

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 29th April 2019**

**REPORT OF THE HEAD OF PLANNING  
AND STRATEGIC PLANNING**



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

To consider applications for development details of which are set out in the following pages.

**Recommendations:**

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

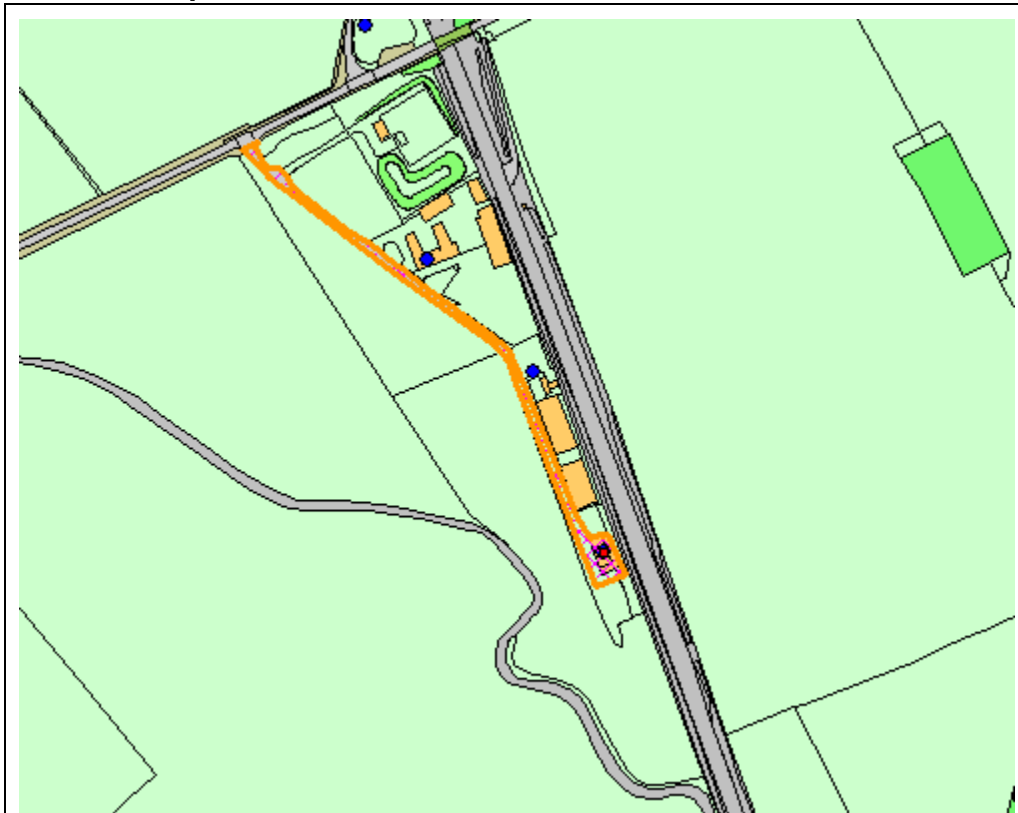
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

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19/00401/FUL	<a href="#">Barclays Bank, 14 Park Street, Woodstock</a>	21
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Application Number	I8/02928/FUL
Site Address	The Sidings Station Road Kingham Chipping Norton Oxfordshire OX7 6SX
Date	16th April 2019
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Churchill Parish Council
Grid Reference	425792 E 222294 N
Committee Date	29th April 2019

### Location Map



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### Application Details:

Retention of building for a mixed use comprising agricultural machinery storage area and personal use as a workshop and storage.

### Applicant Details:

Mr Darren Griffin, c/o agent

## **I CONSULTATIONS**

- 1.1 Parish Council No Objection
- 1.2 OCC Highways No Objection

## **2 REPRESENTATIONS**

No representations.

## **3 APPLICANT'S CASE**

- 3.1 In 2011 Mr D Griffin suffered physical injuries and experienced psychological trauma as a result of an accident that occurred whilst at work.
- 3.2 The use of the Barn: From 2005, the original dilapidated barn had been used by the applicant, Darren Griffin, and his father, as a workshop in connection with their hobby of exhibiting Show Trucks. Initially, Darren drove his father's show lorry. However, as detailed from above, from 2011 the applicant had to deal with the results of his accident that left him with severe disabilities.
- 3.3 As part of Darren's rehabilitation, he started working on and driving the show lorry again. The hobby has an enormous positive impact upon his physical and mental well-being. In 2012, Darren bought his first lorry which he stored in the barn, with a second lorry purchased in 2014. Throughout this period, the barn was also used as a workshop ancillary to the maintenance of the show Lorries, without help. Mr C Griffin sought to replace the dilapidated barn to allow his son to continue the hobby with as much independence as possible.
- 3.4 The adaptations to the barn and the yard include:
  - a. Changes to the yard such as an electric gate and resurfacing of the hardstanding to allow for ease of wheelchair access;
  - b. Roller shutter doors;
  - c. Insulated barn to enable a constant heat to be maintained;
  - d. All internal fixtures to be accessible from wheelchair level;
  - e. Electric hoist to provide access to vehicles;
  - f. Specifically adapted hand operated fork lift; and
  - g. Smooth access from the yard to the barn.
- 3.5 The barn also accommodates a large motorhome which is used by the applicant to travel to shows. Although, it is confirmed that the motorhome is not used for residential purposes on the site.
- 3.6 The ability to pursue this activity after such a life altering accident has had enormously positive impact upon Darren's life and is essential for his mental well-being.

## **4 PLANNING POLICIES**

EHI Cotswolds AONB  
OS2NEW Locating development in the right places

The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 This application is seeking the retrospective planning permission for the use of a building approved in 2016 for agricultural purposes to a mixed use comprising agricultural storage and personal use as a hobby workshop and storage in association with show lorries.
- 5.2 As part of the application submission the applicants have advised that the building subject of the application is larger than that approved in 2016. The approved building is 23m by 15m but what has been built on site is 27.3m by 15m, a longer building than the approved replacement building.
- 5.3 The application was on the Uplands schedule in February 2019 with a recommendation of refusal but was subsequently deferred to allow for the submission of further background information from the applicant in support of justifying a personal consent.
- 5.4 The Sidings is accessed via a single track South of Station Road, the land comprises of a large building with agricultural land to the South and West. The unit is of similar design to other commercial units located to the North of the site. The site is located within the open countryside within the Area of Outstanding Natural Beauty.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- The principle of allowing the use of the building for agricultural storage and as a hobby workshop (personal to the applicant only) in the open countryside; and
  - The impact of the development on the Cotswolds Area of Outstanding Natural Beauty.

### Principle

- 5.6 In this case the replacement agricultural building is used for a mixed use of agricultural storage and as a hobby workshop by the applicant who has farmed the land historically. When the workshop floor space within the building is no longer used by the applicant it will revert to being used for agricultural purposes.
- 5.7 A condition has been imposed to ensure that the end use of the building will be for agricultural purposes appropriate to its open countryside location. Given that the 2016 planning permission for a replacement agricultural building did not specifically limit the building to use as an agriculturally fettered workshop and that the applicants are willing to accept a personal consent in respect of the workshop and reversion to agricultural purposes when the hobby use ceases your Officers consider that the application can be supported in terms of the mixed use.

