old Marston Parish Council:

- Objection
- Overdevelopment of the site
- Access inadequate
- Vision splays are not clear enough

Oxfordshire County Council Drainage: A sustainable urban drainage system is required

Oxfordshire County Council Countryside Service: No comments provided the development is confined within the curtilage of the site.

Oxfordshire County Council Local Highways Authority: No objection subject to conditions requiring cycle parking provision, vehicular parking to be provided prior to occupation and all ground resurfacing to be SUDS compliant.

Thames Water Utilities Limited: No objection

Environment Agency Thames Region: No objection

**Issues:**

- Principle of development
- Demolition of farm buildings
- Design & Impact upon the Conservation Area
- Impact upon adjoining properties
- Residential amenities
- Highways Matters
- Archaeology
- Other matters

**Officers Assessment:**

**Site Location and Description**

1. The application site is situated on the western side of Oxford Road, which is the main thoroughfare through the village of Old Marston (**site plan: appendix 1**)
2. The site of Colthorn Farm can be viewed in two parts, the first being the farmyard area which comprises the entrance to the site from Oxford Road; the existing two-storey dwelling house; single storey pitched roof building which accommodates a car port and a small office; a large single storey barn and a small stable and storage block.
3. This farmyard area leads into the second part of the site, which is in a predominately countryside location and comprises a large open paddock that runs northwards along the rear of Oxford Road properties and abuts Back Lane.

**Proposal**

4. Conservation Area Consent is sought for the demolition of the existing barn and outbuilding within the farmyard area of the site.
5. Planning permission is then sought for the erection of 2 two-storey detached 4 bedroom dwelling houses, which would each have their own private amenity areas to the rear, and 3 off-street parking spaces.

## **Principle of Development**

6. National planning policy in the form of PPS3 'Housing' seeks to promote the efficient use of previously developed land in order to minimise the amount of 'Greenfield' land being used for development. The Oxford Core Strategy 2026 supports this aim with Policy CS2 stating that development will be focused on previously developed land.
7. Annex B of PPS3 defines 'previously developed' land as that which is, or was, occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The annex makes clear that land that is, or has been, occupied by agricultural buildings is specifically excluded from this definition. In policy terms the provision of residential development on this site would not strictly meet the requirements of these national and local plan policies.
8. The site is situated on the fringe of the Old Marston Village settlement with open countryside and green belt lying beyond. PPG2: Green Belts seeks to prevent inappropriate development within Green Belts, whilst PPS7: Sustainable Development in Rural Areas encourages sustainable patterns of development by preventing urban sprawl and ensuring that most development is sited in, or next to, existing villages.
9. In July 2000 permission was granted for the demolition of the redundant farm buildings and the erection of 1x4 bed and 1x5 bed detached dwelling under reference number 00/00715/NF. This permission was effectively renewed in March 2007 under reference 06/01871/FUL. The approved schemes confined the residential development to the farmyard area and did not extend into the open paddock at the rear. The open paddock had previously been the subject of an application for 10 houses, which was refused and subsequently dismissed on appeal (98/00198/NOZ) on grounds that it would result in a loss of open space and that the development of the hierarchical farm land would have a detrimental impact upon the character of the conservation area. In confining the approved schemes to the farmyard area, it was concluded that this would protect the integrity of the site from future change that may conflict with the rural location of the site and its relationship with the open fields and countryside that lie beyond.
10. Therefore bearing in mind that the current proposal would also relate to the farmyard area of the site and not the open paddock to the rear, officers consider that the provision of some form of residential development within the farmyard areas of the site would maintain the integrity of the site from further change, and help maintain the important buffer between the built up part of the village and the countryside beyond. As a result it would not have a significant impact upon rural location of the site and the special character and appearance of the conservation area or green belt.

## **Demolition of Farm Buildings**

11. The proposal would involve the demolition of the existing single-storey prefabricated barn building, and the single storey stable blocks within the farmyard area.

12. These outbuildings are of varying designs and styles incorporating modern and traditional materials, and being set to the rear of the site make a limited and neutral contribution to the character and appearance of the conservation area. There would be no objection to their removal.

