
APPLICATION NO.	P09/W0758 P09/W0759/LB
APPLICATION TYPE	Minor & Listed Building
REGISTERED PARISH WARD MEMBER(S)	1 September 2009 Dorchester-on-Thames Mr J Cotton Mr P Cross
APPLICANT SITE PROPOSAL	Mr M Stevenson 28 High Street, Dorchester Proposed alterations and extension to existing building to include new shop front and change of use of ground floor showroom to mixed use A1 and A3 Coffee Shop.
AMENDMENTS	(As amended by drawing nos.09010-P01B, 09010- P02B, 09010-P04, 09010-P05, and 09010-P07 accompanying letter from Agent dated 28 September 2009 and 09010-P03C and 09010-P06A accompanying letter from Agent dated 8 October 2009, as amplified by additional information set out in the letter dated 27 October 2009 & as amended by drawing number 09010/P02D to show lobby at the bottom of staircase accompanying letter from Agent dated 3 November 2009).
GRID REFERENCE OFFICER	457784 / 194341 Emily Hamerton

1.0 **INTRODUCTION**

1.1 These applications are referred to Planning Committee at the request of Mr Cross.

1.2 This property lies within the built up limits of Dorchester-on-Thames on the High Street. The property is Grade II Listed and is within the Dorchester Conservation Area and the Green Belt. The adjoining property to the north is a residential property (number 30) and to the south is the White Hart Hotel. This part of the High Street comprises a mix of residential properties, a pub and local shop. A copy of the OS extract plan is **attached** at Appendix 1.

1.3 The ground floor of the building is currently used as a fireplace showroom (Class A1). At first floor level there is flat, currently occupied by the applicant. Access to the shop is directly off the High Street and access to the flat is at the rear of the building through a gate that is off the nearby footpath.

2.0 **PROPOSAL**

2.1 This application is for the change of use of the ground floor showroom to a mixed-use shop selling local fruit and vegetable produce and a coffee shop. The application also involves a ground floor extension on the rear elevation to create a new domestic kitchen. A new shop front is also proposed. As part of this proposal the existing outbuilding and porch at the rear of the property will be demolished. A copy of the plans are **attached** at Appendix 2.

2.2 At ground floor level at the front of the building there will be seating and tables for the coffee shop, in the corner there will be a servery area for the coffee shop. Beyond this will be a sales area that leads to a lobby area which gives access to a WC and stairs to the flat, it also provides a link to the kitchen at the rear. The commercial ground floor area of the premises is approximately 37 sqm, 7sqm of this is designated to sales, the remaining 30 sqm is for the coffee shop. The extension at the rear follows the line of the common boundary and will have a flat 'green' roof and which will include a solar panel. To the side of the extension is a covered bike and bin store.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 Below is a summary of comments received from consultees. Full details of the Parish Council and neighbours comments can be viewed online at www.southoxon.gov.uk.

Dorchester Parish Council

- There may be a need for another café but not convinced this is the right location
- Would have a major impact upon the neighbouring properties, including those opposite.
- Concern about increase in noise, cooking odours and traffic along with an increased demand for parking in an area of the village which is already busy most of the time.
- No adequate space for food preparation and is lacking toilet facilities
- No clear division between what is retail space and what is reserved for domestic / private use.
- The extension to the rear is a cause for concern, the Council does not approve of the proposed flat roof extension. Both its design and specification of materials to be used are considered to be inappropriate for a listed building in a conservation area.