### Impact on the AONB

- 5.8 In determining development proposals within the AONB both Local Plan policy and the NPPF give great weight to conserving and enhancing the landscape and natural scenic beauty of the area, which have the highest status of protection in relation to landscape and scenic beauty. There was a former building on the site of the existing building and planning permission for a replacement of that building was granted in 2016, albeit the building the subject of this application is slightly longer than the replacement approved in 2016.
- 5.9 Given the approval in 2015 of two large warehouse buildings on land formerly used as open storage in close proximity to the building the subject of this application, Officers are of the opinion that the impact of the replacement building (4m longer than approved in the 2016 permission) on the Cotswold AONB is a neutral one.
- 5.10 As such the retrospective development is considered to comply with policy EHI of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

### Conclusion

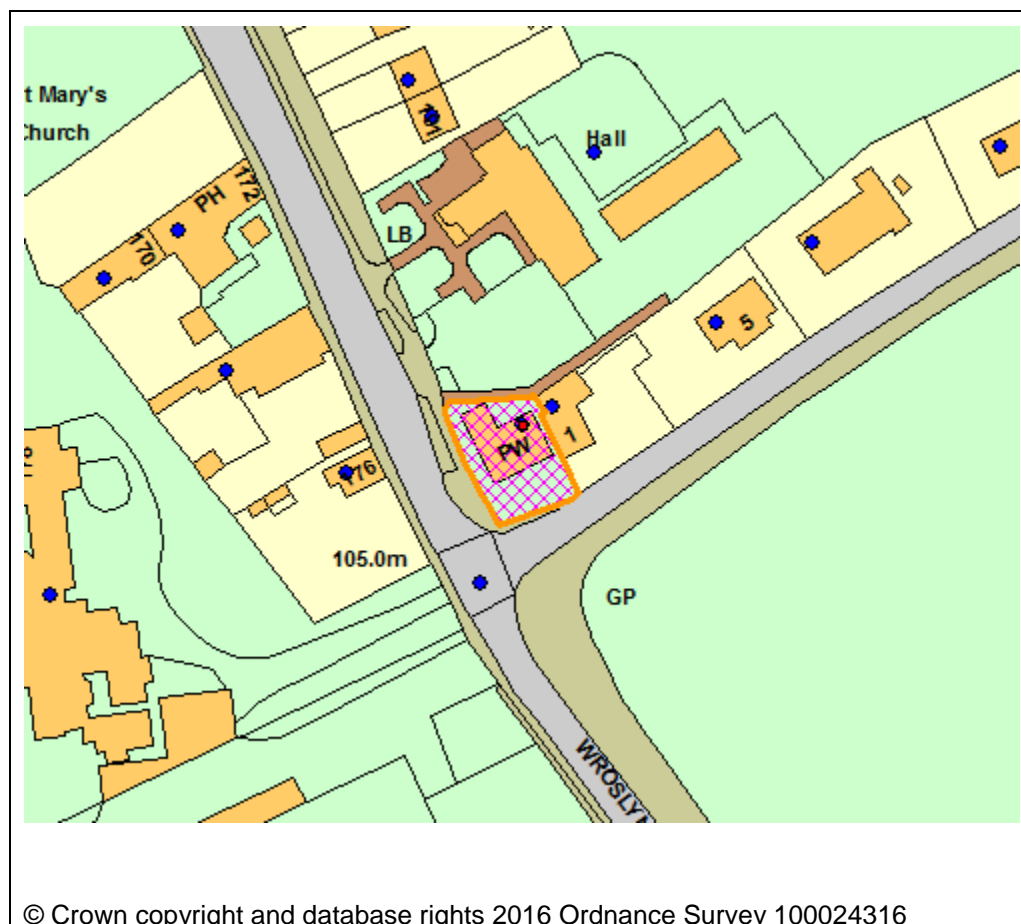
- 5.11 Having considered the background to this application including the planning history and the personal case put forward by the applicant your Officers are recommending the application for conditional approval with conditions that limit the use of the workshop to the applicant only and that once the hobby use ceases that the whole of the building reverts to agricultural use.

## **6 CONDITIONS**

- 1 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 2 When the premises cease to be occupied by the applicant Mr Darren Griffin and his Father Mr Chris Griffin, the hobby workshop use hereby permitted shall cease and the whole of the building shall revert to agricultural use.  
REASON: The use is only justified in the light of the special circumstances of the case.
- 3 Notwithstanding the application submission within one month of the date of this decision letter a floor plan of the building identifying the area of agricultural storage shall be submitted to and approved in writing by the LPA and the said building shall be used in part for agricultural storage purposes in accordance with the said approved plan.  
REASON: To prevent an unsuitable use in this location.

Application Number	I8/03423/FUL
Site Address	Freeland Methodist Church Wroslyn Road Freeland Witney Oxfordshire OX29 8AQ
Date	16th April 2019
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	441495 E 212642 N
Committee Date	29th April 2019

### Location Map



#### Application Details:

Change of use of Chapel to Dwelling

#### Applicant Details:

Witney And Faringdon Methodist Circuit, C/O Agent.

## I CONSULTATIONS

### I.1 Parish Council

Freeland Parish Council objects to this proposed change of use for the following reasons:

1. Detrimental Impact on the setting of a Listed Building
2. Loss of Community use
3. Access Issues

1. Detrimental Impact on the setting of the Listed Building  
The proposed change of use to a residential building would be at variance with Policies EH9 and EH11 of the West Oxfordshire Local Plan 2031. Policy EH9 states in relation to the historic environment that: "All development proposals should conserve and/or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment..... In a manner appropriate to their historic character and significance, and in a viable use that is consistent with their conservation, in accordance with national legislation, policy and guidance for the historic environment.

All applications which affect, or have the potential to affect, heritage assets will be expected to demonstrate that the proposal would, in order of preference:

- i. Avoid adverse impacts on the significance of the asset(s) (including those which arise from changes to their settings) and, wherever possible, enhance or better reveal the significance of the asset(s)
- ii. Minimise any unavoidable and justified adverse impacts and mitigate those impacts in a manner proportionate to the significance of the asset(s) and the nature and level of the impact, investigate and record changes to or loss of physical fabric, features, objects or other remains and make the results publicly available."

Policy EH11 on Listed Buildings states that:

"Proposals for additions or alterations to, or change of use of, a Listed Building, or affecting the setting of a Listed Building, will be permitted where it can be shown to:

- i. conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting;
- ii. respect the building's historic curtilage or context or its value within a group and/ or its setting, including its historic landscape or townscape context; and
- iii. to retain the special interest that justifies its designation through appropriate design that is sympathetic both to the Listed Building and its setting ...."

The change of use from a Church to a residential dwelling would potentially impact on the existing character of the building; its very tall windows would, for example, make subdivision problematical. The



absence of any detailed design proposals for this application means the impact cannot be fairly assessed. If such a change of use is permitted, the local authority will be in a weakened position to argue against harmful changes to the fabric of the building or its setting which may be proposed in a subsequent detailed residential planning application.

In terms of the setting of the Church, this could be harmed by the necessary paraphernalia of a dwelling, including access, parking, storage and security measures.

In this context it should be noted that community use, proposed by the village and granted planning permission in February 2018, would enable the removal of the existing unsightly concrete posts and chain link fencing adjacent to the car park on the north boundary. This would enhance the setting of the Listed Building and allow it to be linked more strongly to the historic core of the village to the north.

## 2. Loss of community use

Policy EH5, which also reflects National Planning Policy Framework, which promotes the provision of social, recreational and cultural facilities and services that communities need. The Policy states that:

"The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities."

Freeland lost its village shop/ post office many years ago and there has been an outstanding planning permission on the land for a replacement shop and flats, this was never built. The land has now been sold and an application has been submitted to build 2 dwellings on the site.

As set out in paragraphs 6.65 and 6.68 of the Local Plan, Freeland is typical of many West Oxfordshire villages which " ..... have seen the closure of shops, post offices, public houses and other facilities. .... Economies of scale and public service budget cuts are also leading to public services being concentrated in the larger centres of population. In other cases the high residential land values in the District make the closure of and conversion of facilities such as shops and pubs attractive to investors. This is a threat to the sustainability of our communities particularly in the rural areas where such facilities can form the hub of social life."

The lack of a regular bus service makes it imperative that opportunities for social interaction are provided for in the village. The Methodist Church provides a once in a lifetime opportunity to preserve a facility for village use. If the existing outline planning approval (Ref. no. 18/00018/FUL) for community use were to be

superseded by a change to residential use, the opportunity for the village to make use of it would be permanently lost.

The Church had been regularly used for community benefit prior to its closure, and even after the opening of the new village hall it was used for smaller groups such as art club, orchestra, craft club. Additionally in the past it was regularly used for drop in coffee mornings. All this was set out when the Parish Council applied for the Church to be nominated as an asset of community value. The fact that this was not granted has not diminished the community will to create a full time heart to the village. The existing village hall is exceedingly well used, particularly in the evenings, and is oversubscribed at peak times. Incorporating the Church building into the complex would enhance the whole, providing a medium sized venue to complement the larger space in the village hall and the small CRF meeting room.

### 3. Access issues

It should be noted that the existing access to the hardstanding for parking is very close to a road junction with Pigeon House Lane, as well as being adjacent to the village hall car park access point. Highways may have issues with this.

As far as we are aware this access was hardly ever used when the Church was in use, as the village hall car park is immediately adjacent and was used in preference due to its easier and safer ingress and egress.

