

APPLICATION NO. SITE	P19/V3185/FUL & P20/V2131/LB 39a & 39b Ock Street Abingdon Oxfordshire, OX14 5AG
PARISH PROPOSAL	ABINGDON Redevelopment to Provide 1 x 2- Bedroom and 3 x 1-Bedroom Flats, and a 1 x 2-bedroom Maisonette (Amended plans received 7 August 2020) Demolition of Curtilage Listed Buildings and Boundary Walls
WARD MEMBER(S)	Eric de la Harpe Robert Maddison
APPLICANT OFFICER	Mr Ron Wyatt Martin Deans

RECOMMENDATION

P19/V3185/FUL

Planning permission subject to the following conditions:

Standard:

- 1. Time Limit**
- 2. Approved Plans**

Pre-commencement:

- 3. Materials**
- 4. External Design Details**
- 5. Details of demolition/recording**
- 6. Construction Management Plan**
- 7. Hours of Construction**
- 8. Contamination Assessment**
- 9. Archaeology written scheme of investigation**
- 10. Archaeology – staged programme of evaluation and mitigation**
- 11. Sustainable Surface Water Drainage details**
- 12. Foul Water Drainage details**
- 13. Cycle Parking details**
- 14. Bin Store details**
- 15. Boundary Treatments**
- 16. Hard and soft surfaces details**

Compliance:

- 17. No access from Ock Street**
- 18. Rooflight cill heights**
- 19. Ground floor rooflights in maisonette fixed shut**
- 20. Remove permitted development rights for maisonette**

P20/V2131/LB

Listed Building Consent subject to the following conditions:

Standard:

- 1. Time Limit**
- 2. Approved Plans**

Prior to commencement:

- 3. Details of demolition/recording**

1.0 INTRODUCTION AND PROPOSAL

- 1.1 These applications, for planning permission and listed building consent, come to committee at the request of one of the local members, Robert Maddison. This committee report covers both applications.
- 1.2 The application site is an old commercial yard that lies to the rear of nos.37-45 Ock Street in Abingdon. Vehicular access to the site is via a narrow, low archway underneath and between nos.39 and 41 Ock Street. The site contains four single storey buildings that are generally in poor repair.
- 1.3 Adjacent to, or near to, the site, are the following grade II listed buildings– no.35, no.37, no.39, no.41 and Abingdon Baptist Church. The Baptist Church lies to the north-east of the site and contains within its grounds the Scout Hut, a single storey flat roofed building that lies to the north of the application site. Directly to the east of the site is the garden to no.37. To the west of the site is the garden to no.41b Ock Street, and Fitchett Yard, a modern residential development of 13 flats on a former commercial yard. No.39, no.41a and no.45 are used largely by a dental practise, with a top floor flat. Nos. 47 and 49 accommodate six flats.
- 1.4 The site lies within the curtilage of the listed no.39. Historic mapping indicates that two of the existing single storey buildings and the east and north boundary walls are old enough to be curtilage listed. The other two existing buildings and the west boundary wall are more recent.
- 1.5 The south-eastern half of the site lies within the Abingdon Town Centre Conservation Area. Approximately 30m north of the site, beyond the Scout Hut, is the boundary of the Albert Park Conservation Area, where lie playing fields for Abingdon School. The site also lies adjacent to the Ock Street Air Quality Management Area (AQMA).
- 1.6 The proposal is to demolish all of the existing buildings and boundary walls and to erect new pitched roof buildings of one- and one-and-a-half storeys in scale, in a courtyard arrangement. The new buildings will contain five dwellings, four flats and a maisonette. Three of the dwellings will be 1-bedroom and two will be 2-bedroom. Listed building consent is sought to demolish the existing curtilage listed elements.

- 1.7 The development will be car-free. The vehicular access will be retained to serve an existing parking space for neighbours that is outside the application site, but no parking will be provided for the development. The applicants argue that the site is so close to the town centre that residents of the small units can legitimately manage without a car, and that local on-street parking controls will prevent rogue parking.
- 1.8 The planning application has been subject to amendment, to reduce the number of units from six to five. The listed building application is supported by a Heritage Impact Assessment. A site location plan is below, and the application drawings are **attached** in Appendix 1.



