

<b>APPLICATION NO.</b>	<a href="#">P18/S3514/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	23.10.2018
<b>PARISH</b>	CHOLSEY
<b>WARD MEMBER(S)</b>	Pat Dawe Jane Murphy
<b>APPLICANT</b>	Mr Paul Lewis
<b>SITE</b>	1 Villa Close Cholsey, OX10 9FJ
<b>PROPOSAL</b>	Change of Use to Ground Floor Live/Work Unit. Work Unit proposed to be a 1 Bed Self Contained Flat. Front elevation alteration to remove the triple full length shop front glazing and replace with a traditional door and separate double window. Rear elevation alteration to remove the double length windows and replace with a smaller traditional window. (As amplified by additional information received 22 & 29 November 2018).
<b>OFFICER</b>	David Millinship

1.0 **INTRODUCTION**

- 1.1 The application has been referred to planning committee due to conflict between the Officer's recommendation and the views of the parish council (objections due to the loss of the commercial unit and highways impacts).
- 1.2 The application site comprises the south-eastern end of a terrace of modern live-work units set within the *Cholsey Meadows* residential development site. The wider development is set to the south-east of Cholsey village and was formerly part of the grounds of Fair Mile Hospital. Following a comprehensive redevelopment of the former hospital site the area is now designated as within the built-up area boundary (BUAB) of the village under the Cholsey Neighbourhood Plan (NP).
- 1.3 Planning permission was granted in July 2010 for the hospital site redevelopment including the construction of a row of terraced live-work units (to the south of the grade II listed Fair Mile Chapel). A planning condition on the original permission sought to secure occupation of the units as solely shared living and working spaces unless approved in writing by the local planning authority (LPA). Of the five live-work units originally granted planning permission only the application site (1 Villa Close) and the unit at 5 Villa Close remain as live-work units. The ground floor areas of the three middle-terrace units were granted planning permission in 2014 for conversion into one-bedroom self-contained flats (including provision of additional car parking).
- 1.4 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 This application seeks full planning permission for the conversion of the ground floor of 1 Villa Close into a one bedroom self-contained flat. The proposed development includes the removal of the existing shop front and installation of a front door and living room window. The flat would comprise an open plan living room and kitchen/diner, bathroom and bedroom within the rear of the unit. The two-storey maisonette at first and second floor level would remain as existing.

2.2 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](http://www.southoxon.gov.uk)

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

The consultation responses received during the assessment period of the application have been summarised by the case officer below. The full responses can be found on the district council's website.

3.1 **Cholsey Parish Council – OBJECTION (09.11.2018)**

Cholsey Parish Council strongly objects to the loss of business space within the village. The live/work unit was an innovative approach from the developer, originally supported by the Parish Council, to provide a commercial space within the parish. The Parish Council is very unhappy that this space could be taken away just to provide a financial gain to the current owner. There is no evidence that the live/work unit has been marketed as being for sale in its current form. Therefore, no potential business owners have been given the opportunity to purchase this excellent facility. It is worth pointing out that Cholsey is a village with very little commercial/business space.

*OBJECTION (07.12.2018 & 21.12.2018) – following submission of marketing information and a parking survey.*

The Parish Council continues to oppose this application for the previously stated reasons. In addition the Parish Council does not consider that the property has been sufficiently advertised with a commercial agent and other means of advertisement (such as social media) should be sought. The Parish Council also note that Highways have objected to this application on grounds of lack of parking;

**Countryside Officer – NO OBJECTION;**

**Economic Development – NO RESPONSE;**

**OCC Highways Liaison Officer – OBJECTION (13.11.2018);**

The application has demonstrated one parking space within their ownership, this does not meet standards for two properties and will likely increase indiscriminate/obstructive parking within the vicinity which can only increase the risk to safety.

*OBJECTION (08.01.2019) - following submission of marketing information and a parking survey;*

The submitted parking survey and photos have been reviewed. A number of parking spaces appear available, these are 'visitor only' spaces and required to be available for visitors to the site as a whole, if these are occupied by additional residents this can only increase indiscriminate/obstructive parking within the vicinity increasing the risk to Highway Safety and to users of the Highway.

Furthermore, a number of the locations and photos are located a distance away from the site, generally owners of vehicles tend to park their vehicle within close proximity of the site and within distance that it can be seen. The indicated locations are unlikely to be used by the proposal.