This relates to one final point in that, as a dwelling, the Church building would be subject to considerable noise disturbance from participants of public events at the adjacent Village Hall and car park.

#### I.2 OCC Highways

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.

The existing use has the potential to generate a greater number of traffic movements together with a higher parking requirement than that proposed.

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.

#### I.3 Conservation Officer

The Chapel is listed grade II possibly dated 1805. It is one-storey and a single-plan cell, and the proposal is to change its use to residential.

If the Chapel cannot be used for its original function, and means that the building could become derelict (and therefore at risk) if no other use is found to be viable, then I could support a change of use to residential. However, this will depend on how the eventual proposal

to convert it to residential is undertaken including all the paraphernalia associated with residential use. I recommend that discussions are held with Officers at Pre-application stage to allow for detailed assessment and a way forward.

I.4 Biodiversity Officer I recommend that a protected species (bats and birds) survey would be required to inform any future planning applications or listed building consent applications for this site. I confirm that this is not required for the current change of use application, as the principle for conversion has already been set in previous approvals.

I therefore recommend a condition should be attached to planning consent as follows (if appropriate) - otherwise an informative about the need for a bat and bird survey should be attached.

I.5 ERS Env. Consultation Sites Pollution Consultation Before I can decide whether to recommend attachment of a planning condition for contaminated land to any grant of permission for this development, I will need the applicants to confirm whether the land forming the curtilage of the building has been used as a burial ground at any point in the church's history.

The church that is to be converted to a residence apparently dates from the early 1800s. The Burials Acts of the 1850s closed many local burying grounds in England which were subsequently turned into gardens and open spaces, meaning their existence was often forgotten.

I would be grateful for confirmation that this is not relevant to this application. I must raise an objection until this information is made available.

Further response to additional information:

I had wanted the applicant to consider whether a burial ground might be present as this may have required pre-development actions affecting the scope of development.

If the applicant has considered this and indicates there is no evidence for the presence of a burial ground then I withdraw my previous comments and objection made on 29 November 2018. I would request that you include an "unexpected contamination" condition on any grant of permission as a precaution - this would not require any pre-commencement consultation. Suggested condition attached.

I.6 WODC Env Health - Uplands No objection.

## 2 REPRESENTATIONS

47 letters of objection have been submitted. The concerns raised are summarised as follows:

- Loss of community asset.
- Hub with shop and cafe is required for the community.
- No other local facilities which could be utilised to provide a shop and cafe for the village.
- Dwelling would detract from both its amenity value and visual impact.
- Through site allocation in the Local Plan. WODC now has a five-year land supply which means it is not reliant on re-using listed buildings and developing inappropriate sites for residential accommodation to meet the housing need. Granting of this application thus runs contrary to Policy H2, of the Local Plan.
- The community has clearly demonstrated its wish that this building be used as a Community Hub and WODC has granted planning permission for its use as such.
- Failure to preserve an iconic building. Policies do not support proposals which extensively alter the building's existing features, remove features of interest or where alterations obscure or compromise the form or character of the original building. Division of the internal space to create floors and rooms would negate the essential character of the building as a large open, shared space. Our proposal for a shop and cafe will not require any such internal divisions.
- The Hub will result in a profitable business that will not only enhance the social well being of the Village but protect the building itself for posterity. In contrast there are many examples where heritage buildings have been left to decay because they were purchased for a conversion that could in fact not be done.
- Dwelling would fail to respect local character and distinctiveness and maintain the vitality of the community.

### **3 APPLICANT'S CASE**

- 3.1 A detailed Design and Access Statement is available to view online with the Conclusion presented as follows:
- 3.2 The application seeks planning permission for the change of use of the building from a Methodist Church to a residential dwelling. The application seeks permission for the change of use only and no internal or external alterations are proposed at this time.
- 3.3 The proposal for a residential dwelling within the built-up limits of this village location is considered to be supported by the locational policies for dwellings. Furthermore, the conversion of existing building, as the proposed use can be accommodated without significant alteration or extension, is supported by policy.
- 3.4 Policies of the Local Plan seek to resist the loss of community facilities which assist in meeting the everyday needs of the community. The policy seeks to protect existing uses and cannot be used to protect potential future uses of the building. The Church is no longer operating with other Methodist churches available in Long Hanborough (approximately 3km), Stonesfield (approximately 7km) and Witney (approximately 8km). The diversion of the congregation from this church also significantly supports the future viability of the alternative facilities. In addition, the village of Freeland is also supported by other places of worship. It is therefore considered that there is alternative accessible provision that would serve the local community.
- 3.5 The proposed development would conserve the significance of the building by virtue of providing a long term viable alternative use. The proposed development does not propose any

internal or external alterations which would be of harm to the fabric or character of the building. The proposed use could be provided without any significant alterations or extensions.

- 3.6 The proposed dwelling would be served by limited private amenity space however, this would be appropriate of the level of accommodation provided. Access to the public playing fields is in close proximity at just 100 metres away.
- 3.7 Sufficient off-street parking could be provided for two cars. The scheme would remove a level of on street parking which currently exists and would improve highway safety in this regard. The scheme would be provided with adequate parking and would not generate a level of traffic harmful to the local area.
- 3.8 Overall, the scheme is considered to comply with relevant planning policy and as such is in accordance with the development plan. There are no material planning considerations which indicate that development should be refused. In line with paragraph 11 of the NPPF, planning permission should therefore be forthcoming without delay.
- 3.9 Submitted as a separate supporting document through the applicant, The Witney and Faringdon Methodist Circuit has provided the following information in relation to the application and the marketing which may have been undertaken in relation to the building. The Methodist Circuit is governed by the Charities Commission which places a series of legal duties on the Trustees including the need to:
1. Act in the Charity's best interest;
  2. Manage the Charity's resources responsibly; and
  3. Act with reasonable care and skill.
- 3.10 The Freeland Methodist Church is a Methodist Model Trust property and as such the Methodist Circuit has a duty to fulfil the requirements of Charity Law, Methodist Law and policy and best practice requirements. Under Charity Law, the Methodist Circuit is required to:
1. Get the best deal for the Methodist Church;
  2. Take written advice, including valuation, from a qualified surveyor before a sale is agreed; and
  3. Properly advertise the sale or lease, unless the surveyor indicates otherwise.
- 3.11 The Trustees for the Methodist Church Purposes (TMCP) ensures that the above is complied with by obtaining:
1. A Qualified Surveyors Report (QSR) for review and approval of the TCMP; and
  2. A best price and adequate marketing certificate.
- 3.12 The QSR obtained for Freeland Methodist Church:
1. Recommended that further guidance from an architect or planning consultant was obtained prior to marketing; and,
  2. Advised that consideration should be given to the submission of an outline planning application prior to its disposal as it would greatly assist with the future marketability of the building.

- 3.13 On this basis the Methodist Circuit were required to undertake these actions by the TMCP. The Methodist Circuit, in submitting the application are complying with their requirements in relation to the disposal of the building and this is the reason that the building has not previously been marketed for sale. Notwithstanding the obligations on the Methodist Circuit I would re-iterate the requirements of Policy E5 of the West Oxfordshire Local Plan 2031 which sets out that development proposals which would result in the loss of community facilities and services will only be supported there it can be clearly shown that:
- a) Appropriate alternative provision of at least the equivalent suitability and accessibility, particularly by foot, will remain, and
  - b) In the case of pubs, shops and other commercially run services and facilities, the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community enterprise.
- 3.14 Importantly, this is not a commercially run service or facility, as such, compliance with only part a) of this policy is required. The planning statement clearly sets out that there are other places of worship available within the village which are equally as accessible as the Methodist Church building, indeed, these other facilities may have been used since the closure of the Methodist Church in 2017. There have been comments that other uses have historically taken place in the Church (such as music groups etc), whilst this is not the primary use of the building there is adequate and alternative provision for these uses also. Freeland Hall is located adjacent to the Methodist Church which has two rooms available for hire, the Main Hall and Newell Room.
- 3.15 The application therefore needs to be assessed on its planning merits in line with the requirements of Policy E5 and not on the basis of what may be 'preferable' uses. It has been demonstrated that there is accessible alternative provision and the policy does not require a marketing exercise for non-commercial uses. On this basis it is considered that the proposed development is compliant with Policy E5 of the Local Plan.
- 3.16 The approval of the previous application at the building is a material planning consideration in the determination of the application, however, Policy E5 does not require an examination of all potential alternative uses.
- 3.17 The approval of this application would not preclude the community hub group from making an offer to purchase the building upon marketing, nor would it prevent the implementation of the previous permission. Should the community hub group be the successful purchaser it could implement the permission which it obtained for the site. Importantly however, the refusal of this planning application would not guarantee that the community hub group would be the future purchaser of the building, as the Methodist Circuit are duty bound to accept the best offer for the building.