Neighbour Objections

3 letters of objection

- The existing walls are unlikely to provide adequate noise insulation for adjacent rooms in the neighbouring properties particularly during trading hours
- Concern about the hours of trading and the noise from customers and deliveries particularly on a Saturday and Sunday morning. This is un-neighbourly
- There is no increased provision for car parking and no adequate provision for customers arriving by motorcycle or pedal cycle
- The access at the rear causes security concerns
- Lack of demarcation between commercial premises and domestic residence
- Use of domestic kitchen for food preparation for commercial premises should be restricted.
- Concern about increased cooking smells at the rear and pollution from cigarette smoke from customers smoking on frontage and associated litter
- Concerned over the form and design of the proposed extension not in accordance with SODC Design Guide 2008 and Dorchester Conservation Plan 2005 and problems of drainage and maintenance
- The demolition of the outhouse and structural alterations may damage to the historic fabric of this listed building and should not be permitted.
- The outhouse could provide a functional building if it was repaired / renovated sympathetically.
- Question the accuracy of the plans

- The proposed extension will affect the light and privacy to the neighbours
- What material is the green roof?
- Query the need and consider location inappropriate in residential area
- The proposal will neither preserve nor enhance the character and appearance of the conservation area

Neighbour Support

3 letters of support

- Many Dorchester residents would use a tea / coffee shop and will not have to use a cars to get there
- Welcome the proposal to sell local produce from the food store, generating a low number of food miles, which should be encouraged.
- The only refreshment facilities available throughout the year are at local hotels or pubs, which are not really suitable for families. A facility similar to the Abbey tea room (which is only available at certain times during peak season and gets very crowded) would be beneficial
- Location is suitable, as it is in the centre of the village close to local hotels, the village hall, school, co-op and the Abbey.
- As the café is small it is likely to draw its clientele from passing trade
- The proposed alterations to the shop front would enhance the property visually
- The alterations to the rear will not be visible it is an improvement to the existing outbuildings.
- The proposal would assist the local economy and provide a local service

Conservation Officer

- Following a series of amendments no objection subject to conditions.

County Archaeological Services

- No objection
- Condition recommended that a watching brief is required

Oxfordshire County Council Highway Officer

- No objection

Thames Water

- No objection, condition recommended in relation to commercial drainage

Economic Development

- Support this application. It encourages enterprise and innovation in a rural village.

Health & Housing

- No objection to the proposal subject to the addition of conditions.

Building Control

- No objection in principle

Forestry Officer

- No objection

4.0 RELEVANT PLANNING HISTORY

- 4.1 P83/W0027/LB - Conversion of former first floor accommodation for private dwelling to single bedroom flat. Planning permission.

- P79/W0265/LB - Alterations and improvements. Listed building consent granted
- P57/M0039 - Alteration to residential dwelling to form shop. Planning permission
- P56/M0622 - Change of use from residential to shop. Planning permission

5.0 **POLICY & GUIDANCE**

5.1 **Adopted South East Plan 2009**

- CC4 Sustainable design and construction
- SP5 Green Belts
- BE5 Village management
- BE6 Management of the historic environment

Adopted South Oxfordshire Local Plan 2011

- G6 Promoting good design
- C9 Landscape features
- GB2 New buildings in the Green Belt
- GB4 Visual amenity
- CON1 Listed buildings
- CON2 Alterations and extensions to listed buildings
- CON3 Alterations and extensions to listed buildings
- CON4 Use and changes of use of listed buildings
- CON5 The setting of listed buildings
- CON6 Proposals affecting a conservation area
- CON7 Proposals affecting a conservation area
- CON14 Archaeology and historic building analysis and recording
- EP2 Noise and vibrations
- D8 Energy, water and materials efficient design
- D10 Waste management
- CF1 Safeguarding community facilities and services including recreation facilities
- CF2 Provision of community facilities and services
- CF3 Safeguarding the vitality and viability of neighbourhood and local centres
- TSM3 Serviced accommodation, public houses and restaurants
- TMS4 Serviced accommodation, public houses and restaurants
- T1 Transport requirements for new development

South Oxfordshire Design Guide

Dorchester Character Appraisal May 2005

Dorchester Management Plan May 2005

- Planning Policy Guidance Note 2 Green Belts
- Planning Policy Statement 7 Sustainable Development in Rural Areas
- Planning Policy Guidance Note 24 Planning and noise
- Planning Policy Guidance Note 15 Planning and the Historic Environment

