

<b>APPLICATION NO.s</b>	<a href="#">P16/S1904/FUL</a> and <a href="#">P16/S1835/LB</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION and LISTED BUILDING
<b>REGISTERED</b>	6.6.2016
<b>PARISH</b>	TETSWORTH
<b>WARD MEMBER(S)</b>	Stephen Harrod
<b>APPLICANT</b>	Hines of Oxford
<b>SITE</b>	The Old Forge, High Street, Tetsworth, OX9 7AB
<b>PROPOSAL</b>	Change of use and conversion into a two bedroom dwelling. (As amended by plans received 5 August 2016 omitting garden area and designated parking area, and altering opening mechanism for windows to overcome encroachment issues).
<b>AMENDMENTS</b>	As above
<b>GRID REFERENCE</b>	468665/201779
<b>OFFICER</b>	Victoria Butterworth

1.0 **INTRODUCTION**

- 1.1 These applications have been called-in to planning committee by Councillor Steve Harrod for the following reasons:
- Inappropriate development on the site due to proximity to Tetsworth Memorial Hall
  - Impact on adjoining street scene
  - Insufficient parking available
  - Proposed development will result in substandard housing due to the room sizes being smaller than the national standards required
- 1.2 Since the applications have been called-in, the Parish Council has submitted a response to the re-consultation and also now objects to the application because of lack of clarity about boundaries and ownership, lack of parking, and the impact of noise from the Memorial Hall on the residents of the proposed dwelling.
- 1.3 The Old Forge is a single storey Grade II listed building finished in painted brick with an old plain-tile roof and brick ridge stack. The listing for the property states that it is probably early nineteenth century with twentieth century alterations. The existing building has not functioned as a forge since the 1980s and was granted planning permission for Use Class B8 (Storage) as a tapestry warehouse under application P91/S0654 and has been used for storage since September 1991.
- 1.4 The application site, which is shown on the OS map extract attached at **Appendix A**, is located within the centre of Tetsworth village on the corner of High Street and Back Street and is immediately adjacent to Tetsworth Memorial Hall and its garden, and opposite The Green. The site does not fall within a conservation area but there are other listed buildings in the wider area.
- 1.5 The property currently benefits from off-street car parking due to the existing wide area of pavement / tarmac which falls within the ownership of the applicant but is designated as public highway. The public highway extends up to the west and north walls of the building.

2.0 **PROPOSAL**

2.1 The applications seek full planning permission and listed building consent for the change of use and conversion of the existing building to a dwelling. The existing plans are shown at **Appendix B** and the proposed plans are shown at **Appendix C**.

2.2 The Old Forge has been semi-modernised and restored in the past. Limited internal alterations are therefore proposed to convert the workshop to a dwelling. The proposed development involves the removal and alteration of existing modern internal partitions and their replacement with new light-weight stud partitions with minimal fixings. The partitions would have a plasterboard lining and be finished to match the existing internal surfaces. The external walls will need to be thermally upgraded to meet modern building regulations but it is proposed that these would have minimal wall fixings and be finished to match the existing internal surfaces.

2.3 The external alterations involve the insertion of one new window opening in the east elevation to serve Bedroom 2. The new window is proposed to be sized and styled to match existing adjacent windows, including matching shutters. The existing coach entrance doors on the west elevation will be retained but fixed shut.

2.4 Amended plans were submitted when it was established that land on two sides of the building, whilst in the ownership of the applicant, is designated as public highway. The revised plans therefore omit the designated parking spaces and garden / yard area which were proposed on the public highway land. It is also proposed that the windows would open inwards to avoid them encroaching onto land in the ownership of the Memorial Hall.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Tetsworth Parish Council: -

First consultation:

General support for the application.

- Land ownership issues at the end of the parking area / gravelled area, need to be reconciled with the Memorial Hall.
- Openings for the windows on the southern side of the dwelling (adjacent to the Memorial hall outside space) need to be carefully considered to avoid conflicts (injury of users on the land of the Memorial Hall or damage caused by them if the windows were outward opening).

Second consultation:

Recommend refusal of the application.

- Closely inter-related with the Memorial Hall.
- Lack of clarity on access ownership and potential for disputes with the Memorial Hall regarding parking.
- Use of Memorial Hall gardens in such close proximity and issue of hall noise.
- Lack of parking provision. Two parking spaces should be provided.
- Lack of acceptable provision for waste and storage bins.

