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| APPLICATION NO. | P18/V2809/FUL |
| SITE | Land at Betty Lane, Hinksey Hill, Oxford, OX1 5BW |
| PARISH | SOUTH HINKSEY |
| PROPOSAL | Redevelopment and conversion of stables to dwellinghouse (additional details). |
| WARD MEMBER(S) | Debby Hallett Emily Smith |
| APPLICANT OFFICER | Mr. D Long Anthony Hamilton |

RECOMMENDATION

It is recommended that planning permission is granted, subject to the following conditions:

Standard

- 1. Commencement within three years**
- 2. Development in accordance with approved plans**

Pre-commencement

- 3. Submission of details of internal and external noise insulation measures**

Pre-occupation

- 4. Access, parking and turning in accordance with approved plans**
- 5. Details of landscaping scheme to be submitted**
- 6. Details of refuse storage and bicycle storage to be submitted**

Compliance

- 7. Landscaping scheme to be implemented in accordance with approved details**
- 8. Materials in accordance with application details**
- 9. Permitted development restriction, extensions and external alterations**

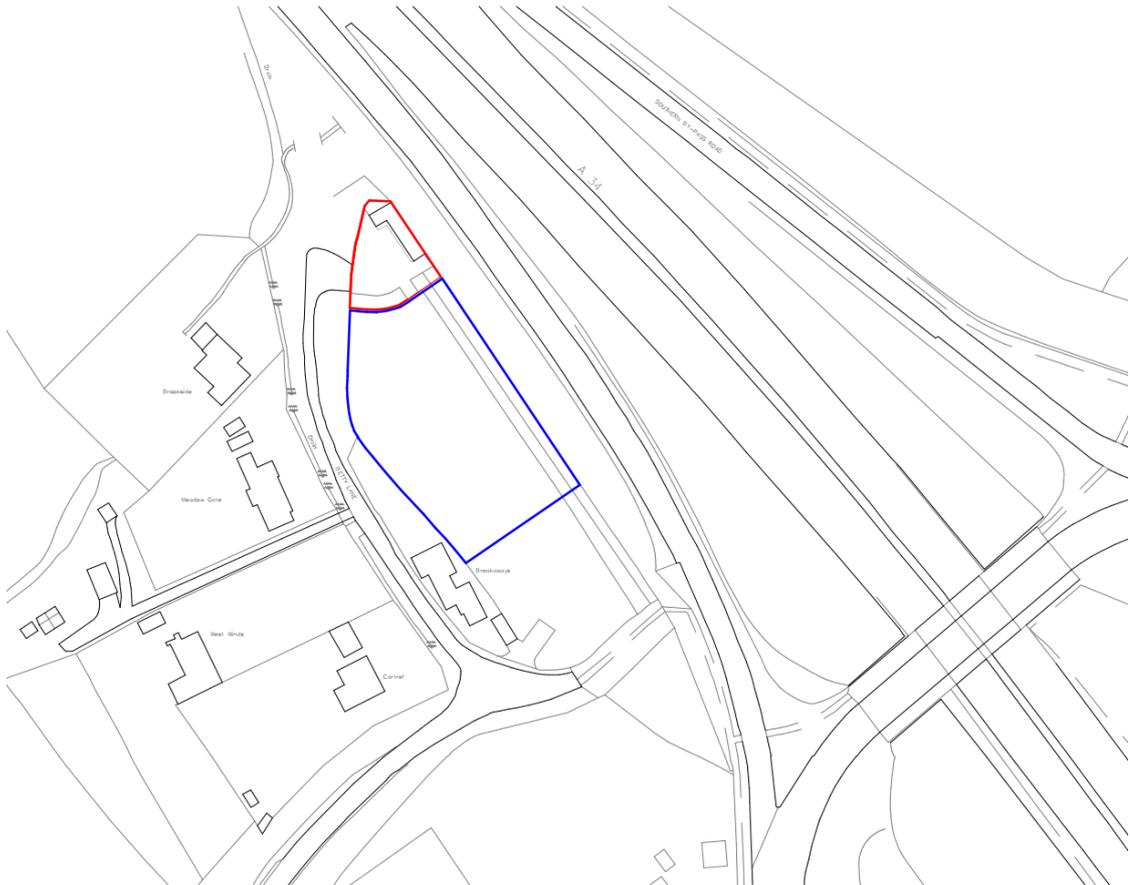
1.0 INTRODUCTION AND PROPOSAL

- 1.1** This application comes to committee at the request of Councillor Emily Smith, who expresses concerns that residents would experience very high noise levels inside and outside the proposed dwelling, that a large section of land would no longer be accessible from Betty Lane, and that no new access seems to have been included on the submitted plans.