#### **4 PLANNING POLICIES**

The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application site comprised Freeland Methodist Church which is located in central and prominent position on the corner of Pigeon House Lane and Wroslyn Road, Freeland. The church is Grade II listed. The Church ceased use as a Methodist Church in April 2017. The site currently includes space to the front for 3-4 off street car parking spaces.
- 5.2 The application seeks planning permission for change of use of the building to a dwelling. The application is solely for change of use permission and does not propose any internal or external changes to the church, which would be subject to further planning permission as applicable.
- 5.3 In February 2018 planning permission was granted for the change of use of the Methodist Church to a shop class A1, Café A3 and D1 non-residential institution (ref: 18/00018/FUL).
- 5.4 The application has been brought before Members for determination at the request of Councillor Al-Yousuf and as a result of the objection from the Parish Council.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.6 In terms of the principle of development, Freeland is classified as a village within the Settlement Hierarchy of the adopted Local Plan 2031. For villages, limited development that respects the village character and local distinctiveness and which helps maintain the vitality of the community are deemed to be suitable in Policy OS2: Locating development in the right places. Proposals for residential development are considered further in accordance with Policy H2 below.
- 5.7 Policy H2: Delivery of new homes permits new dwellings within villages on previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in OS2 and any other relevant policies in this plan.
- 5.8 In terms of Policy OS2 no external changes are proposed to the building therefore the scale and pattern of development will be unaltered. The neighbouring properties are residential dwellinghouse's therefore an additional residential use here is considered to be compatible. In addition, the change of use is not considered to have a detrimental impact on the amenity of neighbours as explored in the below assessment.
- 5.9 Objectors have referred to the lack of housing need. However, the LPA still has a requirement for windfall provision and Policy H2 states that new dwellings are permitted within villages such as Freeland on previously developed land within or adjoining the built up area, as in this case, provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan. The proposed change of use would result in the loss of a community facility albeit one that is currently vacant. Therefore, Policy E5 must be considered in conjunction with H2.

5.10 E5 states:

*The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.*

*Development proposals that would result in the loss of community facilities and services will only be supported where it can be clearly shown that:*

- 1. appropriate alternative provision of at least equivalent suitability and accessibility, particularly by foot, will remain; and*
- 2. in the case of pubs, shops and other commercially run services and facilities, the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise...*

5.11 Additionally, when considering proposals that include the loss of local services and community facilities, the Council will have regard to whether a site or facility is registered as an Asset of Community Value. This is discussed further below.

5.12 The following deals with each of these points in turn:

Availability of Alternative Provision

5.13 There are a number of other Methodist churches in the area including at Witney, Stonesfield, Long Hanborough, Combe, Bladon and Woodstock. The nearest one is Long Hanborough which is around 2.4km on foot (using the public right of way that connects Freeland and Long Hanborough) and around 3km along main roads. As an alternative place of worship, St Mary the Virgin Church is located within a short walk.

5.14 Looking at the wording of Policy E5 the key issue is whether these alternative churches represent 'appropriate alternative provision of at least equivalent **suitability** and **accessibility**, particularly by foot', as the policy states.

5.15 In terms of **suitability**, they are all Methodist churches and do not appear to be unsuitable as alternative places of worship.

5.16 In terms of **accessibility**, whilst 2.4km - 3km is beyond comfortable walking distance for some people, it is achievable and not entirely out of the question for others. It is also a distance that a number of people would be able to achieve on a bicycle.

5.17 Whilst accepted that not everyone will be able to access these alternative churches by non-car modes of transport, it is reasonable to suggest that a proportion of people will be able to and thus officers consider the first criteria of Policy E5 would be met. Oxfordshire County Council as highway authority have not disputed this.

5.18 In terms of the loss of the church's ancillary use as a community space, officers note level of support in the community for this facility. However, with the adjacent Village Hall to the north officers consider this likely to be of equivalent suitability. With regards to accessibility, this is interpreted on two fronts: physical accessibility, especially by foot as discussed previously, but also access in terms of use. As noted in several representations, the village hall appears to be oversubscribed and the demand for bookable community spaces exceeds the supply within



Freeland. However, officers note the Church has not been available for hire since 2017 and that there are alternatives available in the village so, in the absence of evidence to suggest the contrary, officers are unable to say there are no alternatives so that there would be a loss of a community facility to provide for the day to day needs of the community.

#### Commercially Run Services and Facilities

- 5.19 The second criterion of Policy E5 refers to the loss of pubs, shops and other commercially run services and facilities. With regard to the application site, as it is not currently in use as any form of commercial enterprise, officers consider this criterion does not strictly apply.
- 5.20 The Planning Policy Consultation response highlights the supporting text to Policy E5 which states that 'in seeking to justify the change of use of local services or community facilities, applicants will also be required to consider whether existing premises or sites can be adapted to retain a viable community facility or service'. It also states that 'The Council will continue its approach of resisting the loss of local services and community facilities as a result of change of use proposals' and that 'In considering proposals involving the change of use of such facilities, the Council in consultation with the local community, will take into account the importance of the facility to the local community particularly in meeting day to day needs'.
- 5.21 Officers note that it does have planning permission for alternative commercial uses including shop and café and that there is desire locally to see the church used as some sort of 'community hub'. However, regard has to be had to the current situation, the building not in ownership of the 'Community Hub', and the Methodist Circuit and its duty to fulfil the requirements of Charity Law, Methodist Law and policy and best practice requirements in the disposal of the building. Taking Policy E5 in the round, there would be no reason in planning terms to refuse the application on this basis.

#### Asset of Community Value

- 5.22 With regard to the final element of Policy E5, whilst the Methodist Church has previously been nominated as an Asset of Community Value, it has not been successfully registered because it does not fall within the scope allowable in the legislation and the limitations of the relevant statutory test (Localism Act 2011 Section 88(a)(2). The past community uses submitted in the nomination are deemed to be ancillary uses (i.e. types of use that are subordinate and secondary) when set in the context of the primary use of the building as a place of religious worship.
- 5.23 With the criteria of Local Plan Policy E5 being satisfactorily addressed, the provision of a new dwelling in Freeland utilising a previously developed site would be consistent with the overall strategy and housing related policies of the Local Plan.

#### Impact on Heritage Assets

- 5.24 Freeland Methodist Church is Grade II Listed and dates from the early 1800's and was listed in June 1988. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The application must be considered alongside Section 16 of the NPPF and relevant adopted Local Plan Policies.

- 5.25 Policy EH9: Historic Environment requires that all development proposals should conserve and/or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment including the significance of the District's heritage assets, in a manner appropriate to their historic character and significance and in a viable use that is consistent with their conservation in accordance with national legislation, policy and guidance for the historic environment. In determining applications, great weight and importance will be given to conserving and/or enhancing the significance of designated heritage assets including the special architectural and historic interest of Listed Buildings, with regard to their character, fabric and their setting.
- 5.26 More specifically, EHI I Listed Buildings must also be considered. Under this policy, the change of use of a Listed Building is permitted only where it can be shown to: conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting; respect the building's historic curtilage or context or its value within a group and/or its setting, including its historic landscape or townscape context; and retain the special interest that justifies its designation through appropriate design that is sympathetic both to the Listed Building and its setting and that of any adjacent heritage assets in terms of siting, sizing, scale height, alignment, materials and finishes (including colour and texture), design and form.
- 5.27 While the status of the Church as a Grade II Listed Building is important, this application does not seek permission for any proposed changes to either the interior or exterior of the building. The application is therefore to be judged solely on the proposed change of use with the expectation that any further re-development of the church will require additional planning permission as appropriate. With regards to EHI I and change of use, the conversion of the church to dwelling does not inherently mean that the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting that justifies its designation will be harmed, including the setting of adjacent listed building, Greystones. Additionally, the conversion of the church to residential use will not inherently result in a lesser quality of conservation or enhancement of the Church. The details of any additional changes that will materially impact the heritage asset, its fabric and setting will need to be subject to further planning applications as appropriate.

