
APPLICATION NO.	P09/E0763 & P09/E0764/LB
APPLICATION TYPE	FULL & LBC
REGISTERED	6 AUGUST 2009
PARISH	NETTLEBED
WARD MEMBER(S)	Rodney Mann And Angie Paterson
APPLICANT	Walter Ferry Trust
SITE	The Barn, 1 High Street, Nettlebed
PROPOSAL	Change of use from retail to dwelling incorporating insertion of new doors to southern elevation.
AMENDMENTS	One – internal changes to preserve historic truss.
GRID REFERENCE	470120/186759
OFFICER	PAUL LUCAS

1.0 INTRODUCTION

- 1.1 This application is reported to the Planning Committee as a result of a conflict between the Planning Manager's recommendation and the views of Nettlebed Parish Council. Members will recall that the applications were deferred by the Planning Committee on 28 October 2009 to allow a site visit to be carried out on 16 November 2009.
- 1.2 The application site is shown on the OS extract **attached** as Appendix 1. The application site consists of a barn attached to the southern side of 1 High Street, a 2-3 storey large corner house. The site lies on the south-eastern edge of the village of Nettlebed. The house is Grade II listed and the barn is curtilage listed through its attachment to the house. The barn is in separate ownership to the dwelling, being used as a retail unit selling indoor furnishings. It is part brick, part timber clad with plain clay roof tiles. There is a flat roof addition on the western elevation. There are openings on both western and eastern facing walls. The garden and parking areas in front of the barn consist of Common Land belonging to the Nettlebed Estate and although shown within the site area are not within the applicant's control. The garden at the rear belongs to No.1. There is a small yard area on the southern side of the barn containing an oil tank that is within the applicant's ownership. The site lies within the Nettlebed Conservation Area. The land to the south and east is undeveloped, the land to the west consists of rear gardens of other frontage properties on High Street, many of which are listed. A driveway providing access to these gardens runs adjacent to the south of the barn. The Chilterns AONB washes over the site and the settlement.

2.0 THE PROPOSAL

- 2.1 Application P09/E0763 seeks full planning permission for the change of use of the premises from retail to residential. The dwelling would comprise two bedrooms, open plan kitchen and living sitting area, hall and lobby. The conversion would make use of existing openings, apart from the south elevation where some of the timber boarding would be replaced by glazed doors. Application P09/E0764/LB seeks listed building consent for the external and internal works involved. The internal works include the removal of some partition walls, the insertion of stud walls, plumbing in association with a new bathroom and kitchen and internal fixed shutters to 3 of the windows on the western elevation. The area to the south of the barn would provide a small area of amenity space of about 15 square metres.
- 2.2 The applications were accompanied by a Design and Access Statement and Schedule of Construction. All of these can be viewed on the Council's website

www.southoxon.gov.uk. The plans of the proposed development are **attached** as Appendix 2.

3.0 **CONSULTATIONS AND REPRESENTATIONS**

3.1 **Nettlebed Parish Council** – The application should be refused due to the following reasons:

- Issue of common land to the east of the building.
- Unneighbourliness to the west – the blocking of the windows overlooking neighbours would be reversible.

3.2 **OCC Highways** – Commented on previous planning application as follows: lack of parking undesirable, but not reasonable to require provision, given no parking for existing retail use.

3.3 **Conservation Officer** – No objection on basis of amended plans.

3.4 **Countryside Officer** – No objections to previous planning application.

3.5 **Forestry Officer** – No objection to previous planning application.

3.6 **Environmental Services (Contamination)** – Standard investigation and remediation condition suggested.

3.7 **Thames Valley Police Authority** – Objection on basis of lack of financial contribution towards community safety.

3.8 **Neighbours** – 4 representations of objection raising the following points:

- New housing in addition to those permitted and proposed on nearby sites should not be permitted in place of interesting shops and businesses
- Lack of private amenity space for future occupiers
- Casual parking area on Common Land heavily overloaded
- Loss of employment
- Loss of vibrancy to village centre
- Measures to reduce intrusion on privacy of occupants of No.1 are inadequate

4.0 **RELEVANT PLANNING HISTORY**

4.1 P08/E0690 – A planning application for a similar proposal was refused in November 2008, for the following reasons:

“The proposed development, by reason of the relationship between windows to proposed habitable rooms and the adjoining garden of No.1 High Street, would result in increased opportunities for mutual overlooking and loss of privacy, to the detriment of the living conditions of the occupiers of No.1 and future occupiers of the proposed dwelling. In addition, the future occupiers of the dwelling would be likely to suffer disturbance from social activities in the garden and the occupiers of No.1 would be likely to experience an increase in light pollution. The development would therefore be contrary to Policies G2, D4 and H5 of the South Oxfordshire Local Plan 2011 and advice contained within Government Guidance in PPS1 and PPS3.”

