

APPLICATION NO.	P18/S4111/FUL & P18/S4112/LB
APPLICATION TYPE	FULL APPLICATION & LISTED BUILDING CONSENT
REGISTERED	12.12.2018
PARISH	THAME
WARD MEMBERS	David Dodds & Nigel Champken-Woods & Jeannette Matelot
APPLICANT	Vintage and Modern Guitars Ltd
SITE	1a Cornmarket, Thame, Oxon, OX9 3DX
PROPOSAL	Change of use of premises from retail (A1 use) to a 2-bedroom dwelling (C3 use) incorporating external alterations.
OFFICER	Paul Lucas

1.0 **INTRODUCTION**

1.1 Officers recommend that planning permission and listed building consent are granted. This report explains how officers have reached this conclusion. The application is referred to the planning committee due to officers' recommendation conflicting with Thame Town Council's recommendation of refusal.

1.2 The application site is identified at **Appendix A**. It comprises a retail premises lying in Thame Town Centre, but outside the primary shopping frontage. It fronts onto a back street called The Shambles, comprising a mixture of uses, located between the main retail thoroughfares of Cornmarket and Buttermarket. It lies close to other premises that front onto Cornmarket and Buttermarket, including The Bird Cage Inn at 4 Cornmarket. The premises is Grade II listed and resides within Thame Conservation Area.

2.0 **PROPOSAL**

2.1 The applications seek full planning permission for change of use from retail to residential and listed building consent for works to facilitate the conversion of the premises, as shown on the plans and supporting documents submitted with the applications.

2.2 The applications follow on from a previous set of applications for the same change of use and works that were refused in 2018, as discussed in Section 4.0 below. The current applications plans are shown at **Appendix B**. Other supporting documents can be found on the Council's [website](#).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Thame Town Council** - Objects

1. Loss of retail space
2. Poor residential amenity for future occupiers – the location is inappropriate for a residential dwelling

Environmental Protection Team – No objection subject to implementation of recommended mitigation condition

Conservation Officer – No objection subject to listed building details conditions

Thame Conservation Area Advisory Committee - No strong views

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P18/S1908/FUL](#) - Refused (17/08/2018)

Proposed internal and external alterations. Conversion to single dwelling. In the absence of an acoustic report and recommended mitigation, the proposed development would lack sufficient information to demonstrate that the residential amenity of future occupiers could be adequately protected from external noise nuisance. As such, the proposal would be contrary to Policies G2, EP2 and H4 of the South Oxfordshire Local Plan 2011.

4.2 [P18/S1909/LB](#) - Refused (17/08/2018)

Proposed internal and external alterations. Conversion to single dwelling. In the absence of an acoustic report and recommended mitigation, the proposed development would lack sufficient information to demonstrate that the residential amenity of future occupiers could be adequately protected from external noise nuisance without the need for works that would result in a loss of significance to this Grade II listed building. As such, the proposal would be contrary to Policy CSEN3 of the South Oxfordshire Core Strategy, Policies CON3 and CON4 of the South Oxfordshire Local Plan 2011 and advice contained within Paragraphs 193 and 194 of the NPPF.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development
CSEM1 - Supporting a successful economy
CSEM4 - Supporting economic development
CSEN3 - Historic environment
CSQ3 - Design
CSS1 - The Overall Strategy
CST1 - Town centres and shopping
CSTHA1 - The Strategy for Thame

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

CF3 - Retention of shops
CON3 - Alteration to listed building
CON4 - Change of use of listed buildings
CON5 - Setting of listed building
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
E6 - Loss of employment uses
EP2 - Adverse affect by noise or vibration
TC8 - Change of use between shop to non-shop use

5.3 Thame Neighbourhood Plan policies;

H5 Integrate windfall sites
WS2 Retain and enhance primary and secondary retail frontages
WS7 Retain small scale employment in the town centre
WS12 Retain existing employment land in employment use
WS13 Support improvements to existing employment areas
ESDQ15 Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Thame's character

ESDQ16 Development must relate well to its site and its surroundings
ESDQ19 The Design and Access Statement and accompanying drawings must provide sufficient detail for proposals to be properly understood
ESDQ20 Building style must be appropriate to the historic context
ESDQ27 Design in the ‘forgotten’ elements from the start of the design process
ESDQ28 Provide good quality private outdoor space
ESDQ29 Design car parking so that it fits in with the character of the proposed development
D1 Provide appropriate new facilities

- 5.4 National Planning Policy Framework (NPPF)
National Planning Policy Framework Planning Practice Guidance (NPPG)
The policies within the SOCS and the SOLP 2011 and TNP of relevance to this application are in general conformity with the provisions of the NPPF and NPPG and therefore this application can be determined against these relevant policies.

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main issues to be considered for the planning application are as follows:-

- Whether the principle of the proposed change of use is acceptable
- The impact upon the character and appearance of the site or the wider conservation area
- The impact upon neighbouring amenity
- Whether the proposal would be prejudicial to highway safety

- 6.2 The issue relevant to the listed building consent application is whether:
The works would have an adverse impact upon the special architectural and historic interest of the Grade II listed building or its setting.

