

<b>APPLICATION NO.</b>	<a href="#">P16/S3268/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	3.10.2016
<b>PARISH</b>	WALLINGFORD
<b>WARD MEMBER(S)</b>	Elaine Hornsby Imran Lokhon
<b>APPLICANT</b>	Mr Graham Wells
<b>SITE</b>	99 High Street, Wallingford, OX10 0BW
<b>PROPOSAL</b>	Demolition of barn. Erection of one, part-single storey part-two-storey, dwelling house.
<b>AMENDMENTS</b>	As clarified by Contaminated Land Questionnaire and amended by drawing no HSW 003B - revised floor plan showing first floor window in east elevation at cill height (1.7m above FFL) accompanying Agent's email dated 25 October 2016 and as further clarified by drawings 02C, 04C, 09B, SK1 and additional planning statement received 15 November 2016 detailing the level changes adjacent to the boundary wall.
<b>GRID REFERENCE</b>	460930/189528
<b>OFFICER</b>	Sharon Crawford

**1.0 INTRODUCTION**

- 1.1 The application has been referred to committee at the request of the local member Cllr Elaine Hornsby.
- 1.2 The site lies in backland location behind properties on the north side of The High Street in Wallingford. The site is within the Wallingford conservation area and some 25 metres away from the boundary with the Scheduled Ancient Monument of Wallingford Castle; the site is also with an archaeologically sensitive area of the Anglo Saxon/medieval settlement of Wallingford. Access to the site is provided from an existing lane. The battlemented, octagonal stone piers and gates on the High Street frontage are listed as a grade II listed building. 100 and 102 (The Town Arms) High St to the south of the site are also grade II listed buildings.
- 1.3 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.
- 1.4 This application follows on from a recent planning application for a single dwelling where planning permission was refused (ref P15/S4360/FUL) and from pre-application advice in 2014 and 2015 (ref P14/S1207/PEM).

**2.0 PROPOSAL**

- 2.1 The application seeks full planning permission for the demolition of an existing dilapidated barn and the construction of a two storey, three bedroom dwelling. The existing building is some 7m x 4m and the proposed replacement building is some 12 x 5m with single storey, lean-to off shoots to each long side which provide an entrance hall and utility/WC. The siting has been changed from the recently refused scheme in response to concerns in respect of neighbour impact and concern in relation to the boundary wall.
- 2.2 Additional plans have been received to clarify the cill height of the first floor window on

the east elevation and changes of levels in relation to the adjacent boundary wall.

- 2.3 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Full responses can be found on the Council's website

- 3.1 Wallingford Town Council **Original plans** – Wallingford Town Councillors at their Plans and General Purposes meeting on the 17th October recommended **Refusal** on grounds of over-development and unneighbourly. Archaeological Caveat Required.

**Amended plans – Approval** subject to:

Ensuring that there are no deviations to the most recent plans submitted especially regarding height and the use of the wall. There must be an Archaeological Caveat.

- 3.2 OCC (Highways) The proposal is unlikely to result in any significant intensification of transport activity at the site. No change is proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network. No objection subject to a condition to secure parking and turning. **(Comments are from previous application)**
- 3.3 OCC (Archaeology) It is likely that this development could encounter archaeological deposits related to the Castle defences and the late Saxon and Medieval development of the town. No objection subject to conditions to require a Written Scheme of Investigation and staged programme of investigation.
- 3.4 Conservation **Original plans** - This proposed footprint of the building has been moved slightly to the north, away from the neighbouring boundary wall to 100 High Street. This goes some way to alleviate concerns about the long term maintenance of the curtilage listed wall which would now be accessible from both the sides. The section plan of the site remains a little unclear as to how the levels will be altered at the base of the existing curtilage wall. Although the design and access statement describes that the foundations for the new dwelling are away from the existing boundary wall, I am unclear how the levels will or will not be changed given that the levels across the site are to be lowered. If there is to be a gradient difference between the wall and new dwelling, this should be shown on a site section plan that illustrates this specific relationship. The overall ridge height of the proposed building is as per the previous scheme which was not considered to adversely affect the setting of neighbouring listed buildings or the character and appearance of the Conservation Area. As such, I have no objection.