- 1.2 The application site, which has an area of some 400 square metres, lies in the open countryside, within the Oxford Green Belt and close to the slip road that leads down to the northbound carriageway of the A34 from the Hinksey Hill Interchange. Access to the site is gained over Betty Lane, a hard-surfaced laneway that also provides access to several dwellings.
- 1.3 Once employed for equestrian purposes, the application site is now used as a builder's yard and for storage. On the site is a stable building, which has an L-shaped footprint, an overall length of 15.3 metres, a maximum depth of 6.5 metres, an eaves height of 2.4 metres and ridge heights of 3 and 3.2 metres. The walls of the building are clad with feather-edged timber. The roof is covered with corrugated fibre cement sheeting.
- 1.4 Planning permission is sought to convert the stable building into a dwelling.
- 1.5 The proposal would entail:
- The soundproofing and improvement of the building;
 - Changes to the visual appearance of the building. These changes would involve the removal of stable doors and the installation of fenestration in the southeast and southwest-facing elevations of the structure;
 - The provision of some 50 square metres of living space, including a kitchen/living room, an entrance lobby, a hallway, a bathroom, a bedroom and cupboards;
 - The provision of garden and patio spaces, with an overall area of more than 175 square metres;
 - The erection of two acoustic timber fences to screen the garden and patio spaces;
 - The retention of the existing site access;
 - The provision of car parking spaces and a turning area; and
 - The erection of bin and bicycle stores.
- 1.6 The following supporting documents were submitted with the application:
- A building façade acoustic preliminary assessment;
 - Site photos;
 - A planning, design and access statement;
 - An external amenity space noise assessment; and
 - A structural engineer's report.
- 1.7 The submitted planning, design and access statement notes that the building façade acoustic preliminary assessment report provides guidance on acoustic treatment to reduce external noise ingress to internal parts of the building and advises that acoustic performance can be maintained through the selection of

suitable inner wall and roof materials, ventilation products and glazing systems.

- 1.8 The applicant submitted a revised external amenity space noise assessment to the council in March 2019. The revised assessment gives noise predictions for a minor amendment to the scheme, which would see the construction of a porch across the frontage of the building and the repositioning of one of the proposed acoustic fences. Predicted daytime noise levels within the proposed porch would be 57 and 58 decibels. In the patio and garden spaces that would be bounded by the proposed acoustic fences, the daytime noise level would range from 60 to 64 decibels. These spaces would have a combined area of some 80 square metres.
- 1.9 The comments of the council's environmental protection team were sought on the revised external amenity space noise assessment and the document was placed on the council's website.
- 1.10 Along with the revised external amenity space noise assessment, the applicant supplied a planning appeal decision (Planning Inspectorate reference APP/F2360/W/18/3202604) that related, in part, to the impact of traffic noise on a proposed housing development. In that decision, the inspector held that daytime noise levels that would not exceed 60 decibels in any area of private amenity space would not result in unacceptable living conditions for future residents.
- 1.11 The structural engineer's report submitted with the application concludes that:
- The building appears to have performed its design use for many decades and is worthy of conversion;
 - The roof, walls and floor of the building would require strengthening; and
 - The proposed conversion would upgrade the structure acoustically and thermally.
- 1.12 A site location plan is provided below. The application plans are **attached** at Appendix 1.



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

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| <p>South Hinksey Parish Council</p> | <p>Objects to the application, considering the proposed development to be inappropriate and out of keeping with the character of the area, where there are no one bedroom properties with little garden space. Would have no objection to an application that would seek to use the entire plot to build a house of a size and type similar to neighbouring houses, with a garden area of a similar size to those of neighbouring properties. Asserts that the revised noise report received on 26th March 2019 is not relevant, because Betty Lane is not in an urban area.</p> |
| <p>Neighbours</p> | <p>The neighbours at 7 Betty Lane have concerns over the closeness of the proposed dwelling to the A34, the size of the conversion compared to other houses on Betty Lane, the potential splitting of the plot and unclear access arrangements, the terms of a covenant to which the land is subject, the use of the new property,</p> |