- 2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**
The following is a summary of representations that have been received. Full copies of these are available on the council's website, www.whitehorsedc.gov.uk

2.1

Abingdon Town Council	P19/V3185/FUL No objection subject to cycle provision P20/V2131/LB No objection
Neighbours/Groups	Seven neighbours and The Friends of Abingdon object on the following grounds: <ul style="list-style-type: none"> • An overly intense form of development • Out of character with the area • Harm to the conservation area and to adjacent listed buildings • Excessive noise • Overlooking • Loss of light • Overbearing and dominant • Lack of parking means rogue parking will occur on neighbouring sites • Odour from bins • Sewage and drainage problems • No right of access for building works • Damage during construction
Conservation Officer	Objects due to impact on the setting of adjacent listed buildings, and to the demolition of the east boundary wall. The harm identified is “less than substantial, minor”
County Archaeologist	No objection subject to conditions
Highways Officer	No objection due to sustainable location of the site, the provision of cycle parking, and local on-street parking controls.
Drainage Officer	No objection subject to conditions
Air Quality	No objection due to the site being set back from Ock Street
Contaminated Land	No objection subject to conditions
Environmental Protection	No objections

3.0

RELEVANT PLANNING HISTORY

3.1

[P19/V1464/PEM](#) - Other Outcome (06/09/2019)

Demolition of existing buildings, erection of 6 flats.

[P19/V0687/FUL](#) - Other Outcome (02/05/2019)
Demolition of existing buildings, erection of seven one bedroom and studio flats

[P18/V0626/PEM](#) - Other Outcome (09/05/2018)
Redevelopment of land to the rear to provide six residential units.

[P14/V0802/DIS](#) - Approved (02/05/2014)
(Retrospective) application for discharge of condition 2 relating to planning consent P09/V2153/LB

[P12/V0845](#) - Approved (30/07/2012)
Removal of white painted felt shingle to western gable end and replacement finish with render.

[P11/V2720/LB](#) - Approved (22/12/2011)
Erection of illuminated hanging signage.

[P11/V2107/A](#) - Approved (22/12/2011)
Erection of illuminated hanging signage.

[P11/V0330/LB](#) - Approved (04/05/2011)
Proposed internal alterations together with replacement rear and side doors and replacement first floor sliding sash windows to rear and side elevations

[P09/V2153/LB](#) - Approved (07/01/2010)
Conversion of second floors of 39 and 41 Ock Street to 1-bed flat. Conversion of ground and first floors of 39 to extend existing dental practice in 41. Demolition of delapidated tin shed/garage, to provide temporary contractors compound and future single parking space. Repair works to 39 and replacement windows and door to match 41.

[P09/V2152](#) - Approved (07/01/2010)
Conversion of second floors of 39 and 41 Ock Street to 1-bed flat. Conversion of ground and first floors of 39 to extend existing dental practice in 41. Demolition of dilapidated tin shed/garage, to provide temporary contractors compound and future single parking space. Repair works to 39 and replacement windows and door to match 41.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The scale of development is not sufficient to require an EIA.

5.0 **MAIN ISSUES**

5.1 The main planning issues are considered to be:

- **The General Policy Context**
- **Design, Layout and Heritage Impacts**
- **Impact on Neighbours**
- **Highway Safety**

5.2 The General Policy Context

The application site lies within the built limits of Abingdon. Policies CP3 and CP4 of Local Plan 2031 Part 1 (LPP1) support sustainable residential development within Abingdon. The site lies only 170m from High Street, and is in a highly sustainable location relative to town centre shops and to key bus stops on High Street and Stratton Way.

- 5.3 The site is brownfield. Paragraph 118 c) of the NPPF states that local planning authorities should:

give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs....

Paragraph 007 of Planning Practise Guidance: Effective Use of Land, states:

All developments should maintain acceptable living standards. What this means in practise, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development, as well as its detailed design. For example, in areas of high-density historic buildings..., lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.

- 5.4 Policy CP23 of LPP1 requires a minimum net density of 30 dwellings per hectare. Higher densities are encouraged in locations where it will result in the optimum use of land, where there is good access to services and public transport and where it would contribute to enhancing the character and legibility of a place.

- 5.5 Policy CP29 of LPP1 states that where there is no reasonable prospect of existing employment sites continuing, a mixed use scheme should be preferred, unless it is not viable. The applicants argue that the very restricted nature of the narrow, low archway access under a listed building makes a redevelopment scheme including employment use unsuitable, due to likely highway safety problems with servicing. They argue that a pure residential scheme is the safest option. In light of the unusual access restriction, officers agree with this assessment.

