
APPLICATION NO.	P17/S1336/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	16.5.2017
PARISH	WOOLSTONE
WARD MEMBER(S)	Toby Newman
APPLICANT	Future Developments Oxford Ltd
SITE	79 High Street Wheatley, OX33 1XP
PROPOSAL	Conversion of former Chinese takeaway into 2 self contained one bedroom flats.(Description corrected 25 May 2017 and as amended by plan 3595/4C showing cycle parking.)
OFFICER	Kim Gould

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Committee because the recommendation differs from the views of Wheatley Parish Council.
- 1.2 The site is located on the northern side of High Street within the built up area of Wheatley within the conservation area. The site comprises a stone building which sits immediately adjacent to the highway. It is currently vacant but was previously used as a Chinese takeaway. The premises have been vacant for approximately a year.
- 1.3 Immediately north of the site, a B1 office building is currently under construction and is nearing completion. An OS extract showing the location of the site is **attached** at Appendix 1.

2.0 PROPOSAL

- 2.1 This application seeks full planning permission to convert an existing stone building which was most recently used as a Chinese takeaway into 2 self-contained, one bedroom dwellings.
- 2.2 A small area of amenity space for each unit is proposed to the rear. No parking is provided for the occupiers of these properties. A copy of the current plans is **attached** at Appendix 2. Full copies of the plan and consultation responses can be viewed on the Council's website at www.southoxon.gov.uk

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 3.1 Wheatley Parish Council – Object –Pending reports from highways and conservation / no parking provision.

County Archaeological Services (SODC) - No objection

Highways Liaison Officer (Oxfordshire County Council) – Object (original plan) – lack of cyle parking.

Countryside Officer - No objection

Neighbour objection (1) Lack of parking will exacerbate an existing problem in Wheatley, boundary treatments could potentially result in loss of light.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P03/N0260](#) - Approved (14/05/2003)

Change of use of part of property to provide overnight accommodation for staff of Chinese Takeaway.

[P00/N0805](#) - Approved (07/02/2001)

Erection of a single storey detached building to provide staff accommodation for the restaurant. (As amended by drawing nos. 2083-P04, P05 & P06 accompanying agent's letter dated 11 January 2001).

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSEN3 - Historic environment

CSQ3 - Design

CSS1 - The Overall Strategy

CSH4 – Meeting housing need

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

CON7 - Proposals in a conservation area

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

G2 - Protect district from adverse development

H4 - Housing sites in towns and larger villages outside Green Belt

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

D5 - Compatible mix of uses

E6 - Loss of employment uses

5.3 Neighbourhood Plan policies; Wheatley Parish Council is working on a neighbourhood plan. This is a document that, when adopted, will give local residents a say in how their community grows and develops over the coming years. Wheatley Parish Council recently ran a public consultation on the draft version of its neighbourhood plan. They are reading the responses and will submit a revised plan to the council for a further period of consultation shortly.

5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered in the determination of this planning application are:

- Whether the principle of residential development is acceptable in this location
- Impact on neighbours
- Impact on the character and appearance of the Wheatley conservation area.

- Parking
- Garden sizes
- Housing mix
- CIL

6.2 Principle

Policy E6 of the SOLP seeks to retain employment sites. However within the explanatory text to this policy reference is made to the competing demands for sites and buildings in the towns and that there may be circumstances in relation to the smaller employment sites and buildings which would result in changes of use to housing or retailing being considered appropriate. Proposals on the smaller sites will be considered in relation to the policies in the plan for that use and the council will consider the benefits of the use proposed against a continuing employment use.

- 6.3 Wheatley is large village with many facilities and it is your officers' view that the reference to policy E6 to the situation in the towns is more appropriate for Wheatley where there is competing need for both employment and residential uses given its sustainable location well served by public transport.

- 6.4 At the heart of the NPPF is a presumption in favour of sustainable development. In paragraph 21 it stresses that policies should be flexible enough to accommodate needs not anticipated in the plan, to allow a rapid response to changes in economic circumstances and that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. In this particular situation, your officers are aware that there are a number of pubs/restaurants/hot food outlets in Wheatley. It is your officers' opinion that the residential use of these premises is acceptable in principle given the size of Wheatley and the sustainable location of the site. The residential use of these premises will bring activity and vitality to the centre of Wheatley, resulting in additional custom for the remaining businesses. As such, the principle of converting this vacant building to residential use is considered acceptable.