**Amended plans** – to be updated verbally

- 3.5 Countryside Officer I have assessed the proposals and I am satisfied that there are unlikely to be any significant ecological impacts if planning permission is granted. **(Comments are from previous application)**
- 3.6 Enviromental Protection (Air Quality) Based on the location of the proposed development adjacent to an air quality management area, the increased traffic associated with the development will contribute to the pollution both within and surrounding the air quality management area, in order to protect public health from the cumulative impact of developments and the impact on the air quality management area, mitigation is required in line with SODC@s developer guidance and national guidance. I have no objections to the principle of the application subject to a condition to require EV charging points for cars and some cycle parking.
- 3.7 Enviromental Protection (contaminated land) I have reviewed the application from a contaminated land perspective and have no comments.
- 3.8 Wallingford Historical & Archaeological Soc We wish fully to endorse the comments of the County Planning Archaeologist. In particular, we feel strongly that this is potentially a highly important archaeological site which deserves a 'staged programme of archaeological investigation to be maintained during the period of construction'.
- 3.9 Neighbours Objecting (3) This application is merely a 'variation' of the previous application P15/S4360/FUL and has not addressed the reasons for refusal of that previous application. Within the previous Notice of Refusal, there is reference to that application being contrary to policy H4 of the adopted South Oxfordshire Local Plan. Essentially, the proposals within the current application have not materially changed and we are therefore of the opinion that this current application should be refused for the same reasons.
- I still retain my objection to the application, whilst recognising the proposed changes have removed a number of the previous concerns. I believe it is accepted that the size of the building is similar to the size of the building in the previous application. However, despite the applicants statement that the committee had confirmed that "albeit that the principle of replacing the barn with a dwelling was generally accepted" the actual minutes of the Committee meeting state "The committee considered the application to be overbearing and unneighbourly."
- There is still a lack of clarity on a number of points – particularly the wall
- In spite of the new building being moved away from my listed wall, there will still be significant ground works immediately adjacent to my wall which have the potential to destabilise and damage the wall.
- The previous application was also rejected on the basis of "having regard to the size and scale of the proposed new dwelling the proposal represents an unneighbourly and overbearing form of development " and, in spite of the marginal change in its position,

the size and scale has not changed from the previous application and it remains an overdevelopment of the site.

There are several misleading points in the planning statement.

Neighbours Supporting (1) The area is currently blighted by a derelict potentially dangerous building. This proposal is well thought out, sensitive to the environs and allows the land to be used to the benefit of all concerned.

Neighbour No Strong Views (1) The Wallingford Historical and Archaeological Society (TWHAS) wishes to draw attention to the importance of this site in relation to the original outworks of the castle, which is not fully appreciated in the submitted Heritage Assessment. Further investigations should be required.

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

##### 4.1 [P15/S4360/FUL](#) - Refused (18/05/2016)

Demolition of barn; erection of a two-storey dwellinghouse. (As clarified/ amended by drawing no 2520- 301A, 302A, 303A and 304A accompanying Agent's letter dated 22 February 2016 and further clarified by Agent's emails dated 11 and 12 April 2016 in relation to ownership of wall). As amended by revised certificate of ownership dated 26 April 2016.

##### [P14/S1207/PEM](#) - Other Outcome (21/05/2014)

Demolition of barn and erection of a three bed detached dwelling.

Pre application advice comprising of an office meeting followed a letter.

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

##### 5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSS1 - The Overall Strategy

CSEN3 - Historic environment

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSH4 - Meeting housing needs

CSWAL1 - The Strategy for Wallingford

##### 5.2 South Oxfordshire Local Plan 2011 policies;

CON3 – Alterations to listed buildings

CON5 - Setting of listed building

CON6 – Demolishing buildings in Conservation Areas

CON7 - Proposals in a conservation area

CON11 - Archaeology

CON12 - Archaeology

EP1 - Adverse affect on people and environment

EP3 - Adverse affect by external lighting

EP6 - Sustainable drainage

EP8 - Contaminated land

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

- 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

South Oxfordshire Design Guide 2016

Draft Wallingford Conservation Area Appraisal

### 5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

Wallingford Town Council are working towards the adoption of a neighbourhood plan and are at stage 1 in the process - (Area designation) claim submitted to DCLG. The neighbourhood plan has limited weight at this stage.