The photos also indicate that indiscriminate parking is occurring within the vicinity, if this proposal is permitted it can only increase the likelihood of indiscriminate/obstructive

parking, increasing the risk to Highway Safety and to users of the Highway in the locality.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/S0668/FUL](#) – Approved (29/07/2014)

Change of use of ground floor of live work units 35-37 to 3 no. 1 bedroom self-contained flats and 6 no. additional car parking bays. As supported by Agent's letter dated 28 March 2014 regarding sound proofing.

[P13/S0079/PEM](#) – pre-app response (10/05/2013)

Proposal to change the use of live/work units to residential and revised car parking scheme.

[P09/W1314/LB](#) - Approved (30/07/2010)

Demolition of curtilage listed and other buildings. Extensions, alterations, refurbishment and conversion of main buildings to form 130 homes (including 39 Affordable Homes), community uses, offices, nursery and leisure uses. Retention of Chapel in existing D1 use class. Conversion (including alterations and extension) of former farm buildings to form offices, cafe/restaurant/shop. Erection of 224 new homes (including 67 affordable homes and 5 live work units), new club premises, cricket pavilion and allotment buildings. Provision of facilities for outdoor sport and play. Alterations to vehicular accesses, car and cycle parking and provision for the storage of refuse and recycling of waste. Provision of new roads, footpaths and lighting, including new SUDS drainage.(as amended by letters from agent dated 4 and 12 May 2010, accompanying drawings listed on drawing register, supplementary transport assessment and technical notes and landscaping masterplan 159/P/2000 revision E).

[P09/W1313](#) - Approved (30/07/2010)

Demolition of curtilage listed and other buildings. Extensions, alterations, refurbishment and conversion of main buildings to form 130 homes (including 39 affordable homes), community uses, offices, nursery and leisure uses. Retention of chapel in existing D1 use class. Conversion (including alterations and extension) of former farm buildings to form offices, cafe/restaurant/shop and retention and refurbishment of cricket pavilion. Erection of 224 new homes (including 67 affordable homes and 5 live work units) and allotment buildings. Provision of facilities for outdoor sport and play. Alterations to vehicular accesses, car and cycle parking and provision for the storage of refuse and recycling of waste. Provision of new roads, footpaths and lighting, including new SUDS drainage (As amended by agent's letters dated 12 and 4 May 2010, accompanying drawings listed on drawing register, supplementary transport assessment and technical notes and landscape masterplan 159/P/2000 revision E).

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy (SOCS) Policies:**

CSS1 - The overall strategy;  
CS1 - Presumption in favour of sustainable development;  
CSB1 - Conservation and improvement of biodiversity;  
CSEN3 - Historic Environment;  
CSM1 - Transport;  
CSQ3 - Design;  
CSR1 - New housing in villages.

5.2 **South Oxfordshire Local Plan (SOLP) Policies:**

D1 - Principles of good design;  
D2 - Safe and secure parking for vehicles and cycles;  
D3 - Outdoor amenity area;

- D4 - Reasonable level of privacy for occupiers;
- E6 - Retention of employment sites;
- G2 - Protect district from adverse development;
- G5 - Best use of land;
- 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.

5.3 **Cholsey Neighbourhood Plan** (referendum version – Spring 2018 v2.4) (NP) - The Cholsey Neighbourhood Plan has passed independent examination and has been put forward for public referendum on 14<sup>th</sup> March 2019. The NP currently possesses significant weight in this planning assessment. However, should the public vote a majority 'yes' to the referendum the NP will become part of the development plan for the area and its policies will possess full weight. The NP policies relevant to this application are:

- CNPH2 – Housing in the built-up area boundary;
- CNPH5 – New housing general requirements;
- CNPH6 – New housing parking requirements;
- CNPE4 – conservation area and listed buildings;
- CNPI3 – Drainage;
- CNPI5 – loss of community services/facilities and commercial premises.

5.4 **Supplementary Planning Guidance/Documents:**

**South Oxfordshire Design Guide 2016** (SODG 2016).

5.5 **National Planning Policy & Guidance:**

**National Planning Policy Framework** (NPPF);  
**National Planning Policy Framework Planning Practice Guidance** (NPPG).