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| | <p>and the impact on traffic on Betty Lane if the building were to be used for any other purpose than as a family dwelling.</p> <p>The neighbours at 'Breakaways', which lies adjacent to the area outlined in blue on the submitted site location plan, raise no objection to the proposal, but wish to protect the seclusion and level of privacy as it stands and would not want the scheme to lead to further development in the future, particularly if that development were associated with the running of a business.</p> <p>The neighbours at 'Brookside', 15 Betty Lane, which lies opposite the application site, object, asserting that:</p> <ul style="list-style-type: none"> • The proposed conversion is not substantial or sustainable for a building so close to the A34 slip road and could not be sufficiently noise insulated; • The size of the conversion and its plot are not comparable with other houses in the area; • The applicant's land on Betty Lane would be split into two sections, isolating the undeveloped part; • It is understood that there is a covenant on the plot, restricting it to garden or recreational use and not allowing a business or commercial use that would cause annoyance to neighbours; and • The amendments shown in the revised noise report would make little difference to the noise pollution experienced by occupiers of the proposed development. |
| <p>Countryside Officer (South Oxfordshire & Vale of White Horse)</p> | <p>Has no objection, provided that bat and wild bird informatives are added to any grant of planning permission.</p> |
| <p>Environmental Protection Team, Vale of White Horse District Council</p> | <p>Objects to the proposal, advising that the revised noise assessment received on 26th March 2019 would still exceed the upper guideline value specified in BS8233 for acceptable noise levels in noisier environments. Notes that the site is not</p> |

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| | <p>located in a city centre or an urban area but lies in a rural area, where any future occupiers would be very likely to want to utilise the garden and wish to open their windows during the day and night. However, when using external areas, residents would still be subjected to the loud noise of passing traffic. Internally, occupiers would have to keep windows closed, relying on mechanical ventilation all year round. Alternatively, noise would enter through open windows.</p> |
| <p>Highways Liaison Officer, Oxfordshire County Council</p> | <p>Has no objection, provided that a condition on car parking provision and turning space is imposed upon any planning permission that may be granted.</p> |

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P89/V1838](#) - Refused (11/12/1989)

Erection of a single storey dwelling. (Site area 0.38 ha).
Land at Betty Lane, Hinksey Hill, Oxford.

[P87/V1654](#) - Refused (23/11/1987)

Erection of a bungalow.
Land off Betty Lane, Hinksey Hill, Oxford.

[P82/V1272/O](#) - Refused (09/08/1982) - Appeal dismissed (13/07/1983)

Erection of one house with access to Betty Lane. (Site area 1.1 acre).
Land between Betty Lane and The Southern Bypass, South Hinksey.

[P81/V1371/O](#) - Refused (30/03/1981) - Appeal dismissed (07/05/1982)

Residential development of three houses with access to Betty Lane by private drives. (Site area 1.1 acres).
Land between Betty Lane and the Southern Bypass South Hinksey.

3.2 **Pre-application History**

P18/V1591/PEM - Response (30/07/2018)

Conversion of existing redundant stable to dwelling house. (site meeting)

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 It is considered that the proposal is not 'Schedule 2 development' within the meaning of that term set out by Schedule 2 to *The Town and Country Planning (Environmental Impact Assessment) Regulations 2017*.

5.0 **MAIN ISSUES**

Officers consider the main issues to be:

- Whether the development proposal is acceptable in principle;
- Character, appearance and design;
- The impact of traffic noise on occupiers' living conditions;
- The provision of accommodation and amenity space;
- Car parking, access and highway safety;
- The impact on neighbours' living conditions;
- The provision of landscaping;
- Refuse bin and bicycle store provision; and
- The impact on biodiversity.

5.1 **The principle of the development**

Core Policy 3 of the *Vale of White Horse Local Plan 2031 Part 1* defines a settlement hierarchy for the Vale of White Horse district and notes that areas outside the categories described in that hierarchy are considered to form part of the open countryside. Core Policy 4 of the same plan supports Core Policy 3 and states that development in the open countryside will not be appropriate, unless it is specifically supported by other relevant policies as set out in the development plan or national policy. Core Policy 8 observes that development in the Abingdon-on-Thames and Oxford Fringe Sub-Area should be in accordance with the settlement hierarchy set out in Core Policy 3.

5.2 From Core Policies 3, 4 and 8, officers note that, to be acceptable in principle, any proposal to create a new dwelling in the open countryside would have to be supported by another local plan policy and/or national planning policy. Here, officers consider that Core Policy 13 of Part 1 of the district's 2031 plan supports the proposal. This policy provides for the re-use of buildings if they are of permanent and substantial construction and their re-use would preserve the openness of the Oxford Green Belt and not conflict with the purposes of including land in the Green Belt.

