

APPLICATION NO.	P20/V3043/FUL
SITE	25-27 Stert Street, Abingdon, OX14 3JF
PARISH	ABINGDON
PROPOSAL	Refurbishment, alterations and extensions to separate commercial unit from existing flat, and provide 2 x 1 bed flats. (As amended by additional plans and information received on 28.4.21, 29.7.21 and 10.11.21)
WARD MEMBER(S)	Cheryl Briggs Helen Pighills
APPLICANT OFFICER	Mr C Ellis Martin Deans

RECOMMENDATION

Planning Permission is granted, subject to the following conditions:

Standard

1. Commencement within three years
2. Approved plans list

Pre-commencement

3. Check for nesting birds on-site
4. Submission of Archaeological Watching Brief
5. Archaeologist to be present on-site and findings reported within two years
6. Construction Traffic Management Plan to be submitted
7. Access details including visibility splays to be submitted

Pre-damp course level

8. Submission of material details (samples by photographic record)

Pre-occupation

9. Swift brick/box to be provided on site
10. Electric Vehicle Charging Infrastructure to be provided
11. Car parking to be provided in accordance with plan
12. Bicycle parking to be provided in accordance with plan
13. Install replacement iron railings and stairs

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 The application is referred to planning committee at the request of Councillor Helen Pighills.

- 1.2 25 and 27 Stert Street are both three storey terrace properties located within Abingdon Town Centre. They are both Grade II listed and consist of retail (Class E) units on the ground floor and residential flats above. They front onto Stert Street to the west, while the rear of the site is accessed from Abbey Close to the east. The site is located within the Abingdon Town Centre Conservation Area, the Abingdon Air Quality Management Area and the frontage of the site is located within Flood Zone 2.
- 1.3 A site location plan is provided below:



- 1.4 The proposal seeks planning permission refurbish, alter, and extend no.25 and no.27 Stert Street. The proposed development involves the following works:
- The retail units on the ground floor of both 25 and 27 would be retained; with amendments made to the layout of No.25;
 - The existing flat above no. 27 would be retained and unaltered;
 - Unauthorised works on the rear flat roof of no. 27, consisting of wood decking, balustrading and a stairs, will be replaced by iron railings and

an iron staircase to replicate what was approved in 2009 by application numbers P09/V1042 and P09/V1043/LB.

- The existing 1-bedroom flat above no. 25 would be also be retained, but separate access (other than through the retail unit as existing) would be provided;
- An extension is proposed to the rear of the site to provide an additional 2 x 1-bedroom maisonette flats (resulting in four individual 1-bedroom flats on the site).

1.5 Amended plans have been submitted during the application process to address comments raised by technical consultees, particularly the council's Conservation Officer. The overall number of new flats proposed has been reduced from three to two and a number of design changes, externally and internally, have been made to the application in order to better preserve the special character of the listed buildings. Extracts from the amended plans now proposed are **attached** at Appendix 1.

1.6 There is an associated listed building consent running concurrently relating to the same proposal for works to the listed buildings; ref: P20/V3044/LB.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 This a summary of the final responses received from consultees and third parties to the application. The full responses can be viewed on the council website: www.whitehorsedc.gov.uk

2.2

Consultee	Comments
Abingdon Town Council	Object for the following reasons: <ul style="list-style-type: none"> • The application has not addressed the archaeological conditions of the site; • The application also has inadequate car parking provision; • The Town Council requests that the previous investment of the Joint Environmental Trust in landscaping the area is taken into account.
Conservation Officer (Vale)	No objections , subject to conditions: material details and internal works details.
Drainage Engineer (Vale)	No objections subject to conditions
Air Quality Officer (Vale)	No objections ; recommend electric vehicle charging points provided.
Waste Management Officer (Vale)	No objections.
Countryside Officer (Vale)	No objections , subject to conditions: A Swift brick or box to be provided and a pre-commencement check for nesting birds to be carried out.