- 5.6 Paragraphs 189 – 202 of the NPPF deal with the impact of development on designated heritage assets, including conservation areas and listed buildings. Of particular note is paragraph 196 which states:

Where a development proposal will lead to less than substantial harm to .. a designated heritage asset, this harm should be weighed against the public benefits of the proposal....

- 5.7 Also of direct relevance are the statutory duties placed upon the local planning authority with regard to development affecting conservation areas and/or listed

buildings, as follows.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 5.8 Regarding highway safety, paragraph 109 of the NPPF states that:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

5.9 **Design, Layout and Heritage Impacts**

The proposed buildings have pitched roofs. They take the form of an L-shaped range of flats, generally one-and-a-half storeys high, along the east and north boundaries, and a separate maisonette, also one-and-a-half storeys high, on the west limb of the site. Directly to the rear of no.37 would be a section of building, approximately 2m long, that retains the same form as the existing single storey building, with an eaves of approximately 2m and a ridge of approximately 4m. Attached to this would be a single storey building with an eaves of approximately 2.4m and a ridge of approximately 4.7m. The one-and-a-half storey range would have an eaves of approximately 3.6m and a ridge of approximately 6.7m.

- 5.10 Covered cycle storage for 10 cycles is provided in place of parking. There would be approximately 60sq.m of amenity space in the middle of the site for the use of the four flats and a separate area of approximately 17sq.m for the maisonette. Officers consider this provision should be viewed within the context of the mixed, higher density location, which contains some residential units with garden space but a number with none (the flats at 35, 39/41, 47 and 49). The internal space of the proposed units does meet the space standards set by policy DP2 LPP2, and the proposal has been carefully designed to ensure that windows within the scheme are generally located to protect internal privacy.

- 5.11 The development is higher density, at approximately 145 dwellings per hectare. Objectors consider it is overdevelopment and out of character with the area. The applicants argue that the proposal makes effective use of a brownfield site and provides small units of accommodation in a highly sustainable location, similar to previous high density, brownfield developments in the town such as the former Morland Brewery site and the Printers Court site. Taking into account the national policy support for the effective use of brownfield sites, the sustainable location of the site and the corresponding support for higher density housing in policy CP23 of LPP1, and the character of the locality, officers consider the density of the development is acceptable.

- 5.12 With regard to heritage, the applicants argue that the form and scale of the proposal reflects its historic use as low workshops to the rear of the Ock Street frontage. A Heritage Impact Assessment has been submitted. This identifies only two of the existing buildings on the east boundary, together with the east and north boundary walls, as being curtilage listed. It considers all to have been considerably altered over recent time, to have minimal heritage interest, and therefore, their removal to be acceptable. It also considers the design and scale of the proposal leads to an acceptable impact on the character and appearance of the Abingdon Town Centre Conservation Area and on the setting of the Albert Park Conservation Area.
- 5.13 The conservation officer agrees with much of the HIA, but he considers that the impact of the development on the setting of the adjacent listed buildings is underestimated. Also, he does not support the proposed removal of the east boundary wall which, although altered more recently, does provide heritage interest as a record of the historic burgage plots that existed behind the Ock Street frontages. Using the recognised national heritage measure, he considers that the harm arising from the scheme is “less than substantial, minor”. Following the advice in paragraph 196 of the NPPF, this harm needs to be balanced against the public benefits of the proposal.
- 5.14 **Impact on Neighbours**
The site lies within a higher density, historic part of Abingdon. The neighbours who are most affected potentially are the occupants of the upper floor flats in no.37, the upper floor flat in no.39/41, and dwelling at no.41b.
- 5.15 No.37 lies to the east and contains two flats on the upper floors and a garden that runs alongside the site. A window to one of the flats lies in the gable wall next to the site. Given that the closest part of the proposed built form to the rear of no.37 will be single storey, of the same form as the existing single storey building, officers do not consider that the proposal will lead to harm through loss of light or loss of outlook. The proposal will have an impact on the garden to no.37. This garden is approximately 20m long and 8-9m in width. On its north and east sides it is bounded by 2m high walls that adjoin the site of the Baptist Church.
- 5.16 Three of the existing commercial buildings on the site run continuously along the west side of the garden. The curtilage listed boundary wall forms the back wall to all of these buildings. Two of the buildings, nearest the rear of no.37, have pitched roofs, a lower one an eaves and ridge of approximately 2m and 4m, and a higher one (with additional courses of brick added to the boundary wall) at approximately 2.5m and 4.5m. The third has an almost flat roof with an eaves of approximately 2.5m.
- 5.17 The new buildings along this boundary will vary in height, a short, single storey one nearest to no.37 with an eaves/ridge of approximately 2m and 4m, then a slightly higher one with an eaves/ridge of approximately 2.4m and 4.7m, and one-and-a-half storeys further along with an eaves/ridge of approximately 3.6m and 6.7m. Therefore, compared to the pitch roof buildings, the eaves of the new buildings will be approximately 0.5m–1.0m higher than existing, and the