“The proposed development, through inclusion of an excessive amount of high-level glazing would be harmful to the special architectural and historical qualities of this curtilage listed building and its setting and would fail to preserve the character and appearance of the Nettlebed Conservation Area. The development would therefore be contrary to Policies G2, G6, CON3, CON5, CON7, D1 and H5 of the South

Oxfordshire Local Plan 2011 and advice contained within Government Guidance in PPG15.”

- 4.2 P08/E0691/LB – A concurrent listed building consent application was refused in November 2008, for the following reason:
“The proposed works, through lack of details in relation to the proposed internal works and the inclusion of an excessive amount of high-level glazing would be harmful to the special architectural and historical qualities of this curtilage listed building and its setting. The development would therefore be contrary to Policies CON3, CON4 and CON5 of the South Oxfordshire Local Plan 2011 and advice contained within Government Guidance in PPG15.”
- 4.3 P81/S0490 – Planning permission and listed building consent granted in March 1982 for conversion of storage shed and garage into shop and conversion of shop at No.1 into ground floor living accommodation.

5.0 **POLICY AND GUIDANCE**

5.1 Adopted South Oxfordshire Local Plan 2011 Policies:

- G2 – Protection of the Environment
- G5 – Making the Best Use of Land
- G6 – Promoting Good Design
- C2 – Areas of Outstanding Natural Beauty
- CON3 – Alterations to Listed Buildings
- CON4 – Use and Changes of Use to Listed Buildings
- CON5 – The Setting of Listed Buildings
- CON7 – Conservation Areas
- EP3 – Light Pollution
- EP8 – Contamination
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D8 – Energy, Water and Materials Efficient Design
- D10 – Waste Management
- H4 – Towns and Larger Villages Outside the Green Belt
- H5 – Smaller Villages throughout the District
- CF1 – Safeguarding Community Facilities and Services
- E6 – Retention of Employment Sites
- T1 – Transport Requirements for New Developments
- T2 – Transport Requirements for New Developments

5.2 Supplementary Planning Guidance:

- South Oxfordshire Design Guide 2008 – Sections 3, 4 and 5.

5.3 Government Guidance:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport
PPG15 – Planning and the Historic Environment

6.0 **PLANNING ISSUES**

6.1 Nettlebed is classed as a settlement where infill residential development is acceptable through Policy H5 of the SOLP 2011 and therefore conversions of other uses to residential could be supported in principle and are subject to an assessment primarily against the criteria of Policy H4. The planning issues that are relevant to the planning application are whether the development would:

- Result in the acceptable loss of an existing retail use;
- be harmful to the special architectural and historic qualities of the curtilage listed building;
- harm the character and appearance of the surrounding area, including the setting of the listed building and other listed buildings in the vicinity, the Nettlebed Conservation Area and the wider Chilterns AONB;
- give rise to loss of residential amenity to surrounding occupiers and the living conditions for future occupiers of the new dwelling would be of a sufficient standard;
- result in an unacceptable deficiency of off-street parking spaces for the resultant dwelling or other conditions prejudicial to highway safety;
- incorporate sufficient sustainability and waste management measures; and
- any other material planning considerations.

6.2 The issue relevant to the listed building consent application is whether:

- The works would have an adverse impact upon the special architectural and historic qualities of the Grade II listed building or its setting.

Loss of Retail

6.3 Policy CF1 of the SOLP 2011 seeks to safeguard essential community facilities. The loss of this particular retail use, selling indoor furnishings, would be regrettable. However, it is considered not to be fundamental to the quality and convenience of everyday life of the residents of the village and it does not fit within the types of facilities listed under this Policy, where the retail examples are general stores and post offices. Policy E6, which requires marketing of employment premises prior to change of use does not apply to shops. As a consequence, the proposed residential use would not result in the loss of an essential community facility or service and would therefore comply with Policy CF1.

Listed Building Issues

6.4 Policy CON3 of the SOLP 2011 states that alterations to a listed building must respect its established character and not diminish its special historical or architectural qualities. Policy CON4 explains that proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage. The Council's Conservation Officer's previous objection to the amount of internal and external alterations has been addressed by the detail of the current applications. Consequently, the proposal would not conflict with the provisions of these Policies.

Character and Appearance

6.5 Policy CON5 of the SOLP 2011 explains that proposals for development which would adversely affect the setting of a listed building will be refused. Policy CON7 requires that developments respect conservation areas. Policy C2 seeks to safeguard the natural beauty and landscape quality of AONBs. As discussed above, through the

removal of the excessive amount of proposed glazing to the southern elevation of the building, the proposal would no longer be harmful to the setting of this listed building or others in the vicinity and would preserve the character and appearance of the Nettlebed Conservation Area. Due to the contained nature of the site by trees and established foliage, there would be limited impact on the wider Chilterns AONB landscape. On the basis of the above assessment, the proposal would accord with the above Policies.