<p>Highways Liaison Officer (Oxfordshire County Council)</p>	<p>No objections, subject to condition: Access, visibility splay and parking details to be provided and a Construction Traffic Management Plan (CTMP) to be provided.</p>
<p>Archaeology Officer (Oxfordshire County Council)</p>	<p>No objections, subject to conditions: Watching Brief and Report to be provided.</p>
<p>Third Party Representation –Swifts Local Network</p>	<p>Comments provided:</p> <ul style="list-style-type: none"> • The site is adjacent to an existing swift nests site in the eaves at the rear of 23 Stert Street; • Swifts are amber-listed by RSPB/BOCC; • Request that a construction methodology to ensure protection of the swifts (and other birds) during breeding seasons; • Request for swift nesting bricks to be included at eaves level.
<p>Neighbouring property, No. 29 Stert Street</p>	<p>Objections raised which can be summarised as:</p> <ul style="list-style-type: none"> • The buildings are older than stated; their character and preservation deserve to be preserved; • Over-development for the plot with the layout and density out-of-keeping; • The size and appearance of the extension is bulky and incongruous; • Access to no.25 is very narrow; where are the disabled access arrangements? • Commercial property will have no easy parking; • Viability of the commercial property will suffer; • Would not support reduction in traffic fumes and air pollution; • Will lead to more dangerous and unsatisfactory on-street parking and blocking of roads; • Overlooking and loss of privacy for no.29; • The historic staircase could be retained; • Overshadowing; • No.27 and no.29 should not be annexed; • Exacerbates water run-off in the area; • Clauses should be included to ensure completion of works so site is not left unfinished and unsightly; • An archaeological survey and architectural survey should be undertaken; • What benefits will this site provide to enhance and protect biodiversity in the area? • An ecological survey should be carried out in relation to protecting priority species.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [VE20/297](#) – Enforcement Investigation

Without planning permission and listed building consent the erection of a raised platform and steps.

[P19/V1470/FUL & P19/V1471/LB](#) - Withdrawn (22/11/2019)

Change of use of part of the building from A1 to C3.

Installation of non loadbearing partitions to separate the A1 and C3 Uses on the ground floor Installation of a toilet and tea station in connection with the A1 use. Installation of a shower room on the 1st floor.

[P09/V1042 & P09/V1043/LB](#) - Approved (08/10/2009)

Erection of a rear extension

[P08/V1295 & P08/V1296/LB](#) - Withdrawn (02/02/2009)

Erection of a rear extension

[P04/V1356](#) - Approved (18/11/2004)

Formation of vehicular hardstanding and formation of access ramp and new access with timber gates.

[P04/V1250](#) - Approved (05/10/2004)

Erection of a fence between 25 and 27 Stert Street.

[P04/V0539/COU](#) - Approved (05/07/2004)

Partial Change of Use from retail to tattoo and body piercing studio.

[P01/V1540/LB](#) - Approved (11/12/2001)

Replacement window frames to rear of 2nd storey.

[P00/V0390/DA](#) - Approved (22/05/2000)

Environmental improvements including construction of new walls, gateways and access drives with tree and shrub planting. (Fronting Abbey Close).

[P78/V0603/LB](#) - Approved (14/04/1978)

Extension at the rear to provide staff room, wc and bathroom together with alterations to salon. (Floor Space 1499 sq ft).

3.2 **Pre-application History**

None.

3.3 **Screening Opinion requests**

None.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The scale of the proposal is below the relevant thresholds and the locality has no recognised specific environmental sensitivity. The proposal is not EIA development.

