

APPLICATION NO.	P18/S1729/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	22.5.2018
PARISH	BERINSFIELD
WARD MEMBER(S)	John Cotton
APPLICANT	H M Estate
SITE	180 and 182 Fane Drive Berinsfield, OX10 7QA
PROPOSAL	Conversion of two takeaway units to two residential units. (As amended by plans received on 29 June showing revised parking arrangement).
OFFICER	Kim Gould

1.0 **INTRODUCTION**

- 1.1 This application is referred to planning committee as the officers' recommendation of approval conflicts with the views of Berinsfield Parish Council.
- 1.2 The application site lies within the built-up limits of Berinsfield within a parade of mainly vacant shops and takeaways. There are residential flats above with pedestrian access to existing flats via an external staircase at the rear of the premises in the parking and service yard. The last known use of no 180 Fane Drive was a Chinese Takeaway and no 182 an Indian Takeaway. Both these used ceased trading several years ago.
- 1.3 The site lies within the Oxford green belt and is identified on the Ordnance Survey Extract **attached** at Appendix 1.
- 1.4 Planning permission was granted last year for the alteration of the roof above the parade of shops to create 2 additional flats at second floor level (P17/S074/FUL). This permission has not yet been implemented. A prior notification to confirm that the change of use of no 178 from A1(retail) to C1 (residential) is permitted development has also been issued under ref P16/S2162/PRR.

2.0 **PROPOSAL**

- 2.1 This application seeks full planning permission for the conversion of 2 vacant units to 2 x 2- bed units of residential accommodation. The last use of these units was for Indian and Chinese takeaways.
- 2.2 In its amended form, each unit would have its own allocated parking space at the rear.
- 2.3 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Full responses can be found on the council's website.

Berinsfield Parish Council – Object **original** plans.

- Insufficient parking for the number of properties on the site
- Loss of shops in the village
- Over-development of the site.

Object to **amended** plans

- Insufficient parking for the number of properties on the site which might result in residents of the flats parking in the layby in front of the premises or in Chiltern Close, which would cause additional congestion in that road
- Loss of shops in the village
- Over-development of the site.

Economic Development – Objection Loss of a retail unit. Insufficient marketing information submitted.

Highways Liaison Officer (Oxfordshire County Council) - No objection subject to condition relating to parking and manoeuvring

Environmental Protection Team - No objection

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P18/S1610/DIS](#) - Approved (06/06/2018)

Discharge of planning conditions 5(cycle parking), 6(traffic management), 7(material samples) for planning permission P16/S0352/FUL.

A two storey building comprising four x one bed room flats. As clarified by noise report dated 7 April 2016.

[P17/S2074/FUL](#) - Approved (18/09/2017)

Alteration of the roof shape to mansard to provide 2 x flats. (As amplified by plan ref BHR-A-305 showing parking).
related to P16/S0352/FUL

[P16/S2162/PRR](#) - Other Outcome (16/08/2016)

Change of use from A1 to 2 x 1 bedroom flats, Minor alterations to the front elevation.

[P16/S2161/PRR](#) - Refused (16/08/2016)

Change of use from A1 to 2 x 1 bedroom flats, Minor alterations to the front elevation.

[P16/S0352/FUL](#) - Approved (07/06/2016)

A two storey building comprising four x one bed room flats. As clarified by noise report dated 7 April 2016.
related to P17/S2074/FUL

[P10/W0083/DIS](#) - Other Outcome (18/10/2012)

Proposal for four one bed flats (As amended by Drawing Nos. 04D and 05B and Noise Assessment received 1 June 2009).

Discharge of conditions 2, 3, 6, 7, & 9 on Application P09/W0247.

[P12/S1145/EX](#) - Approved (17/10/2012)

Extension of time for implementation for planning permission P09/W0247 (Proposal for four one bed flats (As amended by Drawing Nos. 04D and 05B and Noise Assessment received 1 June 2009)).

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy
CSR3 - Community facilities and rural transport
CSEN2 – Green Belt

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

D1 - Principles of good design
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users
GB4 – Openness and visual amenity of the green belt
CF1- Safeguarding community facilities and services including recreation facilities.

5.3 Neighbourhood Plan policies; Plan stalled

5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework 2018 (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

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

- Whether the **principle** of residential development is acceptable in this location- **housing policy/green belt/loss of community facility**.
- Physical changes to the building
- Impact on neighbours
- Highways/parking
- Garden sizes
- CIL
- Other issues

6.2 **Principle**

In order to determine whether the principle of residential development on this site is acceptable, the proposal has to be considered from 3 different approaches:

- Housing policy,
- Green Belt policy
- Safeguarding community facility

Housing policies and housing land supply

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

6.3 Paragraph 11 of the NPPF (2018) advises that there is a presumption in favour of sustainable development. For decision -taking this means

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.4 Footnote 6 (referenced in para 11) of the NPPF (2018) introduces the specific policies in the NPPF that indicate where development should be restricted. Amongst these are policies relating to green belts.

6.5 In the context of paragraph 11 and 213 of the NPPF the council's Development Plan is not out of date because the Council can demonstrate a five-year housing land supply based on the revised SMHA figures and the hierarchy of growth in the settlements has been found to be sound and, in my view, consistent with the NPPF.

6.6 However, it is clear that SOCS policy CSH1 (housing allocation distribution) is clearly out of date as the proposed " site allocations DPD" was never progressed as proposed. This means that policy CSR1 is also out of date in this regard as in larger villages, it was envisaged growth would be progressed via allocations. As such, as this affects the current provision of housing in Berinsfield, and a such paragraph 118d) of the NPPF is engaged.