### 5.4 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010

## 6.0 PLANNING CONSIDERATIONS

6.1 **Background.** Members will recall the previous application on this site which was considered by the planning committee on 18 May 2016. Planning permission for one dwelling was refused for the following reasons:

1. That, having regard to the size and scale of the proposed new dwelling, its position on the boundary and the resulting relationship with 100 High Street, the proposal represents an unneighbourly and overbearing form of development that would detract from the residential amenity of the occupants of 100 High Street, Wallingford. As such the proposal is contrary to saved policies G2 and H4 of the adopted South Oxfordshire Local Plan.
2. There is insufficient information to assess the full impact of development on the listed wall at 100 High Street given the amount of ground works proposed immediately adjacent to the listed wall. Without such information to show that the designated asset can be conserved in an acceptable manner, the limited public benefit of the proposal would not outweigh the potential harm to a designated heritage asset. As such the proposal is contrary to Policies G2, CON3 and Paragraphs 131, 132 and 134 of the NPPF.

A copy of the plans from the refused scheme are **attached** at Appendix 3.

6.2 The main issues in this case are;

- Whether the principle of development is acceptable
- H4 criteria
- Provision of gardens
- Impact on setting of surrounding listed buildings
- Impact on the conservation area
- Air quality
- CIL

6.3 **Principle.** The National Planning Policy Framework advises that there is a presumption in favour of sustainable development. This is echoed within policy CS1 of the South Oxfordshire Core Strategy. The site lies in the centre of Wallingford, one of the towns in the district. It is a sustainable location and Policy CSWAL1 of SOCS sets out the overall strategy for the town. One of the aims of CSWAL1 allows for housing on suitable infill and redevelopment sites within the town. The scheme involves the redevelopment of a brownfield site which would accord with the overall strategy for Wallingford and is acceptable in principle.

6.3.1 If a proposed housing development is acceptable in principle then the detail of the proposal must be assessed against the criteria of saved Policy H4 of the SOLP.

**H4 criteria issues.**

6.3.2 **i That an important open space of public, environmental or ecological value is not lost;**

There is no public access to the site and views from public vantage points are limited. The existing building (a barn) is visible from the south-east in the gap between the Boat House PH and Town Arms PH. Views from the south-west from the High Street are almost completely obscured. As such the site cannot be regarded as an important open space of public value.

6.3.3 The countryside officer assessed the proposed demolition of the barn and redevelopment under the previous application. He advised that there is unlikely to be any significant ecological result of the development. Environmental elements are assessed further below.

6.4 **ii Design, height and bulk in keeping with the surroundings;**

The replacement building is barn style in order to reflect the details of the existing structure on the site. The proposed materials of timber cladding, brick and plain clay roof tiles are also the same as existing. The proposed building has a greater footprint than the existing barn but the submitted plans show that the ridge height will be roughly equal to the existing (allowing for excavation to lower the ground floor levels).

6.4.1 From the south only a small portion of new wall and the whole roof would be visible over the existing boundary walls. The appearance to the north and west is more strikingly altered to introduce light into the dwelling, this will, however, have limited impact from glimpsed vantage points within the Conservation Area.

6.4.2 Whilst the proposed building has a larger footprint, it is of a similar form, height and materials to the existing building, it is therefore in keeping with the surroundings.

6.5. **iii That the character of the area is not adversely affected;**

This is an extremely sensitive site within Wallingford with a number of listed buildings and buildings of local note surrounding and it is close to the scheduled ancient monument (SAM) of Wallingford Castle. The High Street is defined by a number of highly significant buildings and its character is such that with few exceptions they front directly onto the street, there are few gaps along High Street that allow for rear access as in this case.

6.5.1 Historically, it appears from available mapping that there has been a building at this location since at least 1899 (Second Edition OS Map). The building has suffered partial collapse since the last application and it does not enhance the Conservation Area. The linear and barnlike design of the replacement building goes some way to preserve the character of the site and its relationship to surrounding built structures will remain similar.

6.5.2 The existing building extends across the rear boundary of 101 High Street. In the current scheme the siting of the proposed building has been changed; the two storey element has been pulled away from the boundary by some 2 metres and been shifted to the east. The incursion across the rear boundary of 100 High Street has consequently been much reduced. The height of the building remains the same as existing, although the ground level will be lowered. The principle of rooflights to the southern roof slope to light the landing are acceptable. As this will be the most prominent part of the building within the Conservation Area it is important that the appearance is characteristic of the design style chosen, the number of rooflights has been reduced on this elevation and a condition is recommended to ensure that the rooflights are of a conservation style.