ridges approximately 0.7m–2.2m higher. Compared to the flat roofed building, the eaves will be approximately 1m higher and the roof approximately 3m higher.

- 5.18 In terms of physical presence, officers consider it is the vertical wall up to eaves height that will have the most effect. The proposed roofs all slope away from the boundary, which reduces their physical effect. The eaves will be approximately 0.5m-1.0m higher. Given the location of the site, adjacent to the town centre in a historic area, and the support for the effective use of brownfield sites, officers consider that the degree of change, and the resulting impact of the development on the amenities of the garden, is acceptable. Outlook from the garden to the north and east, towards the Church, will remain relatively open. The garden is long enough to receive sunlight for much of the year, and the interruption from the new ridges is likely to be most noticeable on the shorter days only.
- 5.19 Three high-level rooflights are proposed on the roofs facing the garden. Set into the roof, at an angle to the garden, they will be too high to lead to harm from overlooking.
- 5.20 With regard to the upper floor flat at no.39/41, it appears to have no windows facing the development. Therefore, the impact of the development on the flat is likely to be minimal.
- 5.21 The dwelling at no.41b has a garden that lies to the west of the application site that is approximately 13m wide by 10m deep. It is generally bounded by 2m high walls of various materials. The most direct effect on the dwelling and garden is likely to be from the proposed maisonette, sited to the north. This will replace an existing building which has an eaves approximately 2.2m high and a ridge of approximately 3.3m. The proposed maisonette has a lower element near to the boundary, with a sloping roof that is approximately 2.3m-2.8m high, while the main element, set approximately 1.5m away from the boundary, has an eaves/ridge of approximately 3.4m and 6.7m.
- 5.22 This main element of the maisonette will lie approximately 10m from the rear of the dwelling at no.41b. Its roof will slope away from the garden. Given this distance, and its location to the north, officers consider the maisonette will not cause harm to the occupants of no.41b through loss of light or dominance. High level rooflights are proposed on the elevation facing the garden, the closest of which, in the lower element next to the boundary, can be fixed shut. This should avoid overlooking and minimise the potential impact from noise and disturbance.
- 5.23 The proposed buildings in the development that contain the flats are set away from the boundary with no.41b. The main potential impact from these is from overlooking, but the upper floor flats will be served by high-level rooflights set into the roofs, which will minimise this risk. The proposed cycle store and bin store lie next to the boundary wall and, although there are concerns about noise and potential odour from the bin store, this is based on deriving a planning harm from assumptions about use that officers consider there is

insufficient evidence to support. Again, given the location of the site and the support for the effective use of sustainable, brownfield sites, officers consider the impact of the proposal on the occupants of no.41b is acceptable.