6.0 **PLANNING CONSIDERATIONS**

6.1 There is an existing retail use at the ground floor level of the building and a flat at first floor. Therefore, there is no objection to the principle of a commercial use at the property. When planning permission was originally granted in 1956 for the change of use from residential to a shop, there were no restrictions under the General Permitted Development Use Class Order to restrict the ground floor of the premises within Class A 1. Therefore, under the Use Class Order the ground floor could automatically change from a fireplace showroom to a number of other commercial uses including a post office, internet café, sandwich shop, hairdressers or dry cleaners, without requiring planning permission. As the commercial use of the premises is already established, the main planning considerations in relation to these proposals are:

- Impact on neighbours
- Impact on the Listed Building
- Impact on the conservation area
- Archaeology
- Design / sustainable design features
- Impact on the green belt
- Parking / highway safety and convenience

Impact on neighbours

6.2 There have been 3 letters of support and 3 letters of objection received in relation to this proposal. A number of the concerns that have been raised have been from the occupiers of number 30 High Street, which is the neighbouring house adjoining number 28. The concerns that have been raised include, noise disturbance from the change of use and deliveries, fire exits / regulations, lack of demarcation between commercial and residential premises, odour / air pollution, loss of light and loss of privacy.

Noise disturbance

6.3 The neighbour at number 30 is concerned that the existing C15 – C17 walls are unlikely to provide adequate noise insulation for the adjacent rooms in their property and that the existing situation at first floor has caused disturbance on occasions.

6.4 Policy EP2 relates to new development and noise. This policy does not permit development if it would lead to a level of noise that would have an adverse effect on existing occupiers, unless effective mitigation measures can be implemented.

6.5 Firstly, regard has to be given to the uses that the ground floor could be changed to without requiring planning permission and some of these, such as a drycleaners, sandwich shop or hairdressers could generate more noise than the existing fireplace showroom.

6.6 Notwithstanding this, the Environmental Health Officer has raised some concerns about the effectiveness of the airborne sound insulation between the site and number 30. The increase in intensity of use, in terms of the numbers of people generating noise and greater intensity of use over the weekend period may have an adverse impact on number 30. Therefore a condition is recommended that the ground floor party walls with number 30 are designed and constructed to create an acceptable level of sound insulation and that a report demonstrating the appropriate measures are submitted to the Council and approved in writing before development commences.

- 6.7 Therefore, this concern can be overcome through a condition in accordance with policy EP2 of the adopted Local Plan.
- 6.8 Concerns have also been raised in relation to the disturbance from deliveries to the premises. The neighbour at number 30 has referred to existing problems with deliveries to the premises, however this is a current situation.
- 6.9 The commercial ground floor area of the premises is approximately 37 sqm, 7 sqm of this is designated to sales, the remaining 30 sqm is for the café / coffee shop. The produce that will be sold from these premises will be sourced from the applicant's farm. Therefore, this is not a large commercial premises that will require substantial deliveries. Given its limited size and the nature of the proposed change of use, your officers consider that deliveries to these premises would not create an unacceptable level of harm to the occupiers of the nearby neighbouring properties.

Fire Regulations

- 6.10 Concern has also been raised by the neighbour in relation to emergency fire exit from the premises, with the need to go through the domestic space to get out of the commercial area. Amended plans have been submitted that alter the means of escape from the flat without having to go through the domestic kitchen. Therefore, there is an acceptable means of access from the rear and through the door to the café / shop at the front. The Building Control Inspector has not raised any concerns in relation to this. Fire regulation requirements are covered in detail under Building Regulations.

Commercial and domestic areas & Odour and air pollution

- 6.11 The adjoining neighbour has raised concerns that commercial food preparation could take place in the proposed kitchen and this could lead to odour problems. In addition Officers would be concerned if commercial hot food preparation were to take place here as it would require extractor units to be installed that could also lead to a noise disturbance.
- 6.12 The proposed single storey extension to the rear is for a domestic kitchen. The applicants have confirmed in writing that they are willing to accept a condition restricting any commercial food preparation and cooking in the domestic kitchen. They have also stated that the only hot food that will be served in the shop will be that which can be heated in a microwave. The use of the kitchen for domestic purposes only is covered by a condition. Therefore, this element of the proposal can be controlled by condition to avoid harm to the neighbour.
- 6.13 The neighbour has also raised concerns about cigarette smoke from the customers at the café / coffee shop. There could not be any control over people smoking in the street and this could arise through the existing situation.