6.5.3 During the earlier application officers had some reservations at pre-application stage that the introduction of domestic residential use on this site would compromise the setting of neighbouring listed buildings, the pattern of development within the Conservation Area and the historic use of this site as ancillary to a main domestic dwelling.

6.6 Having considered this further your officers acknowledge that there will be some change to the character of this site and its ancillary relationship to neighbouring buildings as a result of domestic use here. However, there is no alteration proposed to the existing definition of the plot boundary and access and the scale of the new dwelling is acceptable in relation to the existing structure. Overall, if there is any harm this change constitutes less than substantial harm to the designated heritage assets and as such this harm is outweighed by public benefit as per the test of paragraph 134 of the NPPF and the guidance set out in the accompanying NPPG. Given the highly sustainable location of the site and the limited visibility of the site from public vantage points the proposal will not adversely affect the character of the area in your officer's view.

6.6.1 **iv Amenity, environmental or highway/ parking objections;**

**Highway issues.** The scheme proposes to use an existing vehicular access point onto High Street and no changes are proposed to the access. The proposal is unlikely to result in any significant intensification of transport activity at the site. The Highway Engineer had no objection to the previous scheme subject to a condition to secure turning and parking areas. There has been no change of circumstances to alter this view.

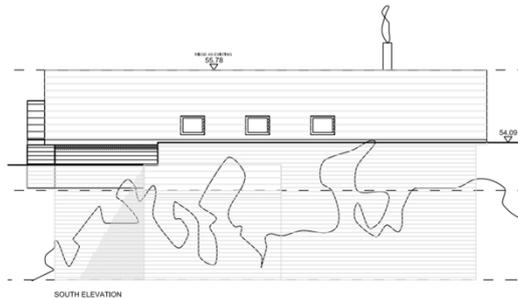
6.6.2 **Neighbour impact**

The site has neighbouring residential properties on all sides. 100 and 101 High street to the south, Thames Cottage to the east, Castle Lane House to the north, and St Nicholas House and 98 High Street to the west. Neighbours have re-iterated their concerns to the original scheme which related to overlooking, oppressive development and undermining of the wall on the southern boundary of the site.

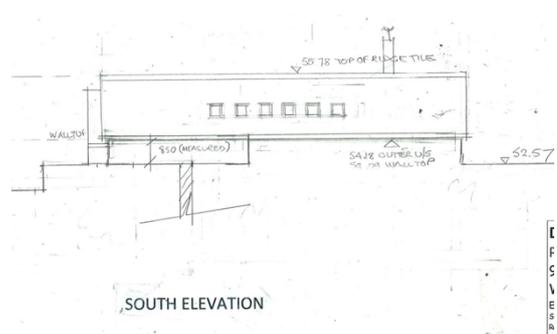
6.6.3 **100 High Street.** The extension in footprint of the new building across the rear boundary of 100 High Street has been much reduced. The boundary to 100 is currently marked by a high wall. There is also a difference in levels with the garden of 100 being 0.45m above the existing level of the site. Members expressed some concern about the impact of the refused scheme on the integrity of the wall and the neighbour impact.

In the current scheme the siting of the proposed building has been changed; the two storey element has been pulled away from the boundary by some 2 metres and been shifted to the east. The height of the building remains the same as existing, although the ground level will be lowered by some 0.65m.

**Proposed south elevation**



**Refused scheme**



6.6.4 The new wall along this boundary at two storey height will be set off the boundary by two metres and has been shifted to the east by some 1.8 metres. The new wall and the roof will be clearly visible from the garden of 100. Neighbours have expressed concern about the impact of the increased height of the wall and building on the use of the garden and blocking an existing view. There will undoubtedly be an additional impact on the garden to 100 High Street but given the changes in levels, with the garden of 100 being higher and the orientation of the building the impact is not considered to be unacceptable given the presence of the existing building. New rooflights are proposed in the southern elevation of the new dwelling to light a first floor corridor. The section drawing shows that these rooflights will be well above normal head height and any overlooking will not be possible. A condition to restrict the addition of new windows in the southern elevation and any extensions to the new dwelling is considered reasonable and necessary to avoid any potential overlooking or overbearing impact.