- 5.24 The application site also adjoins the Fitchetts Yard residential development, itself a former commercial yard, The nearest dwellings in Fitchetts Yard are approximately 10m from the main elements of the proposal, and are set at an angle to it. Given this, officers consider that no harm will be caused to any dwelling in Fitchetts Yard, No access is shown to Fitchetts Yard from the site.
- 5.25 To the north of the site is the Scout Hut. It lies within the grounds of the Baptist Church. It is a modern, flat-roofed building approximately 15m x 5m in size. There is a gap of approximately 2.5m between the north boundary of the development and the hut. As a result, there is likely to be some impact on the hut from loss of sunlight at its southern end. However, the hut is used occasionally and does not have the same degree of protection under planning policy as a residential dwelling. Consequently, the impact of the development on this neighbouring building is considered to be acceptable.
- 5.26 The likelihood of excessive noise and disturbance from the number of households that will be living on the site is a source of objection. The design precludes the use of cars, which does remove a significant amount of potential noise and disturbance. Officers consider that, given the site's location, and given national advice about the reasonable expectations for amenity in higher density historic areas, officers consider the likely levels of noise and disturbance will not be at a level that qualifies as harm in planning terms.
- 5.27 Objections have been made to the potential for noise and disturbance from the construction process. Given the close proximity of neighbours, officers consider that an hours of construction condition is reasonable in this instance. The county highways officer considers a Construction Management Plan should be used to manage the timing of deliveries.
- 5.28 With regard to drainage, the council's drainage officer has examined the scheme. There is no evidence to conclude at this stage that suitable drainage of the scheme cannot be achieved. He considers the proposal is acceptable subject to conditions requiring details of surface water and foul drainage. The scheme has also been assessed in terms of contaminated land. Conditions to ensure effective de-contamination of the site are also recommended.
- 5.29 **Highway Safety**
The proposal retains the vehicular access to the site, via the narrow, low archway, but there will be no parking provided for residents. The county highways officer has carefully assessed this issue. Given the highly sustainable location, close to major bus stops, and the provision of cycle parking, he concludes it is reasonable for residents to live without the need for a car. The locality has on-street parking controls to dissuade rogue parking on the highway. The county highways officer is obliged to consider that these parking controls will be enforced and will act as an effective deterrent. Consequently,

he considers that the proposed car-free element is acceptable in this instance. He recommends a Construction Management Plan to control the timing of deliveries.

5.30 **Community infrastructure Levy**

The development is liable for CIL subject to the net increase in floor space. The appropriate documentation has been submitted

5.31 **Other Issues**

Objections have included two issues that are not material planning considerations. One of these regards the legal rights around the use of the access for construction. As members will be aware, legal rights are a separate matter to planning, and any planning permission that is granted does not override other legal rights that exist. They are matters to be resolved between the parties.

5.32 The second of these objections relates to potential damage arising from the demolition and construction process. The Party Wall Act seeks to avoid damage through mutual agreements between the developer and neighbours. Again, this is a separate process to planning regulations.

6.0 **CONCLUSION AND PLANNING BALANCE**

6.1 The application site is a brownfield site in a highly sustainable location. The value of making effective use of brownfield sites in such a location should be given substantial weight according to the NPPF. Although this weighs in favour of approval, there are negative issues to weigh in the balance. The proposal is higher density, meets space standards, and is within easy reach of town centre bus stops, services and amenities. Officers consider this ease of access means the shortfall in on-site amenity should be given limited weight. Although the proposal will lead to harm to heritage assets, the harm is classified as “less than substantial, minor” and is outweighed by the public benefits of making effective use of a brownfield site and of providing residential accommodation in a highly sustainable location that can reasonably avoid use of the car. Moreover, the development does relate to the historic form of lower commercial buildings in a courtyard and does preserve the pattern of the historic burgage plot. The higher density of the proposal brings associated impacts to neighbours’ amenities, but the context of the site, a higher density, historic part of the town centre, means these impacts are given moderate weight. In the specific circumstances of the site, the car-free nature of the development is acceptable.

6.2 Officers consider the disadvantages of the proposal, when weighed in the balance, do not outweigh the positive elements, particularly the substantial weight to be given to effective use of a highly sustainable brownfield site, and it is therefore recommended that planning permission and listed building consent are granted.

6.3 **The following planning policies have been taken into account:**

Vale of White Horse Local Plan 2031 Part 1 (LPP1)

CP3 – Settlement Hierarchy
CP4 – Meeting Our Housing Needs
CP23 – Housing Density
CP35 – Promoting Public Transport, Cycling and Walking
CP37 – Design and Local Distinctiveness
CP39 – The Historic Environment
CP42 – Flood Risk

Vale of White Horse Local Plan 2031 Part 2 (LPP2)

DP2 – Space Standards
DP16 – Access
DP23 – Impact of Development on Amenity
DP26 – Air Quality
DP28 – Waste Collection and Recycling
DP37 – Conservation Areas
DP38 – Listed Buildings
DP39 Archaeology

Neighbourhood Plan

The site is not within a neighbourhood plan area.

Vale of White Horse Design Guide, 2015

National Planning Policy Framework, 2019

Planning Practise Guidance

Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been considered in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application, the Council has regard to its equality obligations including its obligations under Section 149 of the Equality Act 2010

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