5.0 **MAIN ISSUES**

5.1 The relevant planning considerations are the following:

- The principle of development considering housing and retail policies;
- Listed building;
- Design and impact on the conservation area;
- Residential amenity
- Access and parking
- Flood risk and drainage
- Ecology and biodiversity
- Air quality
- Archaeology

5.2 **Current housing and retail policy**

Policy CP3 of LPP1 states that Market Towns such as Abingdon have the ability to support new sustainable development through their current levels of facilities, services and employment opportunities. Policy CP4 confirms a presumption in favour of sustainable development within Abingdon. The site lies within the town centre in a highly sustainable location amongst facilities, services, employment opportunities and public transport links. A number of properties along Stert Street incorporate residential flats above and to the rear of the commercial premises and the development would reflect these examples. The principle of additional residential development on this site is therefore acceptable.

5.3 Policy DP13a of LPP2 seeks to protect retail space within identified primary shopping frontages at ground floor level. The application site is identified as being within the primary shopping frontage area in Abingdon. The new Use Class E, which groups a wider range of “town centres uses” together, does affect the application of the policy, but it does not apply to a town centre premises that is also a listed building, so it does not apply to the application site. The proposed development seeks to retain the retail space, providing a commercial function and appearance to the street scene. While there would be minor changes to the layout of the retail space, officers consider that the overall floorspace would not be significantly altered, and the proposal does not affect the overall viability of the unit in this manner. Therefore, officers consider there would be no conflict with this policy.

5.4 The principle of the development to retain the retail unit at ground floor level and provide an additional two 1-bedroom flats on the site is therefore acceptable and complies with Policies CP3 and CP4 of LPP1 and Policy DP13a of LPP2.

5.5 **Listed Building**

Sections 16(2) and 66 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.

- 5.6 Policy CP39 of LPP1 seeks to ensure that new development conserves and where possible enhances designated heritage assets and their setting. It also seeks to ensure that vacant historic buildings are appropriately re-used as soon as possible to prevent deterioration of condition. Policy DP36 of LPP2 requires that proposals demonstrate that they conserve and enhance the special interest or significant of the heritage asset and its setting. Policy DP38 of LPP2 states that proposals for additions or alterations to a Listed Building must demonstrate that they will preserve or enhance its special architectural or historic interest and significance.
- 5.7 The application has been amended significantly to address concerns raised by the Conservation Officer regarding the originally proposed degree of loss of historic fabric and the unauthorised works that had taken place to the building. The amended plans show a much reduced amount of alteration to the building and the reversal of the unauthorised works, including the replacement of the LPP1 unauthorised wood decking, balustrade and stairs with much more appropriate iron railings and stairs, as approved in 2009. The proposal still contains some alteration, but the Conservation Officer considers that the impact of these, as reduced from originally proposed, is outweighed by the benefits of restoring the building and of providing an optimum use for it. There is no objection subject to conditions.
- 5.8 With regard to the impact on the setting of the listed buildings, the Conservation Officer advised that the proposed extensions at the rear, to provide flats, be reduced in height from the original two storeys to one-and-a-half storeys. This has been done and the amended extension is now considered to be subordinate in scale to the main listed buildings.
- 5.9 The overall long and narrow plot layout relates to the history of no.25 and no.27 as burgage plots. Historic mapping produced for the Heritage Appraisal indicates that the nature of the plots has varied over time – for example in the 1870's there were buildings at the rear of no.25 and no.27 that spread across both plots and which were likely to be ancillary buildings that served both plots together. In light of this evidence, officers consider that the current proposal, which similarly occupies the rear of both no.25 and no.27, does reflect a former historic pattern of development. On this basis, the proposal is not considered to harm the setting of the listed buildings.
- 5.10 Officers consider that the works, as amended, are sympathetic to the special historic and architectural interest of the building and its setting and would preserve its special interest and significance, compliant with Policy CP39 of LPP1 and Policies DP36 and DP38 of LPP2.
- 5.11 **Design and Impact on the Conservation Area**
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving the character and appearance of conservation areas. Local Plan Policy CP37 requires development to be of high quality, visually attractive design that responds positively to the site and its surroundings with appropriate scale, height, details and materials. Local Plan Policies CP39 and DP37 seeks

to ensure that the special character and appearance of conservation areas is conserved and enhanced. The adopted Design Guide SPD 2015 supports these policies and makes recommendations on how to achieve compliance with these policies.