6.6.5 **101 High Street.** The existing building extends across the rear boundary of 101 High Street, and the height of the new building will be similar. New rooflights are proposed in the southern elevation of the new dwelling to light a first floor corridor. Neighbours have expressed some concern about potential overlooking from these rooflights. The section drawing shows that these rooflights will be well above normal head height and any overlooking will not be possible. The impact on the amenity of the occupants at 101 High Street will be very similar to the impact from the existing building. A condition to restrict the addition of new windows in the southern elevation of the new

dwelling is considered reasonable and necessary to avoid any potential overlooking

- 6.6.6 **Thames Cottage.** The east elevation of the proposed new dwelling includes a high level window in the gable to light the master bedroom. The plans and sections show that the cill height to this window is 1.7m to avoid any overlooking. A condition is recommended to ensure that the cill height is controlled.
- 6.6.7 **Castle Lane House.** There is a substantial Leylandii hedge on the northern boundary of the site and a distance of some 38m between the proposed new building and Castle Lane House. Given the distances involved the overlooking from any windows is not considered to materially harm neighbour amenity.
- 6.6.8 **St Nicolas.** The substantial garden area to St Nicolas lies to the west of the site on the opposite side of the access track. The west elevation of the new dwelling includes large areas of glazing to a kitchen on the ground floor and a bedroom at first floor. Given the boundary wall on part of the boundary and vegetative screening to the St Nicolas garden and to the distances involved the overlooking from any windows is not considered to materially harm neighbour amenity.
- 6.6.9 **98 High Street.** The rear garden of 98 High Street lies to the south west of the site on the opposite side of the access track. The west elevation of the new dwelling includes large areas of glazing to a kitchen on the ground floor and a bedroom at first floor. Neighbours have expressed some concern about potential overlooking from these windows. Given the orientation and to the distances involved the overlooking from any windows is not considered to materially harm neighbour amenity.

In the circumstances the neighbour impact is considered to be acceptable.

6.7 **v Backland development issues**

The site is in a backland location but will be accessed off an existing access. Backland development can be acceptable where there are no issues of privacy or access. These issues are considered above at paragraph 6.6.

- 6.8 **Provision of gardens.** Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in saved Policy D3 of the Local Plan. A minimum of 100 square metres for three and four (or above) bed dwellings is required. The site provides over 200 square metres of amenity area which is in excess of the requirement and is acceptable in this respect.

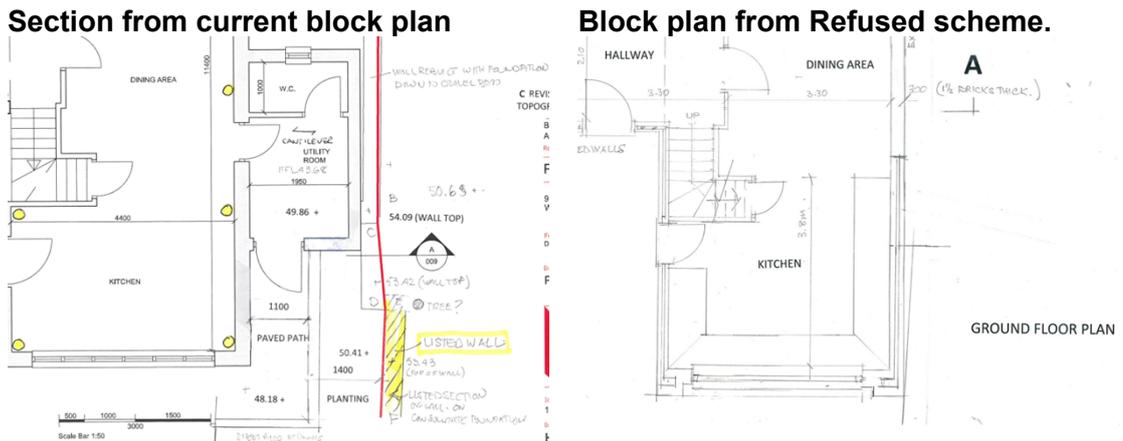
- 6.9 **Setting of listed buildings and ancient monument.** The battlemented octagonal stone piers and gates on the High Street frontage are listed as a grade II listed building. These gates mark one of the former entrances to the Castle grounds. 100 and 102 (The Town Arms) High St to the south of the site are also grade II listed buildings. The listing for 100 High Street includes the side and rear boundary wall. All the listed buildings are designated heritage assets. Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6.9.1 **Impact on setting.**

