

APPLICATION NO.	P23/S2058/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	16.6.2023
PARISH	THAME
WARD MEMBERS	Pieter-Paul Barker David Bretherton Kate Gregory
APPLICANT	Gadsden
SITE	2-6 Whizzkidz Ltd Jefferson Way Thame, OX9 3SZ
PROPOSAL	Change of use of existing building, Children`s indoor playground E(d) to part retail unit E(a) and part Children`s Nursery E(f). Single storey extension. Recladding of building including new widows and roof.
OFFICER	Davina Sarac

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to the Planning Committee as the Town Council has raised an objection to the application (see section 2.1 of this report). This report sets out the justification for officers` recommendation to grant planning permission having regard to the development plan and any other material planning considerations.
- 1.2 The application site comprises a detached two-storey industrial building located at 2-6 Jefferson Way in the built up confines of Thame, which is shown on the plan **attached** as Appendix A. It is currently used as a child`s indoor playground. Jefferson Way is a cul-de-sac off Wenman Road (B4012) and consists of commercial units. The application site is surrounded by commercial units on the north side of Wenman Road, and residential properties opposite on the south side. There are no constraints to the site.
- 1.3 The application seeks planning permission for the change of use of the existing building from a children`s indoor playground (Use Class E(d)) to part retail unit (Use Class E(a)) and part children`s nursery (Use Class E(f)). The plans also show a single storey extension on the north elevation of the building. It is also proposed to reclad the building including new widows and roof. A copy of the plans associated with the application are **attached** as Appendix B, whilst other documentation associated with the application can be viewed on the council`s website, www.southoxon.gov.uk

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 Full copies of the representations are available on the Council`s website at www.southoxon.gov.uk under the planning reference number.

Thame Town Council – Object on the grounds of: -

- Fails to provide EV charging for cars and bicycles, contrary to Local

Plan Policy TRANS5

- Proposes a main town centre use in a location that is contrary to the NPPF and fails to provide a retail sequential test.
- Inadequate detail regarding the lighting scheme
- Inadequate details of access for HGVs
- Proposes a use that cannot be implemented, contrary to Local Plan Policies DES1 and DES7.
- Concerns regarding parking in residential areas.
- Concerns regarding pollution impact for children.

Highways Liaison Officer (Oxfordshire County Council) – No objection subject to recommended conditions regarding parking, cycle facilities and a travel plan statement.

Neighbour Representations – 8 representations received in total. Of the 8, 5 were generally supportive: -

- A local convenience store to serve all the new estates off Wenman Road
- More nursery places are required in Thame.
- The building is in a poor state and to have it refurbished would be an asset.

3 representations of objection on the grounds that: -

- It was felt that Whizzkids is a really useful asset for families. If it goes it would be a loss to Thame.
- The parking provision for the site is poor. Concerns of ad hoc parking
- There will be impact from extra light and noise pollution.
- Potential concern about the trolley park being used by miscreants.

3.0 RELEVANT PLANNING HISTORY

3.1 [P07/E1258/RET](#) - Approved (15/11/2007)

Provision of ancillary outdoor play area (retrospective). Relaxation of condition 3 (Childrens indoor adventure playground only) of planning permission P04/E1245. (As amended by letter and drawing SB/315/3 Rev A received from the Agent dated 1st November 2007).

[P04/E1245](#) - Approved (10/12/2004)

Change of use from industrial to Childrens indoor play area.

[P03/E0086](#) - Refused (24/07/2003)

Change of Use to Childrens Play Centre (as amended by drawing no.2305/06A accompanying letter from Agent dated 7 July 2003).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 N/A

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES3 - Design and Access Statements
DES8 – Promoting Sustainable Development
STRAT1 - The Overall Strategy
DES6 - Residential Amenity
EP1 – Air Quality
ENV12 - Pollution - Potential Sources of Pollution
TC1 - Retail and Services Growth
TC2 - Retail Hierarchy
TH1 - The strategy for Thame
TRANS2 Promoting sustainable transport and accessibility
TRANS4 - Transport Assessments, Transport Statements and Travel Plans
TRANS5 - Consideration of Development Proposals

5.2 Thame Neighbourhood Plan (2013)

WS13 Support improvements to existing employment areas
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.
ESDQ29 Design car parking so that it fits in with the character of the proposed development.