6.0 **PLANNING CONSIDERATIONS**

6.1 The proposed development would create a new self-contained flat within an existing building in a predominantly residential area. The development would result in the loss of a small commercial space. Therefore, the main issues to take into account are:

- The principle of the development having regards to the housing delivery policies of the development plan;
- Whether the loss of the commercial space is justified;
- Highways impacts of the development;
- Impact on the character and appearance of the area;
- Impact on neighbours and amenities of future occupiers.

***Principle of development***

6.2 SOCS policy CSR1 supports new housing within the built-up areas of settlements providing they represent infill development or redevelopment (of previously developed land). However, both the relevant NP policies (CHPH2, CHPH5 and CNPH6) and SOLP policy H4 set out certain criteria that new housing development should meet. Policy H4 sets out the following:

- i. *an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt;*
- ii. *the design, height, scale and materials of the proposed development are in keeping with its surroundings;*

- iii. *the character of the area is not adversely affected;*
- iv. *there are no overriding amenity, environmental or highway objections; and*
- v. *if the proposal constitutes back-land development, it would not create problems of privacy and access and would not extend the built limits of the settlement.*

6.3 Of the above, criteria iii and iv are most relevant to the current application. These matters will be assessed in greater detail below (in line with the design and highways policies of the development plan). In this case, the building is existing in a predominantly suburban area allocated as being within the BUAB of Cholsey village and I consider the proposed change of use would therefore be supported in principle (in terms of the provision of a new self-contained flat).

***Loss of the commercial unit***

6.4 Proposals for the redevelopment or change of use of redundant land or buildings in employment or service trade use to non-employment uses are supported by SOLP policy E6 if:

- i. *the site is less than 0.25 ha and buildings under 500 sq.m and in the towns of Didcot, Henley, Thame, or Wallingford; or*
- ii. *the existing use is no longer economically viable and the site has been marketed at a reasonable price for at least a year for that and any other suitable employment or service trade uses.*

6.5 Policy CNPI5 similarly only supports the loss of a commercial unit if it is no longer viable. The applicant has submitted information from both commercial and residential estate agents to demonstrate that the building has been advertised for sale since May 2017. The applicant has received advice from their estate agent that the 'hybrid' nature of the live-work unit limits their potential pool of buyers and they have been advised to seek to change the use of the commercial space or split the lease to allow independent sale of either unit. Further to this the commercial floor-space available is not large and would restrict potential business wishing to operate from the site.

6.6 It is within the council's records that a third party sought to operate a child minding business from the commercial space within the unit. The district council's informal response was generally positive but, it was raised that the planning condition linking the residential and commercial spaces of the unit would need to be varied if the commercial space was to be independently occupied (or a community use such as childminding be permitted to commence). Despite the district's advice this recently proposed business use has not been forthcoming and as the applicant has failed to secure a buyer/occupier for the unit for over 18 months (including an alternative business/community use) I am satisfied the commercial aspect of the live-work unit is not viable.

6.7 Therefore, I recognise no conflict with the aims of NP policy CNPI5 or policy E6 of the SOLP and it is considered the loss of the commercial space is acceptable in this case.

***Highways impacts of the development***

6.8 The proposed change of use would result in a separation of the ground floor commercial space and two storey maisonette. As a result, there is potential for an increase in parking demand to occur (as previously, the demand would have been calculated for one mixed-use unit). County Highways have objected to the proposal as there would be an off-road parking deficit and it is expected that any increase in demand for parking would cause harm to highway safety in the locality. In response to the initial County Highways objection the applicant undertook an informal parking survey demonstrating that some unrestricted on-road parking is available and that

various visitor spaces are generally available at various times during the day. However, in response to the parking survey County Highways have refused to remove their objection as the development would potentially have to rely on visitor spaces (not designated for permanent use) and indiscriminate on-road parking that could cause obstructions. Whilst I must acknowledge the views of the technical consultee I consider that much of the on-road parking in the vicinity of the application site would not cause obstructions. The site is not located on a vehicular through-route and vehicle movements in the locality are slow.