6.3 Principle of Development

Policy WS2 of the TNP restricts changes of use of shops (Class A1) to a non-retail uses within the Primary Retail Frontage (PSF). Policy WS2 states that *“In order to maintain the shopping function of the primary retail frontages the introduction of new non-retail uses such as banks and building societies, cafes, restaurants and the like (Classes A2, A3, A4 and A5) will be restricted at ground floor level to a maximum of 35% of the sum total of the length of primary retail frontages, as defined in figure 8.1”* Figure 8.1 within the TNP shows the primary retail frontage area highlighted in blue. This map within the TNP is small and larger version of the primary retail frontages can be found within South Oxfordshire Core Strategy (SOCS) Adopted Policies Map for Thame also highlighted in blue. Policy TC8 of the SOLP 2011 states that *“Within the primary shopping frontages in each town centre shown on the Proposals Map, the change of use of a shop (Class A1) to a non-shop use will not be permitted if it would undermine the vitality and viability, and the dominant retailing character and function, of the primary shopping frontages in each centre.”*

- 6.4 However, the proposals map shows that the site lies outside the primary shopping frontage, as confirmed by the Council’s Economic Development Team and therefore the provisions of the TNP Policy WS2 and the SOLP 2011 Policy TC8 do not apply to this site. Whilst officers understand Thame Town Council’s view that the premises could be attractive to another retailer, which would help to maintain vitality and viability in the town centre, in the absence of any Development Plan policy conflict, officers are unable to justify refusal of planning permission on those grounds. The principle of change of use of the premises is therefore acceptable. It is also a material planning consideration that the previous planning application was not refused on these grounds.

6.5 Visual Impact

The proposal would involve limited external alterations to the building, such that the proposal would not result in harm to character or appearance of the site or the surrounding Thame Conservation Area in accordance with the SOCS Policy CSEN3 and the SOLP 2011 Policy CON7.

6.6 Residential Amenity Impact

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out to secure a reasonable degree of privacy for the occupiers. Policy EP2 seeks to ensure that existing and future residential occupiers are not harmed by noise nuisance. The lack of a garden area would be acceptable for future occupiers given the sustainable location and good access to public open space. There would be no physical impact upon adjoining residents and there would be unlikely to be any noise nuisance from the change of use of this unit, including the relationship with the adjoining courtyard garden to No.1. The Council's Environmental Protection Officer is satisfied that the acoustic report submitted with the applications has demonstrated that the improvements to glazing would provide sufficient mitigation to protect the future occupiers from the impact of nearby external noise sources in the town centre. On this basis, the proposal would accord with the above policies.

6.7 Listed Building Issues

Policy CSEN3 seeks to ensure that the historic significance of heritage assets is protected. Policies CON3 and CON4 of the SOLP 2011 state that alterations and changes of use to a listed building must respect its established character and not diminish its special historical or architectural interest. The Council's Conservation Officer is satisfied that the submitted acoustic report has demonstrated that no further works would be required beyond the approved glazing to achieve the level of insulation to meet the EPO's requirements. Although concerns remain about the breathability of the proposed thermal insulation, this is not required for soundproofing and therefore the Conservation Officer has agreed with the applicant that final details could be secured through a pre-commencement condition. As such, the proposal would prevent loss of significance to the listed building in compliance with the above policies.

6.8 Access and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding highway objections. Policy T1 of the SOLP 2011 seeks to ensure that all new development would provide a safe and convenient access for all users of the highway. The Highway Liaison Officer has previously commented that the parking requirement for a dwelling compared with the existing situation for the shop would not be increased. He also considered that the proposal would be unlikely to have a significant adverse impact on the highway network. Given the sustainable nature of the site in terms of walking, cycling and public transport and in its proximity to the town centre it is considered ideal for a "car free" development, furthermore given the parking controls within the vicinity this will limit indiscriminate/obstructive and or unauthorised parking. As mentioned no sole person has the right to park a vehicle on the land in The Shambles. This would be considered a private legal matter and would not impact upon highway safety to warrant a recommendation for refusal on those grounds.

6.9 Community Infrastructure Levy

The proposal would not be CIL liable as there would be no additional floorspace and the floorspace to be converted is in active use.

7.0 CONCLUSION

7.1 The planning application would accord with Development Plan Policies, Supplementary Planning Guidance and Government Guidance, because, subject to the conditions below, it would be acceptable in principle, safeguard residential amenity, respect the architectural and historic interest and setting of the listed building and avoid conditions prejudicial to highway and pedestrian safety.

7.2 The listed building consent application would accord with Development Plan Policies, Supplementary Planning Guidance and Government Guidance; because it would respect the special architectural and historic interest of this listed building and its setting.

8.0 RECOMMENDATION

8.1 Grant Planning Permission

- 1 : Commencement 3 years - Full Planning Permission**
- 2 : Approved plans**
- 3 : Withdrawal of Permitted Development Extensions & Rooflights***
- 4 : Implementation of sound insulation glazing**

Grant Listed Building Consent

- 1 : Commencement 3 years - Listed Building Consent**
- 2 : Approved plans (listed building)**
- 3 : Works to match existing**
- 4 : Submission of details**
 - a. Notwithstanding the details shown on the approved plans all thermal insulation**
 - b. Any new flues and extracts**

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