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.4 National Planning Policy Framework and Planning Practice Guidance

5.5 Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The relevant planning considerations are the following:

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Carbon reduction**
- **Community Infrastructure Levy (CIL)**

6.2 Principle of development

In terms of the principle of the proposal, essentially the existing indoor recreational use falls within Class E which means that ordinarily the change of the whole unit to a retail shop could be carried out without planning permission because this also falls within a Class E use. However, permission is needed in

this particular case because of separating the building into two separate planning units.

- 6.3 The relevant development plan comprises the South Oxfordshire Local Plan 2035 (SOLP) and the Thame Neighbourhood Plan (TNP 2013). Policy TC2 of the SOLP 2035 promotes the town centres of the main towns including Thame. Parts 3 to 5 of the policy are most relevant and states:

3. To ensure the long-term vitality and viability of the town centres, the Council will apply a 'town centre first' approach to retail, services and other main town centre uses in accordance with the established hierarchy of centres.

4. For our local centres, development proposals will be permitted that:

i) provide retail and leisure uses within the centres through infill development and small scale redevelopment;

ii) provide small scale retail or leisure development that contributes to the vitality and viability of the villages whilst not undermining the retail roles of the towns;

iii) seek to improve access and movement for all users.

5. Development proposals for uses within Class E will be permitted within the town centre boundaries. Retail, leisure, office, and other main town centre uses will continue to be directed to these centres in line with the sequential approach set out in the NPPF.

6. Where planning permission is required any retail, leisure and office development proposed outside these centres must be subject to an impact assessment, appropriate to the use, where the proposed gross floorspace is greater than the local threshold of 500sqm.

- 6.4 As planning permission is required for the proposed development the application of the sequential test is triggered. However, the size of the retail unit (441sqm) falls below the threshold of 500sqm for the requirement to undertake an impact assessment on the town centre. The applicant submitted a revised Planning Statement in relation to the acceptability of the retail unit in this location, which concluded that (paragraph 4.0): -

"The proposal is for a local convenience store to serve the local community. It would not compete with the town centre as it would serve a different purpose, being accessible on foot by the nearby neighbourhood and employment sites, within the 800m isochrone. Most town centre stores are outside this comfortable walking distance where walking for local shopping is able to be encouraged. This would discourage the use of other modes of travel and add to well-being of the local community. The development plan and the NPPF accept that not all retail uses could, or should, appropriately be accommodated in town centres."

- 6.5 Officers agree that the retail unit would be beneficial to the local area as it would serve the new housing estates built in the immediate area, and would be a sustainable development to meet the day-to-day requirements of the local community in this part of Thame. Paragraph 9.10 of the SOLP makes clear small parades and local shops not covered by this policy (TC2) are still an important feature within a neighbourhood. Where new local parades/shops are

provided, like those planned for within strategic allocations, they are required to meet the day-to-day need of the local community only. Similar support for local non-town centre shops is provided in paragraphs 92 and 93 of the NPPF. Para 93 states that planning decisions should '*plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments*'.