#### Highways

- 5.28 The proposal seeks to retain two off-street car parking spaces. The concerns of the Parish Council regarding the existing access to the hardstanding being close to a road junction, as well as being adjacent to the village hall car park access point, are noted. However, Oxfordshire County Council Highways has been consulted on the application and raises no objection.

#### Residential Amenities

- 5.29 In terms of residential amenity, the application does not propose any external alterations to the building so there will be no physical impact on the neighbouring properties in terms of loss of light or being overshadowed to their detriment. Officers consider that the use of the property as a church would generate a higher level of noise and disturbance in terms of the use of the church for services as well as vehicle movements and parking. Officers are of the opinion that the use of the property as a single dwellinghouse would result in less noise and disturbance than that which could potentially result from its current use.

- 5.30 The amenity space to the south, proposed to serve the dwelling is somewhat limited however is considered to be adequate and consistent with other properties nearby. There are also playing fields within 100m. Given the orientation of the building in relation to neighbouring properties Officers do not consider that the change of use will result in any undue overlooking to their detriment. As such, this application is considered to be acceptable in accordance with Policy OS2 of the West Oxfordshire Local Plan 2031.

#### Conclusion

- 5.31 The LPA acknowledge and commend the amount of support for this building as a community use, however, with regret, officers have assessed the application against the development plan, in particular Policy E5 being satisfactorily addressed, and as such the provision of a new dwelling in Freeland utilising a previously developed site would be consistent with the overall strategy and housing related policies of the Local Plan. Your officers therefore recommend that this application be approved in accordance with policies E5, OS2, H2, EH9, EH10, EH11 and T4 of the adopted West Oxfordshire Local Plan.

## **6 CONDITIONS**

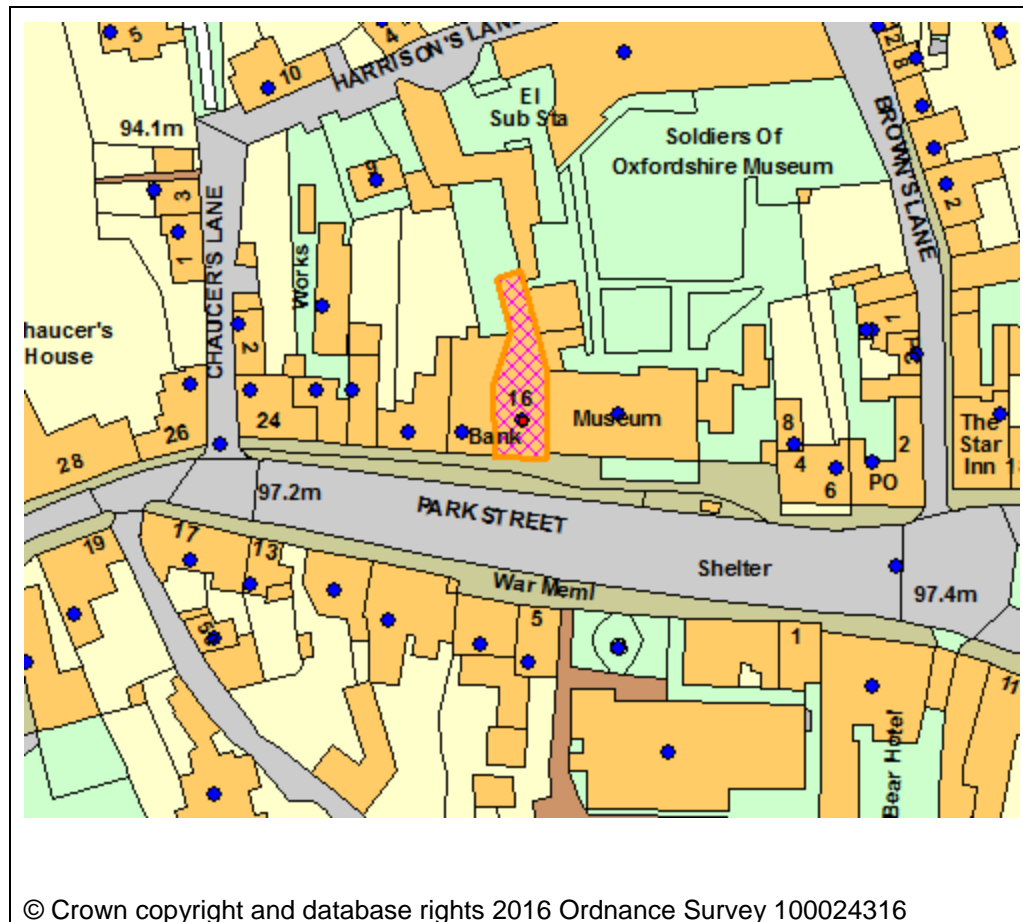
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.  
REASON: To prevent pollution of the environment in the interests of the amenity.  
Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

- 4 No conversion works shall take place until a survey has been carried out to determine whether bats and nesting birds will be affected by the development. The results of the survey and, if required, a mitigation strategy shall be submitted to and approved in writing by the local planning authority. If no bats or nesting birds are found during the survey, the mitigation strategy shall include details of at least 1 bat roosting feature and 1 bird nesting feature to be installed on/in/near the converted building in a suitable location as a biodiversity enhancement of the site. The approved strategy shall then be implemented in full.

REASON: To ensure that roosting bats and nesting birds are protected in accordance with The Conservation of Habitats and Species 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 / Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Application Number	19/00401/FUL
Site Address	Barclays Bank 14 Park Street Woodstock Oxfordshire OX20 1SW
Date	16th April 2019
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444360 E 216771 N
Committee Date	29th April 2019

### Location Map



### Application Details:

Change of use from bank to dwelling.

### Applicant Details:

Mountview Estates, C/O Agent.

**I CONSULTATIONS**

I.1 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission

I.2 WODC Drainage Engineers As the existing system is discharging to soakaways, a full surface water drainage strategy is not required in this instance. We would however, advise that the existing soakaways and pipework be cleaned out to mitigate future flooding. We would also ask, in order to provide some betterment in the drainage, that water butts be provided where downpipes are not presently discharging to a soakaway.

I.3 WODC Env Health - Uplands The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

I.4 Conservation Officer No Comment Received.

I.5 WODC Planning Policy Manager Planning Policy response:

The policy considerations that should be taken into account are as follows:

General principle

Woodstock is a sustainable location that offers an extensive range of services and facilities. This is reflected in its classification as a Rural Service Centre within the Local Plan 2031.

The overall approach of the Local Plan is to steer new development to the District's larger towns and villages and Policy OS2 identifies that Woodstock is suitable for a 'reasonable scale of development' whilst protecting its important historic character and the setting of Blenheim Palace.

The application proposal is consistent with this objective. It also appears to present no obvious conflict with the general development principles set out in Policy OS2.

Policy H2 provides specific advice on the delivery of new homes. Notably, within designated rural service centres such as Woodstock,

the policy allows for new dwellings to come forward on previously developed land within the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2.

As a previously developed site, the key consideration is therefore whether the application conflicts with any other policies. In this regard, Policy E6 is of relevance. The policy seeks to ensure that in the Town Centre of Woodstock (and Burford) development resulting in the loss of shops and other town centre uses will be refused unless the criteria set out in the policy can be met in full. Importantly however the application site is located outside of the defined Town Centre boundary for Woodstock identified in Figure 9.51 of the Local Plan 2031. As such, the policy approach of E6 towards the protection of Town Centre uses is not applicable in this instance.

It is also of relevance to note that the property was previously used as a dwelling (prior to use as a bank) and that the adjoining property at 16 Park Street has been reinstated as a dwelling having also been in commercial use at one stage.

In light of the above considerations, the principle of the change of use from A2 to residential use is in this case acceptable.

#### Other relevant considerations

##### Heritage

I note that the building is Grade II Listed but that no internal or external alterations are proposed. Clearly if permission is granted, any internal or external alterations that subsequently come forward would need the relevant consent and would need to be the subject of more detailed consideration in due course. At this point, given no changes are proposed other than in respect of the use of the building, there are no policy concerns from a heritage perspective.

##### Parking

Parking is a known problem in Woodstock and it is not clear from the application submission how any permanent parking space/s would be provided if the building were to be converted to residential use. Clearly short term on-street parking is sufficient for short duration trips to a bank or shop but a permanent residential use creates a different issue.