- 5.12 The main external change will be the construction of the two maisonette flats at the rear of the existing buildings. As mentioned above, these have been reduced in height from the original proposal, from two storeys to one-and-a-half storeys, at the request of the Conservation Officer, so that they are subordinate in scale to the existing listed buildings. They also reflect a historic form of ancillary built development to the rear of no.25 and no.27 that has been revealed by historic mapping. The proposed extensions have a traditional form, including a narrow span of only 4.5m.
- 5.13 The immediate vicinity contains other, narrow rear extensions, of differing heights, to buildings fronting Stert Street. Within the context of these other examples, the impact of the proposed extension on the character and appearance of the conservation area is considered to be acceptable.
- 5.14 The Town Council has referred to impact of the proposal on the environmental improvements carried out to Abbey Close by the Joint Environmental Trust. No.25 and no.27 are currently served by two individuals, sloping access drives from Abbey Close that are separated by a very narrow planted strip. The proposal amalgamates the two drives into one access, which means the narrow strip will be lost. Given its small size, the impact of the loss of the strip on the area is considered to be acceptable. The new access retains the existing gradient, so there are no implications for either of the trees, or the amenity areas, that currently exist to either side of the current accesses.
- 5.15 Therefore, it is considered that the proposal as a whole would preserve the character and appearance of the conservation area. The proposed development is therefore considered to comply with Policies CP37 and CP39 of LPP1, Policy DP37 of LPP2 and the provisions of the adopted Design Guide SPD 2015.
- 5.16 **Residential amenity**
Local Plan Policy DP23 requires that developments must not result in significant adverse impacts on the amenity of neighbouring properties and uses in terms of factors such as loss of privacy, daylight, sunlight, dominance, visual intrusion, noise or disturbance, amongst other factors. The adopted Design Guide SPD 2015 supports these policies and makes recommendations on how to achieve compliance with them.
- 5.17 The neighbours to either side are no.23 to the south and no.29 to the north. No.23 has a long single storey, flat roofed rear extension, surrounded by a parapet wall and railings. It is available to use as a terrace by occupiers of the flats at no.23. The proposed extension will lie alongside this terrace, but its one-and-a-half storey height means that the eaves will be only 1m above the level of the terrace, and the ridge of the roof, which slopes away from the terrace, will be 3m above it. Given these relative heights, the impact of the

proposal on the terrace in terms of light and dominance is considered to be acceptable.

- 5.18 No.29 has a small, enclosed yard immediately to the rear of the main building, and a small, narrow garden alongside the boundary with no.27. There is a low stone wall on the boundary, and the garden is open to views from the existing parking area at the rear of the application site. The owner of no.29 objects to the creation of the wooden decked area on the flat roof of no.27 on the grounds of it likely to cause harmful overlooking of the enclosed yard and into windows in no.29 that face onto the yard. The neighbour refers to the permission granted in 2009 for a pedestrian walkway on the flat roof as being an acceptable alternative. The latest amended plans show the replacement of this wooden decking, and the wooden balustrading, with the same pedestrian walkway, marked by iron railings. This replicates the permission granted in 2009. Consequently, officers consider the impact of this part of the proposal on the yard at no.29 is now acceptable.
- 5.19 The proposed maisonette flats will have upper floor bedroom windows facing north. Officers consider the windows will not lead to harmful overlooking of the yard at no.29 due to the acute angled nature of the relationship between them.
- 5.20 Therefore, given the position, scale and nature of the proposal, it is not considered that the development would significantly harm the amenities of any of the neighbouring properties and as such complies with the requirements of Policy DP23 of LPP2.
- 5.21 **Access and parking**
Policy CP33 of LPP1 seeks to promote sustainable transport and accessibility and Policy CP35 promotes public transport, cycling and walking. Policy CP37 incorporates a requirement to provide safe and convenient ease of movement and Policy DP16 supports this policy and elaborates on providing suitable access. The National Planning Policy Framework (NPPF) states that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.”*
- 5.22 The site is served by an existing vehicular access to the rear from Abbey Close, which would be retained as part of the proposal. Given the characteristics of the carriageway, vehicular speeds are considered to be relatively low. This access provides two existing parking spaces utilised by 25 and 27 Stert Street, which would again be retained. No additional parking is proposed for the new flats with this element of the proposal being submitted as car-free.
- 5.23 The County Highways Officer has carefully assessed the application. In light of the highly sustainable, town centre location of the flats, and the small, 1-bedroom nature of them, the lack of parking spaces is considered to be acceptable. The site is within very close proximity to frequently serviced bus stops, a number of shops and services, and car parks. Abbey Close and Street Street are subject to parking restrictions in terms of double-yellow lines.