### **Design & Impact upon the Conservation Area**

13. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design responding appropriately to the site and surroundings; creating a strong sense of place; contributing to an attractive public realm; and providing high quality architecture. The Local Plan requires new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 requires development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area.

14. The site lies within the Marston Village Conservation Area. Policy HE7 of the Local Plan states that new development should preserve or enhance the special character and appearance of the conservation area or its setting. In considering the 1998 appeal for the development of 10 houses within the open paddock at Colthorn Farm, the Inspector described the character of Marston Village as follows:

*'The form of the settlement is based essentially on three groups of buildings, related to the Church of St Nicholas in the north, the White Hart Public House in the centre and the Red Lion Public House in the south. As an agricultural village these groups were surrounded by a field system, the hierarchy of which is still evident. This ranges from individual garden plots, through closes associated with the adjacent farm buildings and other structures, to the large open fields surrounding the settlement.'*

15. The enclosure of the fields took place from the mid C17th and it is likely that Colthorn Farm dates from this period. It consists of a C18th farmhouse and, to the rear, a small farmyard with access to the fields behind. The farmhouse is now in separate ownership and one of the farm buildings has been converted into a dwelling. The remaining farmyard buildings include a range of stables, cart shed and a more recent open fronted storage barn. They are all of a scale, palette of materials and appearance that reinforces the rural qualities of the village. Beyond the farm buildings is a paddock, then Back Lane and then open fields. Back Lane is a bridleway and views from the lane towards the application site are possible, as are glimpsed views of the farmyard and the sense of open fields beyond from the Oxford Road. The siting of the existing buildings allows a clear understanding of the farming origins and is characteristic, with the farmhouse facing the road and the farm buildings to the rear aligned around the edge of the yard facing inwards. The Inspector describes this as one of the 'closes' that contributes to the character of the village.

16. There has been relatively little new development on the west side of Oxford Road (some infill development) but it is evident how sensitive the conservation area is to inappropriate change and the impact that modern dwellings can have on the rural

character of the village. National Planning Policy in the form of PPS5: Planning for the Historic Environment expects development proposals to be based on an informed analysis of the significance of the heritage assets and expects local authorities and applicants to fully understand the impacts of any proposal in reaching a decision, with the objective of preserving that significance. There is a duty to have regard to the desirability of the preservation or enhancement of the character or appearance of the conservation area, but it is sufficient if an area is left unharmed by new development. The architects have submitted a Barn Study which attempts to set out the design evolution of the proposal.

17. The proposal would demolish the existing barn and outbuildings located to the rear of the farmyard area, and would provide two 4 bedroom dwelling houses, with a singular access retained to the meadow at the rear. The dwelling houses would be two-storey with pitched roofs that have primary ranges with additive elements leading from them. The buildings would be sited within the footprint of the existing outbuildings, with House 1 in the footprint of the large single storey barn, and House 2 following the line of the stables. The existing carport would remain in place to provide parking for House 2. The dwellings would be formed from a palette of materials such as stone, featheredged timber boarding, and plain tile roofs to better reflect the agricultural context of the plot.
18. The site layout, size, scale, and massing of the two dwelling houses would be identical to the scheme approved under reference 06/01871/FUL which lapsed in March 2010. Having reviewed the current proposal, officers consider that the grouping of the buildings and retention of the link through to the meadow at the rear would retain the farmyard qualities of the site and therefore help to maintain the agricultural 'grain' of the village. Whilst the massing of these buildings would be similar to that of the existing barn, and more importantly the existing dwelling houses within the site and surrounding area. Although the design could be viewed as a hybrid of styles it would certainly represent an improvement on the previously approved scheme, and better reflect the historical context of the conservation area.
19. As a result officers consider that the proposed development would create an appropriate visual relationship with the built form and grain of the site and the surrounding area, while also respecting the significance of the historical context of the site and the special character and appearance of the conservation area. This would accord with Policy CS18 of the Core Strategy 2026, and Policies CP1, CP6, CP8, CP10, and HE7 of the Oxford Local Plan 2001-2016.