- 6.9 In this scenario it is reasonable to take into account the existing versus the proposed parking requirement. Under NP policy CNPH6 the proposal would create an off-road parking demand of 3.7 car parking spaces (1.3 for the one bedroom flat and 2.4 for the existing maisonette). However, the applicant has confirmed they only have access to one dedicated off-road car parking space so there would be a deficit. The existing use is slightly harder to define in terms of parking provision (since it is in a mixed-use but, limited to be occupied as one unit). The existing two-bedroom maisonette would have a parking demand of 2.4 spaces. Appendix 5 of the SOLP sets out that a non-food retail use (the last known use of the commercial space) would have an off-road parking requirement of 2-3 off-road car parking spaces (one space per 20 sq.m – the unit being 44 sq.m). Therefore, whilst there is an existing deficit in off-road parking, I consider the proposed development would not exacerbate this.
- 6.10 Whilst the proposed flat would have a parking provision of its own it would be unreasonable to seek for this to be provided as a dedicated off-road space due to the existing parking deficit. To an extent, the lack of off-road parking in the area is an existing problem that I do not consider would be made worse by the proposal. As such, despite an objection remaining in place I am satisfied on balance that the proposal would not cause harm to highway safety and is therefore in compliance with the aims of the NP, CSM1 of the SOCS and SOLP policies T1 and T2.

***Character and appearance***

- 6.11 The proposal would not result in the creation of a unit of accommodation that I consider would be out of character with the wider development. The wider site is populated by blocks of purpose-built flats (as well as the converted former hospital building). The buildings within the site are set around private roads and parking areas generally surrounded by verdant areas of landscaping giving the whole development a very suburban character. As stated above, the ground floors of three of the originally granted live-work units have also been given permission to be converted into one-bedroom flats including the creation of residential frontages in lieu of the originally permitted shop fronts. The proposal would effectively bring 1 Villa Close more into line with the existing character of the terraced row, particularly as it is the only unit that remains with a shop front (and itself now looks rather out of character with the adjacent buildings).
- 6.12 It is undesirable to lose the live/work unit but, as assessed above, it is not considered to be viable in this location so does not cause harm to the overall economic viability or sustainability of the wider development. Live/work units such as the five originally granted permission are generally uncommon types of building in suburban areas and I am therefore unsurprised to find that it has been difficult to sell/occupy. The wider development is very suburban in character and, whilst it is desirable to secure some form of commercial uses, the live/work units originally granted permission appear at odds with the overall character of the site and this has been reflected in the previously permitted conversions. As such, I do not consider the loss of this unit would cause harm to the overall character of the area and the proposed alterations to the elevations are also considered to be acceptable and in line with SOCS policy CSQ3, SOLP policies G5 and D1 and NP policy CNPH5.

***Impact on neighbours and amenities of future occupiers***

- 6.13 There is unlikely to be any harm caused to the amenities of neighbouring occupiers due to the proposal. The front and rear facing windows would not cause any increased overlooking to neighbouring properties and the potential noise/disturbance that would be generated by a residential use would be low (in general comparison to a commercial use) and would be more in character with the occupation of surrounding buildings.
- 6.14 There is some concern that future occupiers of the development would not have access to a dedicated private outdoor amenity space (garden/patio). The development is well served by shared outdoor areas and due to the small-scale of the accommodation being sought I am satisfied this would suffice. On balance I am satisfied the development complies with the aims of SOCS policy CSQ3 and SOLP policies G5, D1, D3 and D4 or NP policy CNPH5.

***Other matters***

- 6.15 Certain areas of Cholsey are known to be susceptible to surface water flooding and the NP reflects this by imposing greater policy control over the potential impacts of new development over the management of surface water. In this case the development is small-scale and involves the change of use of an existing building that is already connected into existing surface water disposal systems. Therefore, I consider it unreasonable to seek to secure improvements to the surface water drainage serving the development (in line with those sought by NP policy CNPI3 for example).
- 6.16 The proposal would be liable for a community infrastructure levy (CIL) charge as it would involve the change of use of part of a building into a self-contained residential unit (creating approximately 51 sqm of new residential floor space through a change of use).

**7.0 CONCLUSION**

- 7.1 Officers recommend that planning permission is granted because the proposal is not considered to generate any adverse impacts that would cause harm to the character and appearance of the site (and street scene in the locality), highway safety or the amenities of neighbouring occupiers. Further to this, it has been demonstrated that the existing commercial space is unviable, and its loss would not cause harm to the economic viability of the development or the wider district. The development is therefore considered to be sustainable and in accordance with the aims of policy CS1 of the South Oxfordshire Core Strategy.

**8.0 RECOMMENDATION**

- 8.1 **To grant planning permission subject to the following conditions**

- 1. Three-year time limit.**
- 2. Approved plans.**
- 3. Materials to match the existing building.**

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