I note that the application for suggests vehicle parking is not relevant to the proposal but it would be helpful to understand how parking provision would be made (if at all) should the change of use be permitted.

1.6 Town Council WTC objects to this application under policy E6 - Residential and Commercial property mix in the town and consider that commercial alternatives that are known to exist should be more fully explored first. An additional residential property will also aggravate the parking problem in the centre of Woodstock.

Further Consultation response:

"In reference to Planning Application 19/00401/FUL, Woodstock Town Council does not accept the Planning Policy Manager's assertion in the 26th March "Consultation Response" which stated that "... the principle of the change of use from A2 to residential use is in this case acceptable." Having considered the Planning Policy Manager's document, the Town Council maintains and reaffirms its objection to the proposed change of use to residential, and shall inform the Planning Authority of this Resolution because:

- a) The old bank building is only separated from the central area as shown in the local plan by The Oxfordshire Museum and there is a shop directly opposite it (No 5 Park Street).
- b) The building was a bank from 1870 and Barclays Bank since 1919 and thus its association as a domestic dwelling is remote.
- c) The Planning Policy Manager states that the neighbouring house had been a shop and is now residential but we find no evidence of this in the Victoria County History which is usually a good authority on these matters.
- d) No evidence has been produced to show that attempts have been made to retain it as retail or office."

## 2 REPRESENTATIONS

19 letters of representation have been received raising concerns over:

- Loss of commercial properties within the area
- Loss of sense of community
- Businesses should be retained in the area to allow the town to thrive
- Building unsuitable for residential use as has no outside space.
- Woodstock does not need any more housing in the town centre
- Property has no dedicated parking or garden

## 3 APPLICANT'S CASE

3.1 A supporting statement was submitted as part of this application. The statement states that:

14 Park Street is a Grade II listed building and lies within the Woodstock Conservation Area. The listed building description is at Appendix I and says that 14 and 16 Park Street were originally two houses but were more recently used together as a branch of Barclays Bank. The



Council's planning records show that planning permission and listed building consent were granted in December 2002 for internal alterations to 16 Park Street and to change the use of that property back to a single dwelling (application nos. W2002/1528 and W2002/1529). 16 Park Street is currently used as a dwelling. The planning records also show that listed building consent was granted for Barclays Bank to carry out substantial internal alterations within 14 Park Street between 1990 and 2009.

The Class A2 bank use has now ceased in 14 Park Street, so there is now a need to find an alternative use for this listed building. As with no. 16, a change back to its original use as a single dwelling is the most obvious alternative use for no. 14. This application, therefore, seeks planning permission for the change of use of 14 Park Street to a single dwellinghouse. No internal or external alterations are proposed.

14 Park Street lies outside Woodstock's town centre boundary as defined in Figure 9.51 on page 252 of the West Oxfordshire Local Plan 2031, so the principle of losing the existing Class A2 bank use is not contrary to Policy E6 of the new Local Plan.

In addition, paragraph 85 of the National Planning Policy Framework recognises the importance of residential uses in appropriate town centre locations when it says that "planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites."

The listed building description at Appendix 1 includes a description of a number of internal features of 16 Park Street. However, no internal features of 14 Park Street are mentioned as its previous use as a bank has resulted in the interior of the building being stripped of virtually all of its special features of architectural or historic interest. The internal walls, doors, the staircase, and its original decorative detailing have been removed over the years to facilitate the use of the building by Barclays Bank. As a result, the ground floor is entirely open-plan and devoid of any internal features of architectural or historic interest. A new staircase has been installed and on the first floor modern partition walling sub-divides the staff toilet areas. The front room on the first floor was the staff room and contains the building's only remaining historic internal decorative features in the form of timber panelling and architraves around the three front windows. A large flat-roofed single storey extension was added on the rear at some point and occupies a large part of the property's original garden.

Photographs of 14 Park Street have been included with this application which show the stripped back nature of the building's interior. This provides maximum flexibility in terms of sub-dividing the spaces to create separate rooms without further harming the special architectural or historic interest of the building.

At this stage, the applicants simply need to establish the potential uses of the property for marketing purposes and so need to know whether planning permission would be granted for the proposed residential use. Listed building consent will be required to carry out necessary internal works to facilitate the residential use, which may include reinstating some of the building's original features. However, that would need to be proposed by the new owner and so, at the moment, the nature of those works are not known. The necessary internal works, therefore, will need to be the subject of a later application for listed building consent. The essential point as far as this planning application is concerned is that, in principle, the proposed residential use would not harm the character of the listed building for two reasons. Firstly, it originally was a house and gives every appearance from the outside that it still is a house. Secondly, the stripped

back nature of the building's interior means there is maximum flexibility in the way the interior could be sub-divided to create separate rooms without harming the special architectural or historic interest of the building. As a result, there is no doubt that listed building consent would be granted for an appropriate scheme to sub-divide the interior to enable the building to be used again as a dwelling. In these circumstances, it is not considered necessary to submit an application for listed building consent at this stage for internal works which would not necessarily meet the needs of a new owner and so would not be implemented.

The proposed change of use will find this important listed building within the heart of the Woodstock Conservation Area an appropriate new use. This will preserve the character of both the listed building and this part of the Conservation Area. As such, the proposal complies with the relevant provisions of the National Planning Policy Framework and Policies EH9 (historic environment), EH10 (conservation areas), EH11 (listed buildings) and E6 (town centres) of the West Oxfordshire Local Plan 2031. It is hoped, therefore, that planning permission will be granted for the proposed change of use.

#### **4 PLANNING POLICIES**

OS4NEW High quality design  
OS2NEW Locating development in the right places  
H2NEW Delivery of new homes  
E3NEW Reuse of non residential buildings  
DESGUI West Oxfordshire Design Guide  
E6NEW Town centres  
EH10 Conservation Areas  
EH11 Listed Buildings  
EH9 Historic environment  
EW10 Eynsham- Woodstock sub area  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application site is a two-storey 15th Century, Grade II Listed Building situated in a prominent position within the street scene. The site is located within the Woodstock Conservation Area and outside of the Cotswolds Area of Outstanding Natural Beauty.
- 5.2 The application has been brought before Members of the Uplands Planning Sub-Committee for consideration as the Town Council have objected to this application and two local Ward Members have asked for the application to be brought before Committee.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Siting, design, form and impact on the character of the area  
Impact on Heritage Assets  
Impact on AONB

Highways  
Residential amenities

Principle

- 5.4 The current planning application will be considered under Local Plan 2031 policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. This requires that such applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Following recent adoption in September 2018, the Local Plan 2031 forms part of the Council's development plan in place of the West Oxfordshire Local Plan (2011).
- 5.5 Woodstock is classified as a rural service centre in the Local Plan 2031. Policy H2 states that in rural service centres new dwellings should be permitted on developed land within the built up area of Woodstock provided that the existing use would not conflict with other plan policies and that the proposal complies with the general principles set out in Policy OS2.
- 5.6 In the context of this change of use application Policy OS2 considers Woodstock as being suitable for a reasonable scale of development, whilst protecting its important historic character and the setting of Blenheim Palace, in order to deliver affordable housing and reinforce its role as a service centre. Therefore, the development would be compliant in principle with the provisions of Policies H2 and OS2 of the Local Plan. Officers consider that the site would represent a sustainable location for residential development in terms of its proximity to existing services and facilities in Woodstock. The policy requires compatibility of uses avoiding harmful impact on the amenity of existing occupants and the conservation of the historic environment.
- 5.7 As a previously developed site, the key consideration is therefore whether the application conflicts with any other policies.
- 5.8 Policy E6 states that in the town centre of Woodstock, development resulting in the loss of shops and other town centre uses will be refused unless the criteria set out in Policy E6 is met in full. Woodstock Town Council has objected to this application on Policy E6 grounds. However, given that 14 Park Street lies outside Woodstock's town centre boundary as defined in Figure 9.51 on page 252 of the West Oxfordshire Local Plan 2031, the principle of losing the existing Class A2 bank use is not contrary to Policy E6 of the Local Plan 2031.
- 5.9 Woodstock Town Council have submitted further representations stating that the buildings domestic use is remote as the site has been bank since 1870. A quick search on Victoria County History shows that no. 14 may have become a bank in the early 20th century. However, Historic England has listed nos. 14 and 16 Park Street as two former houses (now bank and house). Therefore, given that the bank was formerly a dwelling as stated in its listing; the principle for a dwelling in this location has already been established. It is also of relevance to note that the adjoining property at 16 Park Street has been reinstated as a dwelling having also been A2 commercial use until approximately 2002 when planning permission was granted.
- 5.10 In light of the above considerations, the principle of the change of use from A2 to residential use is in this case acceptable.