5.3 Given that the changes to the appearance of the stable building would be limited, the longevity of the building has been established by the submitted structural engineer's report, and the proposed acoustic fencing could be erected under permitted development rights, officers hold that Core Policy 13 supports the proposal for the re-use of the building and that, in consequence, the scheme is acceptable in principle.

5.4 **Character, appearance and design**

Officers consider that the proposed external changes are minimal and that the original character and appearance of the building would be retained. The openings proposed would predominately utilise existing openings and the design would not introduce a large number of new openings or create overly

domesticated features. This is in line with the guidance contained within the council’s adopted Design Guide 2015.

5.5 Because the changes to the appearance of the building would be limited and express planning permission would not be needed for the proposed acoustic fencing, officers consider that the design of the proposal would not have a detrimental impact on the character of the area. Though most dwellings in the locality are of a more substantial scale, officers are of the view that it would not be reasonable to refuse planning permission for a small dwelling on character grounds, when national planning policy encourages the supply of housing units of a range of sizes.

5.6 **Impact from traffic noise**

Given the location of the building adjacent to the A34, impact from traffic noise is a key consideration. The British Standards Institution publication “BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings*” provides guidance for the control of noise in and around buildings. Paragraph 7.7.2 notes that, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the following values:

| Activity | Location | 07:00 to 23:00 | 23:00 to 07:00 |
|----------------------------|------------------|------------------------|-----------------------|
| Resting | Living room | 35 dB $L_{Aeq,16hour}$ | — |
| Dining | Dining room/area | 40 dB $L_{Aeq,16hour}$ | — |
| Sleeping (daytime resting) | Bedroom | 35 dB $L_{Aeq,16hour}$ | 30 dB $L_{Aeq,8hour}$ |

Please note that:

dB means decibels.

‘A’ is a frequency weighting.

$L_{Aeq,T}$ is the notional A-weighted, equivalent continuous sound level which, if it occurred over the same time period, would give the same noise level as the actual varying sound level. The T denotes the time period over which the average is taken, so $L_{Aeq,8hour}$ is the equivalent continuous noise level over an 8 hour period and $L_{Aeq,16hour}$ is the equivalent continuous noise level over a 16 hour period.

5.7 Officers are mindful of the consultation responses of the council’s Environmental Protection Team. However, the outline façade sound insulation requirements set out in table 3 of the submitted building façade acoustic preliminary assessment are noted, as is the conclusion of that assessment, that, with careful consideration of the building envelope design, it may be possible to meet with reasonable internal noise criteria. Therefore, officers are of the view that, subject to the implementation of suitable noise insulation measures, the internal noise levels of the scheme could be acceptable.

5.8 With regard to external noise levels, officers note that BS 8233:2014 states that, for areas such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB $L_{Aeq,T}$, whilst an upper guideline value of 55 dB $L_{Aeq,T}$ would be acceptable in noisier environments.

- 5.9 BS 8233:2014 states that it is recognised that these guideline values are not achievable in all circumstances where development might be desirable. In any such relevant situations, development should be designed to achieve the lowest practicable noise levels in external amenity spaces but should not be prohibited.
- 5.10 Given that the application site lies within 400 metres of a bus stop on Hinksey Hill and it is possible to cycle into Oxford from the site, officers are of the view that the site lies in a highly sustainable location, where development would be desirable. In addition, both local and national policy support the re-use of redundant or disused buildings. Accordingly, officers contend that the advice within BS 8233:2014 regarding higher noise areas is applicable to the current proposal and consider that the council should support the development if it can be designed in such a way as to achieve the lowest practicable noise levels in external amenity spaces.
- 5.11 To ensure that the lowest practicable noise levels could be achieved in both internal and external spaces, officers conclude that full details of all insulation measures should be required by condition.
- 5.12 Therefore, on balance and taking into account all material considerations, officers consider that an acceptable scheme to convert the building can be brought forward without detriment to future occupiers in terms of noise, and in line with the relevant national policy and guidance on the matter.
- 5.13 **Provision of accommodation and amenity space**
Officers consider that the proposed dwelling would provide sufficient living space for a one-bedroom dwelling.
- 5.14 The amount of amenity space that would be created within the area partially enclosed by the proposed acoustic fencing would substantially exceed the 35 square metre amenity space standard for one-bedroom dwellings set out in the Vale of White Horse Design Guide supplementary planning document.
- 5.15 **Car parking, access and highway safety**
The proposal would provide two permeable paved parking spaces and a turning space within the site. The local highway authority has reviewed the proposal and raises no objections to the access, parking or turning provision and suggests a condition requiring provision of the parking and turning space in accordance with the submitted plans, which is recommended here. Officers therefore consider that, with the imposition of that condition, the proposal would not result in any harm to highway safety.