Impact of the extension on light and privacy

- 6.14 The neighbour at number 30 has raised concerns that the proposed extension will result in the loss of light due to the scale and bulk of the extension and it will also result in a loss of privacy.
- 6.15 The proposed extension will be built on the common boundary with the neighbouring property and has a flat roof. It is 6.5m in length along the common boundary and is 2.8m high, the wall on the south elevation of the extension is 3.1m high. The ground levels between number 28 and 30 are different and the levels across the garden areas of both of these properties are varied. There is a wall with a fence on top along the common boundary which tapers away from number 30. Section drawings were

submitted that show the proposed extension will project 0.30m above the top of the fence. As the extension will only project above the fence by 30cm, and the common boundary tapers away from number 30, your officers consider that this development would not be oppressive, overbearing or lead to an unacceptable level of light being lost.

- 6.16 The extension is single storey and does not have any windows overlooking the neighbouring property. This aspect of the development would not lead to any overlooking of the neighbouring property that would be harmful to the amenity of the occupiers of number 30.

Impact on the listed building

- 6.17 This proposal involves an extension to the building and internal alterations in relation to the change of use. An existing out building and porch area at the rear of the property will be demolished and replaced by the new extension.
- 6.18 As set out in Policy CON2 of the adopted Local Plan, any extension to a listed building must be appropriate to its character and sympathetic to the original structure in design, scale and materials and must not dominate or overwhelm it.
- 6.19 The ground floor extension that is proposed extends out from the rear of the property by 6.5m and follows the line of the common boundaries that tapers away from number 30 towards number 26. The extension is set off the boundary with no. 26 by 1.4m. There is a canopy between the extension and this boundary that will cover the bike and bin storage area. The extension has a flat roof and is 2.8m high. The size of this extension is in your officer's view of a scale that is appropriate to the original building.
- 6.20 The design of the extension is contemporary and includes a flat green roof with a solar panel and a predominately glazed east elevation. PPG15 (paragraph 3.13) explains that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. It goes onto state that cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings. Although this extension is a contemporary addition, it is your officers opinion that this reflects modern living and is part of the evolution of this building reflecting more modern living.
- 6.21 There have been some concerns raised by neighbours in relation to the structural impact of the green roof on the main building. Additional plans were submitted that show the roofs abutment detail with the original building. The Conservation Officer is satisfied with these details and does not consider that they will lead to the creation of damp or any other harm to the listed building.
- 6.22 There are also internal alterations that are required in relation to the change of use. The ground floor of this building already has a commercial use and there have been alterations to the internal fabric of the building in the past. The schedule of works that have been submitted with the planning and listed building application sets out eight main areas of work to the fabric of the building; this includes the removal of the existing shop front and replacing it with a more traditional design. Policy CON3 of the adopted Local Plan requires that alterations to a listed building respect its character and not diminish the special architectural or historical qualities that make it worthy of being listed. The Conservation Officer does not consider that any of these alterations would compromise the architectural and historical qualities of this building and therefore has not raised any objection to this aspect of the proposal subject to the recommended conditions.

Impact on the Conservation Area

- 6.23 The Dorchester-on-Thames Conservation Area Character Appraisal refers to the High Street as the main spine of the village. In the central section, where listed buildings line the road on both sides there is a distinctly urban feel to the area and a strong sense of enclosure. The historic buildings on the High Street are predominately on a domestic scale, generally fronting directly onto the street and broadly typified by simplicity in terms of their form.
- 6.24 The existing shop front is not sympathetic or attractive and does not enhance or preserve the character and appearance of the Dorchester Conservation Area. The proposed shop front is a traditional design and is a welcomed improvement. This aspect of the proposal will enhance the character and appearance of the Conservation Area.
- 6.25 It may be possible to glimpse views of the extension to the rear from the footpath and Queen Street, but views would be limited given the size and limited height of the proposed extension. This extension will preserve the character and appearance of the conservation area.