### Siting, Design and Form

- 5.11 The application site is located in a prominent position along Park Street. The application is for the change of use and no external alterations are proposed. A further LBC application would be required for any internal and/or external alterations. As such, the application is considered to be acceptable in these terms.

### Impact on Heritage Assets

- 5.12 Within the Woodstock Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.13 Policy EH11 of the West Oxfordshire Local Plan, 2031 seeks to retain the character and special architectural or historic interest of Listed Buildings through change of use. As this application does not seek to alter the fabric of the building there has been no associated Listed Building Consent. It is therefore considered that the principle of the change of use is acceptable and would not result in detrimental impact to the character of the Listed Building or Conservation Area. Indeed it could be argued that the change of use would secure better long term protection for the Grade II Listed Building.
- 5.14 Furthermore, if permission is granted for the change of use, any internal or external alterations that subsequently come forward would need the relevant consent and would need to be the subject of more detailed consideration in due course. At this point, given no changes are proposed other than in respect of the use of the building, there are no policy concerns from a heritage perspective.
- 5.15 In this regard, the proposed change of use with no physical alterations to the building is considered to respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposal is therefore considered to respect the local area and the development would comply with the relevant policies.

### Impact on the AONB

- 5.16 Paragraph 172 of the NPPF 2018 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. In this instance, by virtue of the nature of the proposals in the built up residential area of Woodstock, Officers do not consider that the proposed change of use from A2 Bank to C3 dwelling would have any real visual presence beyond its immediate setting. Therefore it is not considered it would be harmful to the AONB.

### Residential Amenities

- 5.17 The application proposes no changes to the fenestration of 14 Park Street and so there is considered to be no additional harm in terms of loss of privacy and or overlooking. Given the

nature of what is proposed, officers consider that there are no adverse impacts in regards to neighbouring amenity.

- 5.18 Concerns have been raised to the lack of outdoor amenity space at 14 Park Street. Whilst there is no garden space to serve the property, this is not uncommon for properties located within town centre locations. The site is within walking distance of a variety of green and open spaces to which can serve as amenity spaces for 14 Park Street.

#### Highways

- 5.19 Oxfordshire County Council Highways have been consulted on the proposed development and have raised no objection. Therefore officers cannot justify a refusal based on Highways safety and convenience.

#### Cycle and Bin Stores

- 5.20 Whilst the application does not include any information regarding the storage of bins and/or bicycles however it is anticipated that these can be stored safely at the rear of the property.

#### Conclusion

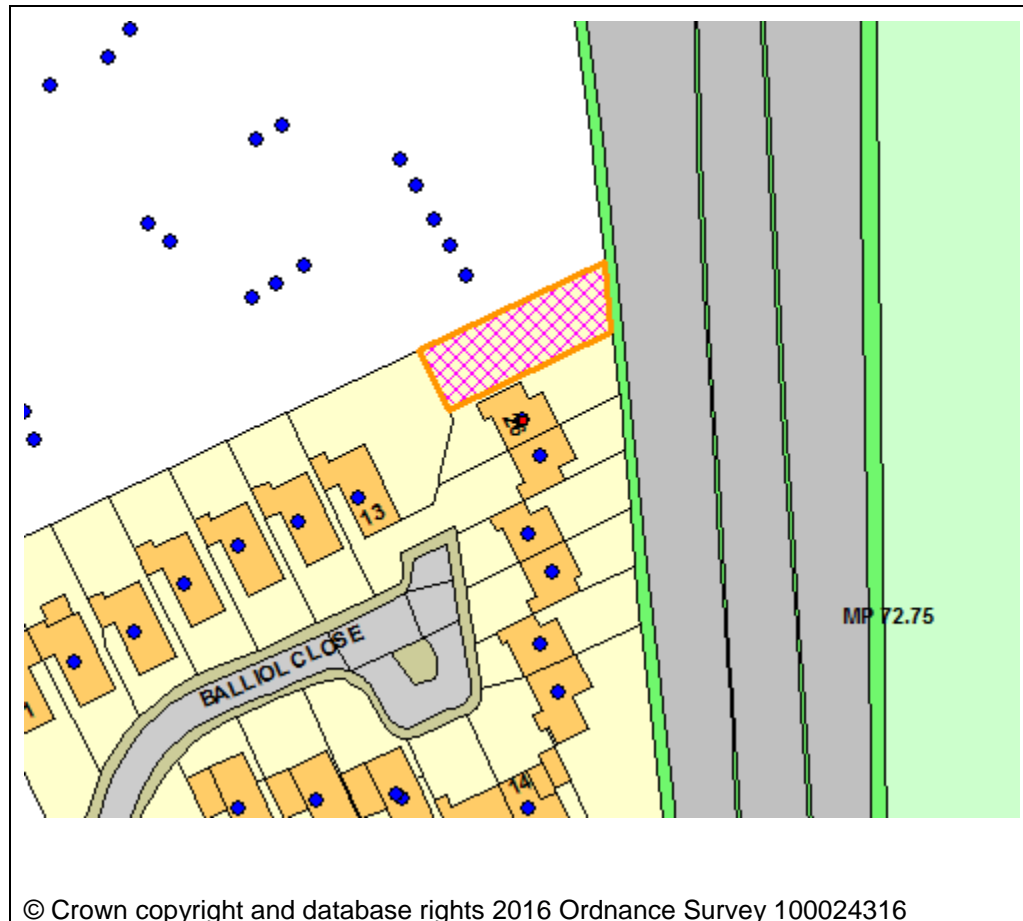
- 5.21 In light of the above, the application is considered to be acceptable and compliant with policies EH1, EH10, EH11, EH9, OS4, T4 and H6 of the adopted West Oxfordshire Local Plan 2031 and any relevant paragraphs of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 No part of the development shall be occupied until the facilities for refuse bins and cycle storage have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.  
REASON: To ensure adequate and appropriate provision and to safeguard the character and appearance of the area.

Application Number	I9/00452/FUL
Site Address	26 Balliol Close Tackley Kidlington Oxfordshire OX5 3AS
Date	16th April 2019
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Tackley Parish Council
Grid Reference	448400 E 220768 N
Committee Date	29th April 2019

### Location Map



### Application Details:

Erection of a single detached dwelling and associated works

### Applicant Details:

Mr Liversedge, The Stop House, Enslow Wharf, Bletchingdon, Bletchingdon, OX5 3AY

## I CONSULTATIONS

- I.1 Parish Council Tackley Parish Council opposes this application on the following grounds:
1. There appears to be no resolution of the problem of foul sewage. No box ticked to indicate an answer.
  2. The application states that there is no altered vehicular access - Tackley Parish Council disagrees. The access is for 3 vehicles for the new dwelling. There is a shared driveway between 24 and 26 Balliol Close. That access has risen from 4 (2 each for 24 and 26 Balliol Close) to 7 cars with no turning spaces. Are 3 spaces required for a 3 bedroom dwelling as hereby proposed? Does this not indicate an intention to sell the property with "room to extend STP" over the previous garage to make it a 4 bed property.
  3. The response to 10 Trees and Hedges is misleading. Trees and bushes have been removed from the boundary between 26 Balliol Close and the bungalow at right angle to it (13 Balliol Close.) Excavators have dug out the proposed parking spaces for the new building cutting through and undermining the trees and bushes on the other side of the boundary fence i.e. the trees and bushes belonging to 13 Balliol Close.
  4. The proposed new building will be 75cm above 26 Balliol Close and considerably higher and larger than the bungalow at Balliol Close.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network - condition.
- I.3 Biodiversity Officer No Comment Received.
- I.4 Network Rail Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.
- I.5 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

- 1.6 WODC Env Health - Uplands      The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

## 2 REPRESENTATIONS

Four letters of objection received, summarised as follows:

- Two spaces provided but will result in off-street parking on pavements and the grass island at the top of the close and impact neighbouring property. Safety issue as well as aesthetic appearance.
- Previous reasons for refusal not addressed. Parking for two properties is likely to be insufficient as there will be a shared drive at the bottom on to the road.
- Given the intensive development that is taking place in the area right next to the proposed single dwelling at 26 Balliol Close, this side of the Close will be hemmed in by buildings, on what was previously open space. Reduced space between living areas and increased sense of crowding, in particular impacting nos.13 and 24.