Therefore, it is considered that the lack of additional parking will not be detrimental to highway safety.

- 5.24 Secure bicycle parking is to be provided within the internal courtyard area. These are shown on plan to be Sheffield style hoops along the northern boundary. These are not shown to be covered, but given that they are for private use for the flats and within a secured area, this would not be considered to make them inconvenient to use. A condition is proposed to ensure their delivery prior to occupation of the flats.
- 5.25 A condition requiring further details of the access is considered reasonable and necessary as while this is an existing access, the plan makes some alterations to it and so the visibility splays should be confirmed. A condition requiring the two parking spaces to be provided in accordance with the submitted plan is also reasonable to ensure their delivery, no further information is required as the submitted plan demonstrates that the parking spaces meet Oxfordshire County Council standards of 2.5 metres x 5 metres.
- 5.26 The Highways Officer has requested that a Construction Traffic Management Plan is submitted. Given the town centre location and one-way, narrow nature of Stert Street this condition is considered to be reasonable and necessary in this instance and is included.
- 5.27 With the conditions attached, the proposed development would not pose a risk to highway safety, would provide sufficient access and parking arrangements and would promote sustainable modes of transport with a car-free sustainable development and the provision of bicycle parking. The proposal therefore complies with Policies CP33, CP35 and CP37 of LPP1 and Policy DP16 of LPP2.
- 5.28 **Flood risk and drainage**
Local Plan Policy CP42 seeks to minimise the risk and impact of flooding, and requires developments to provide adequate drainage strategies, including through the use of sustainable drainage systems.
- 5.29 The front of the site and majority of the existing footprint of the building is located with Flood Zone 2, an area identified as being at a higher risk of flooding. A Flood Risk Assessment (FRA) was therefore requested and has been submitted. The Drainage Engineer has assessed it and has no objections subject to condition.
- 5.30 With the inclusion of this condition, it is considered that the proposal would not pose an increased risk to flooding and would comply with the requirements of Policy CP42 of LPP1.
- 5.31 **Ecology and biodiversity**
Local Plan Policy CP46 seeks to protect habitats and species of importance as well as to avoid a net loss of biodiversity and seek opportunities for biodiversity gain.