3.2 Conservation Officer (South Oxfordshire) – No objection. External appearance of the building will be retained and the additional window will be in-keeping with the existing style. Proposal will not harm the setting of neighbouring listed buildings.

3.3 Health & Housing - Environmental Protection Team - No strong views. No observations or comments to make regarding dust or odour. Noise mitigation condition recommended.

3.4 Countryside Officer (South Oxfordshire & Vale of White Horse) - No strong views. But informative recommended.

3.5 Highways Liaison Officer (Oxfordshire County Council): -

First consultation:

- Refuse: The proposal seeks to make alterations to the existing building. The Highway Land and Records Maps have been reviewed and the proposal seeks to occupy land which is designated highway which cannot be permitted. The parking allowance does not accord with standards for a two bedroom dwelling. Two parking spaces are required.

Second consultation:

- Approve: subject to a condition requiring the provision of two off-street car parking spaces.

3.6 Five objectors have responded to the consultation (Tetsworth Memorial Hall Committee, 14 Back Street, Royal Oak Cottage, The Old Post Office and 22A High Street):-

- Well-used community hall (and its garden) is situated close to the application property (nearly 500 events per year) and would cause disturbance to future occupiers of the proposed property.
- The hall's car park is directly next to The Old Forge and two of the parking spaces are outside the window of a proposed bedroom.
- Noise from activities and celebrations at the hall and from those coming and going e.g., car doors and engines would cause disturbance to occupiers of proposed dwelling.
- Two residential buildings on two sides of the hall's land were occupied in the knowledge of the activities at the hall but find it difficult to accept the noise as a neighbour.
- Hall has recently been extended and refurbished and due to existing residential neighbours the car park and all the doors to the hall were positioned away from these neighbours but face The Old Forge.
- There is no right of access, nor is there any intention of giving any right of access, over the Memorial Hall land for these proposed works or maintenance.
- The windows and shutters on two sides will open out onto the Memorial Hall land causing a danger to users of the hall.
- Plans do not show the public footpath, highway or existing Memorial Hall car park.
- Gravelled areas belong to the Memorial Hall as do the fences.
- Prominent location and works will affect the street scene.
- The proposed bedrooms do not meet the required national size standard.
- Lack of car parking: two car parking spaces should be provided for a two bedroom property.
- Parking proposed on the public highway.
- Bus route to Thame and Watlington has just been discontinued and there are only four buses a day to Oxford and High Wycombe.
- Exacerbation of parking congestion on Back Street: increased risk to highway safety and obstruction to traffic and emergency vehicles.
- Lack of private amenity space.
- Users of the village hall and occupants of the property would be overlooked and lack privacy.
- Dwelling would be unlettable and left vacant and allowed to deteriorate.

- Lack of evidence to demonstrate the commercial / employment use is unviable.
- Original forge use of this important historic asset should be re-established.  
There has been an enquiry via the Memorial Hall showing interest in use of The Old Forge as a forge and other enquiries for commercial use. Offers have been turned down.
- No ventilation details have been submitted.
- No rainwater drainage details have been submitted.

#### 4.0 **RELEVANT PLANNING HISTORY**

4.1 [P91/N0655/LB](#) - Approved (02/12/1991)  
Internal alterations.

[P91/N0654](#) - Approved (02/12/1991)

Change of use from forge to tapestry warehouse (B8) without compliance with condition 3 of planning permission P85/N0021.

[P91/N0519/LB](#) - Approved (18/11/1991)

Internal alterations to provide toilets.

[P85/N0021](#) - Approved (20/03/1985)

Change of use from piano workshop to blacksmiths forge. (As amplified by plan received in Planning Department 6 March 1985).

[P83/N0363/CU](#) - Refused (21/09/1983) - Refused on appeal (16/05/1984)

CHANGE OF USE TO SINGLE DWELLINGHOUSE/ PORCH ADDITION;  
HARDSTANDING.

[P82/N0515/CU](#) - Refused (08/12/1982)

EXTENSION OF EXISTING FORGE TO INCORPORATE KITCHEN, TWO TOILETS  
AND ENTRANCE/ USE OF PREMISES AS A COMMERCIAL WINE BISTRO.