Archaeology

- 6.26 This building lies within an area of archaeological interest and although this extension is small scale it does have the potential to encounter aspects of the Roman and Medieval development of the town. The Oxfordshire County Council Archaeologist has not raised any objection to this development, however has recommended a condition requiring a watching brief is submitted and maintained throughout the construction works.

Design / sustainable design features

- 6.27 Policy D8 and advice set out in the South Oxfordshire Design Guide encourages new development to demonstrate high standards in the conservation and efficient use of water and materials. This can be difficult to balance against ensuring the character of the listed building is not compromised.
- 6.28 The proposed extension includes a solar panel and a green roof and as these aspects are incorporated onto the extension to the listed building, the impact of this not considered to be harmful to the character and appearance of the listed building. These aspects of the proposal are encouraged.

Impact on the Green Belt

- 6.29 Dorchester-on-Thames is within the Green Belt. Limited extensions to houses are considered to be appropriate development. As this property lies within the built up limits of the village and the extension is limited in size, the development is not considered to be harmful to the openness of the Green Belt. This is in accordance with Policy GB2 of the adopted Local Plan.

Parking, Highway Safety and Convenience

- 6.30 The Parish Council and the other neighbours have raised concerns in relation to the extra traffic that may be generated due to this change of use.
- 6.31 The Highway Officer at Oxfordshire County Council has not raised any objection to this proposal.
- 6.32 These premises are not very large and are not likely to generate a high number of vehicles. There is public parking within Dorchester and along the High Street parking is not restricted. Your officers consider that this development would not lead to an

unacceptable increase in demand for parking or that this would lead to highway safety and convenience problems.

7.0 CONCLUSION

7.1 The change of use of this building and the extension to it is considered to be appropriate to its character and the character and appearance of the Conservation Area. The new shop front will enhance the character and appearance of the Dorchester-on-Thames Conservation Area.

7.2 The existing ground floor of this building has a commercial use and there are a number of uses this could automatically be changed to without requiring planning permission and regard has to be had to this when considering these applications.

7.3 The letters of objection that have been received; particularly from the occupiers of number 30 have raised a number of concerns with the proposal. However, amended plans and additional information have been submitted that have sought to address these concerns. In addition a number of conditions are recommended that would improve the existing situation, such as the sound insulation works and restricting any future change of use of the building without requiring planning permission.

8.0 RECOMMENDATION

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

1. **Commencement 3 years**
2. **Use restricted to coffee shop and no other use within class A3 and the kitchen to remain for domestic use only in accordance with drawing no. 09010-P02.**
3. **Restrict hours of use to 8:30am -4:30 Monday to Saturday and 8:30 – 4:00 Sundays and Bank Holidays**
4. **Archaeological watching brief to be submitted**
5. **Foul drainage – installation of the fat trap**
6. **Sample materials – external**
7. **Materials to match - internal**
8. **Joinery details to be submitted, specifications of all new vents, extracts green roof**
9. **Specified methods for demolition of outbuilding and porch**
10. **Sustainable design details to be implemented as shown on drawing 1SP010**
11. **Junction between the new extension and chimney to be constructed in accordance with 09010-P04**
12. **Internal walls to be timber stud work**
13. **Noise report and attenuation measures**

That listed building consent is granted subject to the following conditions:

- 1. Commencement 3 years**
- 2. Sample materials**
- 3. Joinery details to be submitted, specifications of all new vents, extracts green roof**
- 4. Specified methods for demolition of outbuilding and porch**
- 5. Internal walls to be timber stud work**
- 6. Details of noise attenuation measures (LB impact)**

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