- 5.32 The detailed comments from the Swifts Local Network, the neighbouring resident, have been thoroughly considered and the application has been reviewed by the council's Countryside Officer. He has noted that the building has been recorded as containing swift nests. All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act of 1981. Therefore, it is important to avoid any impacts on nesting birds during the breeding season which runs from 1 March to 31 July.
- 5.33 A condition to ensure a pre-commencement check is carried out for the presence of any nesting birds is therefore considered reasonable and necessary; with a further stipulation that if nesting birds are found to be present then disturbing works are timed to avoid the breeding season.
- 5.34 A further condition for a swift brick or swift box to be incorporated into the development is also included, in order to provide net gains for biodiversity in accordance with policy.
- 5.35 With these conditions attached, the proposal is therefore considered to comply with Policy CP46 of the adopted LPP1 and the NPPF.
- 5.36 **Air Quality**
Local Plan Policy DP26 seeks to ensure that development proposals minimise any impacts associated with air quality.
- 5.37 The application site is located within the designated Abingdon Air Quality Management Area (AQMA) which is carefully monitored. The council's environmental health team have been consulted on this application and have commented that although the property lies within an existing AQMA, monitoring indicates that air quality at this location is not a concern. Therefore, there is no objection to the development.
- 5.38 In order to promote opportunities for more sustainable modes of travel that actively seek to minimise impacts on air quality, the environmental health officer has recommended a condition for electric vehicle charging infrastructure to be provided to serve the car parking spaces in order to facilitate the fitting of charging points. Officers are mindful that the spaces are existing and serve the existing properties, and so conditions relating to them should be proportionate in order to meet relevant tests for the use of planning conditions. However, in light of the scale of the works to be undertaken, the provision of infrastructure for electric charging points to the spaces is considered to be a proportionate request given the overall net gain of dwellings on the site. The request is therefore supported and a compliance condition included.
- 5.39 The proposal is therefore considered to comply with Policy DP26 of LPP2.
- 5.40 **Archaeology**
Local Plan Policy DP39 seeks to ensure development will not be detrimental to the site or setting of any archaeological remains.

- 5.41 The site lies within an area of considerable archaeological potential; with several adjacent sites having revealed numerous finds such as medieval and post-medieval buildings, medieval burials, a Romano-British cemetery and settlement at the Vineyard which has elements dating from the Iron Age, Roman, Anglo-Saxon and post-medieval periods.
- 5.42 The comments of the Town Council and from the neighbouring resident have been fully considered and the application has been reviewed by the Archaeology Team at Oxfordshire County Council. They do not consider that a field evaluation is necessary but have requested planning conditions to ensure the implementation of an archaeological watching brief (monitoring and recording) to be maintained throughout the period of construction. These conditions are considered to be reasonable and necessary and would safeguard the recording and inspection of any matters of archaeological importance.
- 5.43 With the conditions attached, the proposal is therefore considered to comply with the requirements of Policy DP39 of LPP2.
- 5.44 **Community Infrastructure Levy**
The proposed development would provide an additional two new flats on the site and is therefore liable to pay CIL.

6.0 **CONCLUSION**

- 6.1 The application is considered to be acceptable in terms of its heritage impacts and in terms of design quality. There will be no harm to neighbours and the car-free nature of the proposed flats is considered to be acceptable on this town centre site. The proposal is also acceptable with respect to flood risk, biodiversity, air quality and archaeology. Overall, the proposal is considered to comply with relevant policies of the development plan and the NPPF.

The following planning policies have been taken into account:

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

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP39 - The Historic Environment
- CP42 - Flood Risk
- CP46 - Conservation and Improvement of Biodiversity

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

- DP02 - Space Standards
- DP13 - Change of Use of Retail Units to Other Uses
- DP16 - Access
- DP23 - Impact of Development on Amenity
- DP26 - Air Quality
- DP28 - Waste Collection and Recycling
- DP36 - Heritage Assets
- DP37 - Conservation Areas
- DP38 - Listed Buildings
- DP39 - Archaeology and Scheduled Monuments

Neighbourhood Plan

Abingdon does not currently have a neighbourhood plan.

Supplementary Planning Guidance/Documents

Vale of White Horse Design Guide SPD 2015

Developer Contributions SPD 2017

Other relevant legislation

The Planning (Listed Building and Conservation Areas) Act 1990

Section 66: The local planning authority has a duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72: The Local Authority has a duty to pay special attention to the desirability of preserving or enhancing the character of appearance of that area.

Wildlife and Countryside Act of 1981

Section 1

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account 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 equalities obligations including its obligations under Section 149 of the Equality Act 2010.

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