#### 5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

**National Planning Policy Framework Planning Practice Guidance**

5.2 **South Oxfordshire Core Strategy (SOCS) 2027**

CS1 - Presumption in favour of sustainable development

CSS1 - The Overall Strategy

CSR1 - Housing in villages

CSQ3 - Design

CSEN3 - Historic environment

5.3 **South Oxfordshire Local Plan (SOLP) 2011 saved policies**

CON2 - Extensions to listed buildings

CON3 - Alteration to listed building

CON4 - Change of use of listed buildings

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

D10 - Waste Management

E6 - Loss of employment uses

EP2 - Adverse affect by noise or vibration

G2 - Protect district from adverse development

H4 - Housing sites in towns and larger villages outside Green Belt

- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

5.4 **South Oxfordshire Design Guide SPD (SODG) 2016**

Part 2, Sections 6 (Parking) and 7 (Plots and buildings), and Part 3, Section 7 (Building conversions)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered are the impact on:

1. the special historical and architectural qualities of the listed building and its setting
2. the character and appearance of the site and the surrounding area
3. the amenities of occupiers of neighbouring properties
4. the amenities of future occupiers of the proposed dwelling
5. the highway

**Impact on the listed building and setting of listed buildings**

6.2 The listing description of The Old Forge is as follows:

*Forge. Probably early C19, with C20 alterations. Painted brick; old plain-tile roof; brick ridge stack to left of centre. Single-storey, 6-bay, 3-window range at angle to street. Plank double doors to left of centre. Plank door to C20 opening to right of centre. C20 casements to original segmental-headed openings to left of centre, centre and to right; that to right has C19 plank shutters. Left return: C20 panelled door to left; 8-pane window with C19 plank shutters to right. Interior: Queen-post roof. Included for group value.*

6.3 Policy CON3 of the SOLP seeks to ensure that any alteration to a listed building respects its established character and does not diminish the special historic or architectural qualities which make it worthy of inclusion on the statutory list. Policy CON4 of the SOLP states that a change of use of a listed building will be permitted only if its character and features of special architectural or historic interest would be protected. Policy CSEN3 of the SOCS seeks to ensure that heritage assets are conserved for their historic significance.

6.4 Externally the appearance of the building would be largely retained. The only external alteration would be the addition of a single window on the east elevation which would be in-keeping with the existing style. Internally, the proposed alterations would be minimal with new partitions inserted to subdivide the space and would not result in the loss of significant historic fabric or features of special architectural interest.

6.5 The council's Conservation Officer has considered the proposal and has no objection to the proposed development.

**Impact on character of site and surrounding area**

6.6 The additional window and internal alterations to the building would not significantly or harmfully change its character. Officers consider the proposed residential use of the building and physical conversion works would be sensitive to the established character and appearance of the building, would be in keeping with the residential character of the street and surrounding area, and would not harm the setting of neighbouring listed buildings.

### **Impact on neighbours**

- 6.7 The proposed development would not result in harm to the amenities of occupiers of neighbouring residential properties. The building is set away from other residential properties and the physical works proposed would not result in harm to amenities by way of being overbearing, or loss of light.
- 6.8 The closest property is Tetsworth Memorial Hall. The additional window will face onto the garden area of the Memorial Hall. However, the impact of overlooking from this window is considered no different to that of existing windows on the same elevation. In addition, the Memorial Hall garden is very open and visible from public vantage points on High Street and Back Street. It serves a community facility and does not therefore, in my opinion, warrant the same protection as that of a residential property with regard to privacy.

### **Impact on future occupiers of the proposed dwelling**

#### *Noise disturbance*

- 6.9 Concerns have been raised by the Parish Council, Tetsworth Memorial Hall Management Committee, and other consultees about the impact of the use of the neighbouring Memorial Hall on the occupiers of the proposed dwelling. The Tetsworth Memorial Hall Management Committee state that they experience problems with complaints about noise from some existing neighbours to the hall.
- 6.10 The proximity of the Memorial Hall to the proposed dwelling is not considered to be reason to refuse the application. The bedroom and living room windows will abut the Memorial Hall garden but noise from the car park will partly be mitigated by the layout of the property because the two windows closest to the Memorial Hall parking area serve bathrooms.
- 6.11 The District Council's Environmental Health Officer has considered the proposal and has not raised an objection to the proposal but recommends a noise mitigation condition. Planning officers therefore recommend that a condition is attached to the permission requiring the submission and approval of a detailed scheme for protecting the dwelling from the external noise environment.
- 6.12 The suggested condition will limit noise disturbance to the occupiers of The Old Forge and officers consider that the amenities of future occupiers of the dwelling will not be unacceptably harmed. Anyone wishing to live in the proposed dwelling would also be aware of the presence and proximity of the hall prior to moving in to the property.