Living Conditions

- 6.6 Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. The present situation is that the windows on the western elevation directly abut the rear garden of No.1. The current specific retail use is characterised by storage of goods in front of these windows, so it is generally difficult for customers or staff to access them and the opening hours would normally be between 10am and 5pm. As such, this limits the amount of actual overlooking and the perception of overlooking of No.1 from these windows. Under the existing situation, the use of No.1's garden for social activities does not impinge upon the day to day use of the retail unit. Through this proposal, three of the existing openings facing No.1's rear garden and serving the proposed living/sitting/dining/kitchen area would be boarded up internally through the use of fixed structures with insulated board made into panels. Officers consider that these measures would result in the cessation of any overlooking from these windows. Whilst a fourth window would remain unblocked, this faces away from No.1, towards the rear boundary of the garden and would serve a bedroom. At present, it is used as a tea bar and therefore any number of people could look out of the window. With a residential use, this would be restricted to the occupiers of the proposed dwelling and as such, in spite of the likelihood of greater use in the evening and at weekends, the overall level of overlooking would not be significantly increased.
- 6.7 In respect of light spillage, whilst this would also be more likely, this would only apply to the bedroom window, which faces away from the adjoining dwelling and the occupiers are unlikely to be using that part of the garden in the dark. Although the method of attachment of the boards would be reversible, in the interests of protecting the historic fabric of the building, a planning condition could be imposed to ensure that these remain in situ whilst the building is occupied for residential purposes. The window on the front of the premises facing north towards the front of No.1 would serve a bedroom and it is considered that this would not cause excessive loss of privacy, given that this shop window already exists and there is already public access to the land immediately in front of No.1. It should be noted that there are no planning restrictions on the hours of use of the retail unit and as such there are no planning controls to prevent a potentially more intensive or invasive retail use from operating from the premises. In terms of the impact on future occupiers, all habitable rooms would be directly served by windows and the single aspect would be acceptable, given the overall size of the unit and its open plan nature. Although the garden area would be small, it would be south-facing and the occupiers would also have easy access to nearby Common Land. On the basis of the above assessment, the proposal would comply with the above criterion.

Highway and Pedestrian Safety

- 6.8 Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there would be no overriding highway objections. The Local Highway Authority has raised no objections to the proposal having no authorised off-street parking provision, on the basis that this situation also applies to the existing use and the proposed use would not generate additional traffic. The proposal would therefore be in accordance with the above

criterion.

Sustainable Measures and Waste Management

- 6.9 Policy D8 of the adopted SOLP 2011 requires proposals to incorporate sustainability measures in terms of energy, water and materials efficient design. Section 4 of the SODG 2008 requires developments of up to 4 dwellings to demonstrate how Level 1 of the Code for Sustainable Homes would be met. The submitted design and access statement makes some limited reference to these matters. As the proposal involves the conversion of an existing listed building, it would be unreasonable to require more significant measures, particularly as additional alterations might cause further harm to the listed building and the measures set out could be required through a planning condition. Refuse, recycling and composting storage and collection facilities could also be incorporated within the scheme, which could also be subject to a condition to satisfy Policy D10 of the SOLP 2011.

Other Material Planning Considerations

- 6.10 Thames Valley Police have requested a financial contribution towards community safety, however, at this stage the Council does not have sufficient evidence base and guidance in place to be able to justify requiring such a payment for a development of this scale. A contaminated land desktop study condition has been recommended, however, this is considered not to be necessary in this particular instance, because there has been an intervening retail use between the former agricultural use of the premises and the proposal would not require any excavation.

7.0 **CONCLUSION**

- 7.1 The application proposal would accord with Development Plan Policies, Supplementary Planning Guidance and Government Guidance, because it would be acceptable in principle, respect the special architectural and historic qualities of this listed building and its setting and would preserve the character and appearance of the Nettlebed Conservation Area and would have an acceptable relationship with the adjoining dwelling.

8.0 **RECOMMENDATION**

8.1 **Grant Planning Permission subject to the following conditions:**

1. **Standard 3 year time limit**
2. **New internal and external works and making good to match existing fabric**
3. **Details of joinery at 1:5 prior to commencement**
4. **Windows to remain boarded for duration of residential use**
5. **Sustainable measures to be implemented prior to occupation**
6. **Details of Waste Management measures prior to commencement**

8.2 **Listed Building Consent subject to the following conditions: 1, 2 & 3 overleaf.**

Author: Paul Lucas
Contact No: 01491 823434
Email: Planning.east@southoxon.gov.uk