## 3 APPLICANT'S CASE

- 3.1 The Design and Access statement submitted with the application makes the following points:
- 3.2 This application has been prepared following the refusal of application 18/03539/FUL. This was recommended for approval by the planning officers but was refused at Planning Committee. The reasons for refusal have been taken into consideration with this revised proposal.
- 3.3 The proposed dwelling now submitted for consideration has been designed to be similar in appearance and scale to both the existing 2 storey dwellings and the approved scheme 18/00691/FUL.
- 3.4 The current approved scheme (18/00691/FUL) is simply a mirror of 26 Balliol Close, Tackley. This revised proposal takes on a similar philosophy, with some minor internal and external changes.
- 3.5 The proposed dwelling is located in approximately the same position as the approved dwelling from application 18/00691/FUL.
- 3.6 The proposed dwelling takes on a similar mass and form to the approved scheme 18/00691/FUL.
- 3.7 As part of the revisions to the approved scheme the garage has been omitted and replaced with additional ground floor living accommodation. Additional off street parking has been provided to make allowances for this in accordance with policy requirements.
- 3.8 Balliol Close was built on a sloping site. 26 Balliol Close is located in the Northern corner and occupies the highest position.



- 3.9 The existing two storey semi- detached dwellings running South to North (in Balliol Close) have been built with approx. 375mm changes in the finished floor levels (FFL) to the adjacent pair. Nos.16 and 18 being the lowest through to 24 and 26 being the highest.
- 3.10 The proposed dwelling has been designed to continue this 375mm step which follows the general topography of the Close. It also seeks to improve the relationship with the proposed dwellings on the adjacent development site which is currently under construction (app ref: 15/00044/APPEAL).
- 3.11 The current approved scheme 18/00691/FUL had the proposed dwelling positioned approx. 750mm higher than 26 Balliol Close. South elevation extract from approved drawing 005 (18/00691/FUL).
- 3.12 The levels as indicated on the proposed drawings have been related as closely as possible to the levels provided for the adjacent site.
- 3.13 This revised proposal has taken into account the concerns raised by the WODC Planning committee and their reasons for refusal.
- 3.14 The proposal will have a minimal impact on the neighbouring properties and is therefore considered to be worthy of approval.
- 3.15 The proposal will have a minimal impact on the neighbouring properties and is therefore considered to be worthy of approval.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks planning permission for the erection of a detached dwelling.
- 5.2 Balliol Close is a cul-de-sac which comprises a range of two storey dwellings and bungalows. The dwelling is proposed to be located to the side of no. 26 using the same access. To the north, the site is bounded by the residential development of 70 dwellings currently under construction under the application ref: 15/01999/OUT allowed at appeal and subsequent reserved matters application ref: 17/02923/RES.
- 5.3 This application has been submitted as an alternative scheme to an existing approval ref: 18/00691/FUL. A later application in ref: 18/03539/FUL was refused at Committee and is the subject of a current appeal. The reasons for refusal were:

By reason of the additional massing in comparison to the approved scheme in conjunction with the increased enclosure resulting from the recent development on the adjoining field, and because the scheme extends to the full plot width over 2 storeys, the proposed house will give rise to undue overbearing impacts and appear as an overdevelopment within the streetscene to the detriment of the amenities of both the occupier of the adjoining property and to the streetscene generally and contrary in particular to policies OS1, OS2 and OS4 of the adopted WOLP, the provisions of the NPPF and the advice of the West Oxfordshire Design Guide.

- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Siting, Design and Form  
Residential Amenity  
Highways

Principle

- 5.5 The site benefits from an extant consent LPA Reference I8/00649/ FUL, and therefore the principle of development is established.

Siting, Design and Form

- 5.6 The proposed dwelling, currently under consideration would alter the approved scheme by way of the removal of the integral garage and the resiting of the single storey element in line with the front building line. The current application also reduces the height of the dwelling to 0.37m above the roof of no.26. The approved scheme comprises a roof 0.75m higher. The ridge and eaves are both lower than the adjacent dwellings under construction.
- 5.7 The proposed dwelling in all other respects retains much the same character and appearance of dwellings within the street scene. With respect to fenestration, windows are similar in design scale and proportions and create uniformity and symmetrical frontage elevation that is aesthetically acceptable. The materials of construction include rendered finished to the lower portion of the dwelling, with cladded upper and brick edging to the front and rear elevations. The dual-pitch roof comprises concrete tiles to match the surrounding area and would be of the same pitch as the adjacent properties in Balliol Close.
- 5.8 Objectors refer to overdevelopment of the site however, the footprint of neighbouring dwellings measure approximately 78sq.m, whereas the footprint of the proposed dwelling would measure 90sq.m, a difference of 12sq.m or an increase of 12%. The width of the existing semi-detached dwelling is 9.4m whilst the proposed detached dwelling would be 10.2m. The dwelling would sit comfortably within the development plot, retaining a side access.
- 5.9 The application proposal is therefore, considered to be of an acceptable size, scale and design that would appear in-keeping with the character and appearance of the street and as such is considered to be in accordance with Policy OS2, OS4 and H2 of the Local Plan.

### Residential Amenities

- 5.10 With respect to impact upon neighbouring amenity, the occupier of no.13 Balliol Close has objected to the development on the grounds that there will be shadows cast resulting in a loss of light and a loss of privacy as a result of overlooking. However, the proposed dwelling would be located more than 10m metres to the east of the rear garden to no.13 Balliol Close and more than 25 metres between the dwellings. There is also an existing 1.8 metre high wooded panel fencing and mature boundary along this fence-line. The siting of the dwelling would also be within 0.1m of the approved dwelling.
- 5.11 Given the positioning of the dwelling further back in the site than no.26, and the separation distance from no.13, officers are of the opinion that the dwelling would not give rise to unacceptable levels of overlooking and would not be considered overbearing or give rise to unacceptable levels of overlooking. The adjacent residential development to the north of the proposed dwelling has been carefully considered. Due to the position of the approved development in this area, the proposal is not considered to have an adverse impact on neighbouring amenity and would not be adversely compromised itself.

### Highways

- 5.12 Three car parking spaces are proposed. Oxfordshire County Council has been consulted on the application and raises no objection to the parking and access arrangement.

### Other Matters

- 5.13 The dwelling will be located in close proximity to a railway line. Officers acknowledge that this may give rise to certain levels of noise. Given that there are a number of dwellings with this relationship, officers are of the opinion that this relationship would not have an unacceptable impact on the amenity of the occupiers. Network Rail have recommended a number of conditions in relation to safeguarding during and after construction.
- 5.14 The Parish Council have commented that there appears to be no resolution of the problem of foul sewage. The applicants proposed to connect to the existing foul services connection and the Drainage Officer has no concerns over this arrangement.
- 5.15 The Parish Council have commented on the removal of trees and bushes adjacent to the boundary with no.13. The site is not within the Conservation Area and therefore the applicants do not require a separate consent. There are no tree protection conditions on the approved scheme and therefore it would not be reasonable to apply these in this instance.

### Conclusion

- 5.16 In summary, the proposed dwelling is considered to be of an appropriate size, scale and siting and design that would not be detrimental to the character and appearance of the street scene, surrounding area or neighbouring amenity. The proposal accords with the design considerations set out in policies OS1, OS4, H2 and T4 and as such your officers recommend approval of the application.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
- 4 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 5 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 6 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 7 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 8 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to ensure the site does not become overdeveloped and residential amenity is maintained for adjacent properties.
- 10 If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.  
REASON: To protect the safety of future occupiers of the dwelling.
- 11 Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds/septic tanks should not be constructed within 20 metres of Network Rail's boundary. Surface / foul water is to be discharged into the public sewer. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land. The Land Drainage Act is to be complied with.  
REASON: To safeguard the use of the railway.
- 12 It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.  
REASON: To protect the users and workers of the railway.
- 13 Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.  
REASON: To protect the users and workers of the railway.
- 14 Sound insulation measures for the building envelope including glazing and roof construction shall be in compliance with BS8233/2014 demonstrating 'good' internal room noise standards. If these standards cannot be met then further details of noise mitigation measures shall be provided to the Local Planning Authority for approval.  
REASON: In the interests of the living conditions of the future residents.

## NOTE TO APPLICANT

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015.