### **Impact upon Adjoining Properties**

20. The Local Plan seeks to safeguard the amenities of properties surrounding proposed development. Policy HS19 states that permission will only be granted for development that protects the privacy and amenity of proposed and existing residential properties, and will be assessed in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10.
21. The site is bordered by a number of residential properties, with 32b Oxford Road forming the northern boundary, the original farmhouse of 34 Oxford Road to the



west, and 34a and 34b Oxford Road to the south.

22. The existing barn and outbuildings lie on the northern and southern edges of the farmyard area, establishing a sense of enclosure upon the rear gardens of 34a and 34b Oxford Road and 34 and 32 b Oxford Road. The two dwelling houses would be located on the northern and southern edges of the farmyard area in an identical position to the previously approved scheme (06/01871/FUL). The rear gardens of the properties adjoining these edges are sizeable, and given the existing sense of enclosure created by the outbuildings, officers consider that the proposed dwellings would not have an overbearing impact upon any of these spaces, or indeed result in a significant loss of light to any habitable rooms in the rear elevations of the properties.
23. With regards to overlooking, the dwellings would be orientated to face into the existing farmyard and onto their rear gardens. Having regards to the layout of House 1, officers consider that this would not create any overlooking issues for the existing house on the site, or 34a Oxford Road. The other dwelling (House 2) would however have first floor windows facing onto the rear gardens of 34 and 32b Oxford Road. These windows would serve an en-suite and provide a secondary window for the master bedroom, therefore officers would recommend a condition being attached requiring these windows to be obscure glazed.

### **Residential amenities**

24. The two dwelling houses would be self-contained with good sized internal living environments for the future occupants of these types of family dwellings in accordance with Policies HS11 and HS20 of the Oxford Local Plan 2001-2016.
25. In terms of the general site layout, the Local Plan makes clear through Policy CP10 that development should be sited to meet functional needs, with outdoor needs properly accommodated. Policy HS21 also states that permission will not be granted for residential development where insufficient or poor quality private open space is proposed. Family dwellings of two or more bedrooms should have exclusive use of a private space, which should generally be 10m in length for dwelling houses.
26. The two dwelling houses would both have private rear gardens that would significantly exceed the 10m length, and would therefore be appropriate for accommodation of this type. In terms of refuse storage, this would be located in the individual houses and a collection point provided in the frontage.
27. The proposal would accord with Policies CP1, CP10, HS20, and HS21 of the adopted Oxford Local Plan 2001-2016.

### **Highways Matters**

28. The Local Highways Authority has raised no objection to the proposal in terms of vehicular access to the frontage of the site, or the parking and cycle provision.

29. The proposal would provide two off-street parking spaces for House A, and 3 spaces for House B. This would satisfy the maximum parking standards as set out in Policy TR3 of the adopted Oxford Local Plan 2001-2016.

30. In terms of cycle parking, as the proposal would involve the provision of dwelling houses there would be sufficient space for cycle parking to be provided within the curtilage of these dwelling houses.

### **Archaeology**

31. The site lies within the historic core of Marston, and therefore is of archaeological interest. The settlement has not been the subject of extensive archaeological study, and appears to be a planned medieval village built along a main street however the evolution of the hamlet is currently poorly understood. Therefore in accordance with PPS5 a condition requiring archaeological investigations should be attached.

### **Other Matters**

32. A Barn Owl and Preliminary Bat Survey has been submitted with the application, which concludes that there is no evidence that the buildings are being used by Barn Owls or Bats. The survey does indicate that bat boxes or slates could be erected on each of the two buildings, to enhance the potential for the structures to be used. This could be secured by condition.

33. Having regards to the nature of the agricultural use of the site, the Oxford City Council Environmental Health Officers have recommended that a condition be attached requesting a contaminated land risk assessment to be carried out prior to commencement of development

### **Conclusion:**

34. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore Members of the East Area Planning Committee are recommended to grant conservation area consent and planning permission for the proposed development.