The proposed building is of a similar form, height and materials to the existing building. The siting of the building has been amended from the previous scheme; it is set in off the boundary and no longer extends across the full rear boundary of 100 High Street. Whilst there will be some change to the setting of the building and wall, I consider this change to constitute less than substantial harm (Paragraph 134 of the NPPF) as the building was not designed to look out specifically to this area and the

special interest of the buildings will not be totally eroded.

- 6.9.2 **Impact on structure of the wall.** Neighbours have expressed concern about the structure of the listed wall to 100 High Street given the reduction of ground level of some 0.65m and to difficulties of future maintenance. As with any digging down where there has been no assessment of the existing footings of a building or structure, it can be difficult to accurately assess what impact there might be. However, there is no intention to alter the listed wall and it is not unusual to have construction occurring in close proximity to existing structures. The amended plans clearly show that the level changes will not extend up to the listed boundary wall to 100; a retaining wall will be provided some 1.4 m off the wall (see below for detail).



- 6.9.3 In terms of maintenance the rear wall of the 101 High Street and the listed wall at 100 High Street are not in complete alignment. There is now only a short section of the wall to 101 where a new wall is to be construction adjacent. Any gap between the new wall and old wall to 101 will be sealed to prevent water penetration and the collection of debris. Maintenance to the listed wall to 100 will not be impeded.

- 6.10 **Impact on conservation area.** The site lies in the Wallingford conservation area and within 25 metres of the Scheduled Ancient Monument (SAM) of Wallingford Castle. The conservation area and SAM are designated heritage assets. Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. For the reasons set out in paragraph 6.5 the impact on the character of the conservation area and the SAM is considered acceptable.

- 6.11 **Air quality.** The historic form of the town and its river crossings lead to issues of air quality in the centre and there is an Air Quality Management Area (AQMA) for Wallingford to monitor air quality. Based on the size and location of the proposed development being adjacent to an existing (AQMA), basic good practice design should be applied to this site in order to help mitigate against the air quality impacts and the potential cumulative effects of piecemeal developments and to enable future proofing of the development. There are no objections to the application subject to the provision of an EV charging point for cars and a condition to secure this provision is recommended.

- 6.12 **Community Infrastructure Levy (CIL).** The council’s CIL charging schedule has been adopted and will apply to relevant proposals from 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.

In this case CIL is liable for the whole building because the existing building has not been in use and the proposal involves the creation of a new dwelling. The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace (Zone 1). 15% of the CIL payment will go directly to Wallingford Town Council (in the absence of an adopted Neighbourhood Plan) for spending towards local projects.

**7.0 CONCLUSION**

7.1 Wallingford is a sustainable location where infill development and redevelopment of existing sites is permitted in principle.

The new dwelling would replace an existing building. The proposed building is of a similar form, height and materials to the existing building. The increase in footprint can be accommodated on the site in a way that conserves the setting of the surrounding listed buildings, SAM and the conservation area.

The design and materials reflects local vernacular and building materials and does not detract from the wider character of the area, the setting of the conservation area or the setting of listed buildings. The site affords for sufficient amenity space and parking and does not result in a materially harmful unneighbourly impact to adjacent properties. Conditions are proposed relating to highway matters, air quality, materials and archaeology.

The development accords with the relevant development plan policies.

**8.0 RECOMMENDATION**

8.1 **That planning permission is granted subject to the following conditions:**

1. **Commencement three years - full planning permission.**
2. **Approved plans.**
3. **Sample materials required (all).**
4. **Remove permitted development rights for extensions, roof alterations and windows.**
5. **Submit written scheme of investigation.**
6. **Implementation of programme or archaeological work.**
7. **Turning area and car parking.**
8. **Air quality - provision of electric vehicle charging points.**
9. **Conservation style rooflights.**
10. **Minimum cill height of 1.7m for window in east elevation.**

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