6.5 Impact on neighbours

The neighbour most affected by this proposal lives at no 77 High Street which is immediately west of the application site. The application site is approximately 1 metre higher than no 77. This property is a residential property. There is relatively little new build proposed in relation to this proposal. As such, the impact of the actual building at no 79 is unlikely to materially impact on residential amenity. The use of the property as a dwelling has the potential to have some impact by way of noise and disturbance in the garden areas to the rear. However, the building's authorised use as a takeaway also has the potential to have some impact on the amenity of the occupiers of this property by way of noise, odour and the comings and goings of customers and staff late at night. Also, without planning permission, the application site could be used for retail, professional and financial or a café/restaurant. All of these uses could potentially have some adverse impact on the residential amenity of the occupiers of no 77. The neighbours have objected to the proposal on grounds that include the loss of light by the erection of boundary fence, wall or hedge. Whilst your officers can understand this concern due to the close proximity of the 2 properties and the difference in levels, the erection of boundary walls or fences do not generally require planning permission providing they do not exceed 2 metres in height and no permission is required to plant hedges.

6.6 Impact on the character and appearance of the Wheatley conservation area

The building exists and there are minimal external alterations proposed to the building. It is located adjacent to other residential dwellings. As such the proposal would largely

maintain the appearance of the existing building. The minor changes in design and the residential use of the building would not materially affect and consequently would preserve the character and appearance of the Wheatley conservation area. The conservation officer has not raised any objection to this proposal on conservation grounds.

6.7 Parking

No parking is provided with this proposal. The Parish Council and local residents have objected to this proposal on the grounds of lack of parking. No objection has been raised by the County Highway Authority. This proposal is considered to be acceptable as a “car free” development given the facilities within Wheatley and the sustainable modes of transport offered. There are also parking restrictions in the vicinity, double yellow lines and parking bays which will help manage general parking in the village centre. The building’s most recent use as a Chinese takeaway would have generated more vehicular movements and parking requirements than the proposed use.

- 6.8 A car free development is also consistent with other residential schemes which have been approved in High Street Wheatley. These include the conversion of the offices to 2 flats at 95 High Street Wheatley under planning reference P14/S0046/FUL and more recently the erection of a 1 bed dwelling at 95 High Street Wheatley under planning ref P16/S3440/FUL which was allowed on appeal in June 2017.

6.9 Garden sizes

Minimum standards for garden areas for new residential development are recommended in the South Oxfordshire Design Guide and in policy D3 of the Local Plan. For 1 bed dwellings the SODG recommends an amenity space of 35sqm. In this case, both dwellings have rear gardens of approximately 21sqm. As such the proposal does not meet the council’s standards for private amenity areas. However, given the sustainable location of the site and its close proximity to parks and other open spaces, your officers do not feel that a refusal on the grounds of lack of amenity space is appropriate. This is a view which was taken in the very recent appeal decision when the 1 bed dwelling at 95 High Street was allowed without any amenity space the appeal inspector stated in the appeal decision *“I note the Council’s concerns relating to the provision of amenity space. The evidence before me confirms that the appeal site is within walking distance of open spaces and parks, as such I have attached limited weight to this consideration.”*

6.10 Housing need

Policy CSH4 of the SOCS seeks an appropriate mix of dwelling types and sizes on all new residential schemes. This proposal would create 2 no 1 bed dwellings which would not strictly meet the requirements of policy CSH4. However, the modest size of the dwellings is in keeping with the character of the village centre area. Providing 2 no 1 bed dwellings in a highly sustainable location is considered to fully accord with Government advice within the NPPF and a refusal of planning permission on lack of housing mix would not be justified in your officers’ opinion.

6.11 CIL

The council’s CIL charging schedule has been adopted and applies to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.

In this case CIL is liable because the proposal involves the creation 33sqm of additional floor area. The CIL charge applied to new residential development in this case is £156

per square metre of additional floorspace (Zone 1). The scheme would generate a CIL payment of. £5,148.00. 15% of the CIL payment will go directly to Wheatley Parish Council (in the absence of an adopted Neighbourhood Plan) for spending towards local projects.

7.0 CONCLUSION

7.1 Your officers recommend that planning permission should be granted because the principle of the change of use is acceptable given the planning history of the site and current Government guidance within the NPPF which promotes flexibility in the use of premises. The additional impact on the neighbour would not be significant and the proposed change of use would not detract from the special character of the Wheatley conservation area.

8.0 RECOMMENDATION

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

1 : Commencement within three years - full planning permission.

2 : Approved plans

3: Removal of permitted development rights – extensions and outbuildings

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