Paragraph 118 d) advises that planning policies and decisions should:

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

6.7 In summary, the council's housing policies for "larger villages" in the Development Plan are out of date. As such, paragraph 118d) is engaged, this "tilts" the planning balance towards granting planning permission for new housing on this site in line with the presumption in favour of sustainable development.

6.8 The South Oxfordshire Core Strategy (SOCS) allows for the provision of some housing in the smaller and other villages subject to the provision of the Policy CSR1. Berinsfield is identified as one of the "larger" villages where infill development is permitted and allocations for growth were envisaged. Redevelopment proposals in all categories of settlement may be acceptable but will be considered on a case by case basis through the development management process in line with other policies in the Development Plan. This proposal is for the redevelopment of the site as it involves converting existing takeaway units to residential flats. The units have been empty for a number of years and are underutilised and the council has a duty to bring them back into use. As such, I am of the view that the principle of the development under the housing policies of the Development Plan is acceptable.

6.9 **Green Belt**

The site lies within the Oxford green belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the openness and visual amenity of the green belt. The NPPF advises that the Government attaches great importance to green belts in preventing urban sprawl by keeping land permanently open. The Framework also sets down those developments which may not be inappropriate in the green belt. Included within these is the re-use of buildings provided that the buildings are of permanent and substantial construction (para 146 of NPPF). There are no extensions proposed to the buildings which are of permanent and substantial construction. As such, the proposal would not have any material adverse impact on the openness or visual amenity of the Oxford green belt in accordance with policy GB4 of the SOLP and is acceptable in principle.

6.10 **Safeguarding community facilities**

The loss of these units has been raised as an objection by the Parish Council and the District Council's Economic Development team. Policy CF1 of the SOLP seeks to resist the loss of recreational facilities or essential community facilities or services through the change of use or redevelopment unless:

- i. Suitable alternative provision is made for the facility (or similar facilities of equivalent community value) on a site elsewhere in the locality, or
- ii. In the case of recreational facilities, it is not needed, or
- iii. In the case of commercial services, it is not economically viable.

The explanatory text of policy CF1 states that “ a community facility or service may be essential, either because it is one of a limited number of that nature in a settlement or area, or is fundamental to the quality and convenience of everyday life in a settlement.” Essential community facilities and services may include for example, general stores, post offices, public houses, community halls, libraries and primary health care services.

This proposal involves the “loss” of 2 vacant units (last used as takeaways) which are situated adjacent to a functioning supermarket. The units have been vacant for several years and therefore it can't be argued that they are “fundamental to the quality and convenience of everyday life in the settlement”. It is my opinion that the proposal does not result in the loss of an essential community facility as the units have not been in use for a significant time. There is a fish and chip shop elsewhere in Berinsfield.

The premises have been vacant for more than a year and are underutilised. Within the NPPF, the Government encourages planning policies and decision to promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. In paragraph 118 (d) it encourages the promotion and support of the development of under-utilised land and buildings, “especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. “

This proposal would not, in my opinion, lead to a loss of essential community facilities and will provide 2 small units of accommodation.

6.11 In summary, the principle of this development when considered against housing, green belt and community facilities policies is acceptable in my view.

6.12 **Physical changes to the buildings**

The proposed changes to the exterior of the buildings include a single front and rear door to each unit and casement windows. These alterations would be in keeping with

the flats at first and second floor level so would reinforce local distinctiveness in accordance of policy D1 of the SOLP. These alterations are shown in Appendix 2.

6.13 Impact on neighbours

The proposed residential units would be situated underneath existing first and second floor flats. The adjacent unit at number 178 is vacant and can be converted from retail to residential use under permitted development. The use of these units as residential is likely to result in less noise and disturbance to neighbours than if the units were in A5 use with customers and staff coming and going late into the evening and the odours associated with takeaway uses. As such, it is considered that the proposed change of use would not be unneighbourly.

6.14 Highways/Parking

Policy T2 of the SOLP seeks to provide all development with parking of vehicles in accordance with the Council's maximum parking standards. The South Oxfordshire Design Guide advises that 2 bed dwellings should be provided with a minimum of a single parking space. In this case each unit has been provided with a parking space. The Highway Authority have not raised an objection to the proposal subject to a condition to retain the parking areas. As such, there are no technical objections to this proposal.

6.15 Provision of gardens

Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in saved policy D3 of the Local Plan. The proposed flats would have 2 bedrooms. A minimum of 35 sq units for 2 bed dwellings is required. In this case, no amenity space is provided. The existing flats at first and second floor, however, do not have gardens. This is not unusual for flats which are located above ground floor shops. The proposed flats would be in close proximity to a large, public open space, locally known as The Green. The under provision of garden areas is not reason to refuse planning permission in my view in this case.

6.16 Community Infrastructure Levy (CIL) The council's CIL charging schedule has recently been adopted and will apply 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 for the whole development because it involves the creation of 2 dwellings. The CIL charge applied to new residential development in Berinsfield is £85 per square metre of additional floorspace (adjusted to £96.75 as per indexing figure January 2018)

6.17 Other issues

There is an identified need for 2 bed dwellings in Berinsfield. This proposed development would create 2 highly sustainable small units of residential accommodation whilst at the same time improve the visual appearance of this parade of shops which is currently unattractive and neglected.

7.0 CONCLUSION

7.1 The principle of changing the use of these units is acceptable in terms of housing, green belt and retail policies. The development would enhance the appearance of the area and provide 2 small, highly sustainable units of residential accommodation. The proposal accords with Development Plan policies.

8.0 **RECOMMENDATION**

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

- 1 : Commencement three years – full planning permission.**
- 2 : Approved plans.**
- 3 : Parking and manoeuvring areas retained.**

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