#### *Outdoor amenity space*

- 6.13 A small, triangular yard area was initially proposed but was subsequently omitted when it was established that the area is designated as public highway and cannot therefore be enclosed or obstructed. The lack of garden or outdoor amenity space for the proposed dwelling is clearly undesirable and is contrary to policies in the development plan and guidance set out in the South Oxfordshire Design Guide 2016. However, there is a public open space in the form of a playing field just across the High Street some 25 metres from the property. Officers are therefore of the opinion that this space will serve the needs of the occupiers of the dwelling to some extent and the lack of private amenity area is not a sufficient reason to refuse the application.

### **Impact on the highway**

- 6.14 Two car parking spaces were initially proposed on the existing tarmacked and gravelled areas in front of the west elevation of The Old Forge. The Local Highway Authority objected because much of that land is designated as public highway. Tetsworth Memorial Hall Management Committee also objected to parking on the small section of gravel because it falls within their ownership. As a result, the plans were revised to omit designated parking for the proposed dwelling and no changes are proposed to the gravelled area which falls outside of the applicant's ownership.
- 6.15 The lack of proposed car parking spaces in theory makes the development "car free". Such developments are usually only permitted in sustainable locations and where there are on-street parking controls, which do not exist in the vicinity of this site. In practice, officers consider that the proposed "car free" parking arrangement would be acceptable due to the nature and layout of the site.
- 6.16 The Local Highway Authority no longer objects to the proposed development but recommends a condition requiring the provision of two off street car parking spaces. This cannot formally be achieved within the application site because the boundary of the public highway extends up to the walls of the property. The Local Highway Authority would inevitably object to a plan showing parking space on the tarmacked land in front of the west elevation of the property. However, the existing tarmacked area will remain unchanged and there is sufficient space to park two cars. The existing business occupier of the building currently parks vehicles on this land and officers believe that the occupier of the dwelling will continue to park on this land rather than on-street on Back Street or other residential streets.
- 6.17 Planning officers consider that whilst formal off-street parking cannot be secured as part of this planning application, the existing layout and parking arrangement is likely to continue. Despite the lack of proposed parking, the change of use of the building to a dwelling would not result in an unacceptable level of on-street parking or harm to the highway. Vehicles parked on the land would not prevent pedestrians passing, or block driver vision from other accesses or junctions. Officers therefore consider the proposal is acceptable and recommend that a pragmatic approach is taken to the lack of formal parking provision and that planning permission is granted without a condition requiring the submission of a car parking condition because it would be unnecessary and would not be implementable.
- 6.18 The potential parking demand and vehicle movements generated by the existing commercial use is greater than that of the proposed residential use. The proposed use of the building would not therefore result in an increase in on-street parking or highway safety risk compared to the existing lawful use of the building.

### **Other matters**

#### *Community Infrastructure Levy (CIL)*

- 6.19 The council's CIL charging schedule has been adopted and applied to relevant proposals since 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.
- 6.20 A proposed change of use would create a new dwelling but in this case the development is not liable for CIL because the existing building is in lawful use and no

new floor area is proposed.

**7.0 CONCLUSION**

7.1 [P16/S1904/FUL](#) The proposed development for conversion works and change of use of the building to a dwelling is largely in accordance with the relevant development plan policies and national planning policy because, subject to conditions, the development would respect the significance of the heritage asset, be in keeping with the character of the property, street and surrounding area. The development would also not cause any significant harm to the amenities of neighbouring or future occupiers and would not be prejudicial to highway safety and convenience.

[P16/S1835/LB](#) The application proposal is in accordance with the relevant development plan policies and national planning policy because, subject to conditions, the works would respect the architectural and historic interest of the listed building.

**8.0 RECOMMENDATION**

8.1 **To grant planning permission and listed building consent, subject to the following conditions:**

[P16/S1904/FUL](#)

**Planning Permission**

1. Commencement of development within three years.
2. Development to be carried out in accordance with the approved plans.
3. Materials to be used as shown on the approved plans.
4. Windows to open inwards.
5. Noise mitigation to be agreed.
6. Refuse and recycling storage to be agreed.

[P16/S1835/LB](#)

**Listed Building Consent**

1. Commencement of works within three years.
2. Works to be carried out in accordance with the approved plans.
3. Materials to be used as shown on the approved plans.

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