### **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission and conservation area consent, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

**Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission and conservation area consent, subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

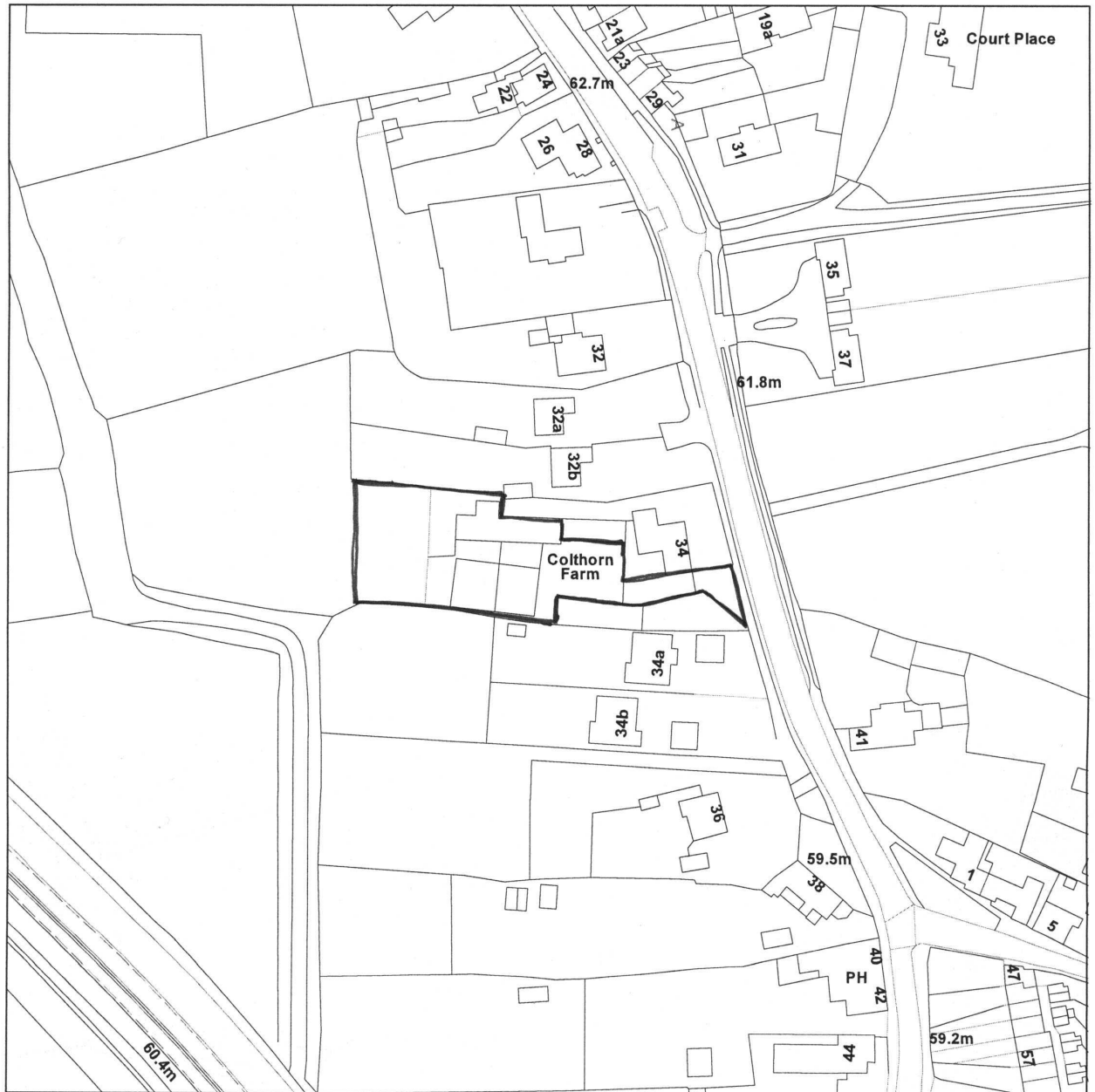
**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 11th May 2011

# Appendix 1

## Colthorn Farm (11/00825/FUL & 11/00826/CAC)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	20 May 2011
SLA Number	Not Set