5.16 **Impact on neighbours' living conditions**

Given the position and scale of the stable building relative to neighbouring properties, and the limited changes that would be made to the building, officers consider that there would be no harmful impact arising from the proposal in terms of overshadowing, dominance or overlooking.

5.17 **Landscaping**

Officers consider that conditions requiring the submission, written approval and subsequent implementation of a landscaping scheme would enable appropriate landscaping to be carried out and that this would improve the environmental quality of the development and its setting.

5.18 **Bin and cycle storage**

The proposed plans indicate a dedicated area for bin and cycle storage within the site, though no specific details have been provided. Officers hold that details of acceptable bin and bicycle storage facilities could be secured through the imposition of a suitable condition on the grant of planning permission.

5.19 **Impact on biodiversity**

Officers contend that, to protect biodiversity, informative notes should be added to the grant of planning permission, to advise the developer how to proceed if any bats or wild birds' nests are found during the carrying out of the proposed works.

5.20 **Other considerations**

Turning to the matters raised by the parish council and the neighbours, officers consider that:

- Though the proposed dwelling would be of limited scale, the application could not reasonably be refused on character grounds;
- The development would have sufficient garden space;
- Following detailed assessment, it should be possible to mitigate the impact of traffic noise from the A34 on the proposal;
- The division of the area outlined in blue on the submitted location plan, and the unclear access arrangements that may result from that division, would not, in themselves, justify the refusal of planning permission and the local highway authority raise no objections to the proposal;
- If the site is subject to a covenant, the granting of planning permission would not remove or discharge that covenant;
- If a report was received that the new dwelling was being used for a non-residential purpose, the council could, using its planning enforcement powers, investigate the use to which the dwelling was being put and take action if a breach of planning control was found to have taken place;

- All planning applications are considered on their own merits. The consideration of an application could not take account of what further development might take place in the future; and
- The proposed conversion would be sustainable.

5.21 **Community Infrastructure Levy (CIL)**

The applicant's CIL additional information form notes that the stable building was last occupied for its lawful use on 31st December 2007. As such, a CIL charge would be payable at the Residential Zone 1 charging rate.

6.0 **CONCLUSION**

6.1 Officers conclude that:

- The development proposal is acceptable in principle;
- The proposal would not have a detrimental impact on the character of the area;
- Suitable sound insulation measures should ensure that acceptable internal and external noise levels can be achieved;
- Adequate accommodation and amenity space would be provided;
- The development would not be detrimental to highway safety, visual amenity or neighbours' living conditions;
- The provision of suitable cycle parking, communal facilities and landscaping could be secured by condition;
- There would be no detrimental impact on neighbours' living conditions;
- Suitable landscaping could be carried out and would improve the environmental quality of the development;
- Acceptable refuse and recycling facilities could be provided; and
- There should be no detrimental impact on biodiversity.

Accordingly, officers hold that on balance the proposal complies with the relevant policies of the development plan, the pertinent guidance and the National Planning Policy Framework.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2011 - Saved Policies:

DC5 - Access

DC6 - Landscaping

DC7 - Waste Collection and Recycling

DC9 - The Impact of Development on Neighbouring Uses

DC10 - The Effect of Neighbouring or Previous Uses on New Development

Vale of White Horse Local Plan 2031 Part 1 policies:

- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP13 - The Oxford Green Belt
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP42 - Flood Risk
- CP44 - Landscape
- CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Emerging Local Plan 2031 Part 2 policies

Vale of White Horse Local Plan 2031 Part 2 has undergone examination but the Inspectors report is still awaited. Its policies therefore have limited weight at the current time.

- DP16 – Access
- DP23 – Impact of development on amenity
- DP24 – Effect of neighbouring or previous uses on new developments
- DP25 – Noise pollution

Vale of White Horse Design Guide SPD 2015

Neighbourhood plan

South Hinksey parish are not currently preparing a neighbouring plan.

National Planning Policy Framework 2019 and Planning Practice Guidance

The Equality Act 2010

The application has been assessed under Section 149 of the Act, the public sector equality duty. Officers consider that no identified group would suffer disadvantage as a result of this proposal.

The Human Rights Act 1998

The application has been assessed against Articles 1 and 8 of the Human Rights Act 1998. The impact on individuals has been weighed against the public interest and officers consider they have acted proportionately in arriving at the recommendation to grant planning permission.

Officer: Anthony Hamilton

Tel: 01235 422600

Email: anthony.hamilton@southandvale.gov.uk