- 6.6 It is considered that the proposal for the retail unit clearly lies outside the town centre and is subject to the sequential test referred to within policy TC2 of the SOLP. However, the retail unit is designed to serve convenience goods to the local area only and officers do not consider that it would materially affect the viability or vitality of the town centre as also indicated by its size negating the requirement for an impact assessment on the town centre.
- 6.7 The proposal also seeks to refurbish this unattractive building and would also create a childrens' nursery and retail unit within walking distance to a newly built housing estate on the edge of Thame. These factors hold significant weight as benefits to the local community and also in terms of a sustainable development that would encourage walking and cycling. Therefore, giving significant weight to the positive contributions of the proposal to the local community the principle of the proposed development is considered to be broadly acceptable.
- 6.8 **Design and character**
The proposal seeks to split the building in half internally and to refurbish the whole building with improved levels of insulation, new windows, and cladding. The retail unit at the front facing Wenman Road is proposed to have large areas of glazing together with cladding panels to facilitate shop signage (details subject to separate application). There would be car and cycle parking located at the front of the retail unit and some car parking located off Jefferson Way also.
- 6.9 The proposed nursery will be at the north end of the building, with its entrance, as now, on the north elevation. In order to improve safety for visitors a new 900mm high railing will enclose the parking area and routes to and from the entrance. A new glass structure will emphasise the entrance as well as providing a lobby for safe access. There is also parking to the north outside the proposed nursery.
- 6.10 The proposed panel style cladding material (in dark grey and silver metallic) will give a distinctive contemporary feel whilst respecting the monochrome colour palate of the other units in Jefferson Way. The proposed materials are acceptable in this location. Overall, the proposed refurbishment of the building would be acceptable and would comply with Local Plan policies DES1 and DES2 and the Thame Neighbourhood Plan policies ESDQ16 and ESDQ19.
- 6.11 **Residential amenity**
Some objections were received on the grounds that the retail unit at the front

would result in extra light and noise pollution to nearby neighbouring properties across Wenman Road which are located approximately 50 metres away. Given that a main road runs in between the application site and the housing estate which has a good degree of separation, it is not considered that a small local food convenience store would create so much light and noise pollution that would warrant refusal. No external lighting scheme has been put forward, but this can be secured through a planning condition.

- 6.12 Other concerns raised was the shopping trolleys could be used by miscreants. Paragraph 92 of NPPF states that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which:

(a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

(b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;

It is considered that the location of the retail unit at the front of the site opposite the main road and larger housing estate, with a main entrance facing the public realm facing onto the car park and trolley park area would create an active frontage and natural surveillance from users of the industrial estate and the road. The assumption that the trolleys would be used by miscreants would not be valid reason to refuse the application.

Overall, it is considered that the proposal would not result in any material harm to the residential amenity of nearby residents to warrant refusal and that it complies with policy DES6 in that regard.

6.13 Access and parking

The existing parking area to the front of the shop will be laid out to provide 7 car parking spaces. The area in front of the shop will be protected by a series of bollards for the safety of people entering and leaving the shop. This area will also house the trolley park, litter bins and cycle hoops. There is also an additional 7 car parking spaces on Jefferson Way and disabled parking and further car parking to the back of the building for the nursery unit.

- 6.14 The Local Highway Authority (LHA) has assessed the proposal and raised no objection. In terms of car parking and highway safety the LHA state that the car parking meets the County's guidance and is considered acceptable. Cycle parking has been demonstrated, but additional spaces are required to meet current County standards. For the proposed retail unit this requires a total of 18 cycle parking spaces. Given the location of the proposal it has been recommended that a Travel Plan Statement is provided for the site to lessen

private vehicular trips to the site and promote sustainable transport options. Additional cycle parking and an EV car charging point can be secured via a planning condition.

6.15 Carbon reduction

The refurbishment of the building with additional insulation and new windows and doors would improve the thermo-efficiency of the overall building.

6.16 Community Infrastructure Levy (CIL)

The proposal is CIL liable, but not chargeable as it is a like for like change of use floor area and offsets itself.

6.17 Pre-commencement conditions

None.

7.0 CONCLUSION

7.1 The proposal is considered to comply with the relevant Development Plan policies and, subject to the attached conditions, the proposed development would be acceptable in principle, would be in keeping with the character of the area and would not be prejudicial to highway safety. It is also acceptable in terms of its impact on neighbouring amenity.

8.0 RECOMMENDATION

Planning Permission be granted subject to the following conditions: -

1 : Commencement to begin within 3 years - Full Planning Permission

2 : Development to accord with the approved plans

3 : Parking and Manoeuvring Areas to be retained and laid out as approved

4 : Details of soft landscaping to be submitted and approved in writing

5 : Cycle Parking facilities to be submitted and approved in writing

6 : A Travel Plan Statement to be submitted and approved in writing

7 : Development to use materials as specified in the application plans

8 : An external lighting scheme to be submitted and approved in writing

9 : One electric charging vehicle point to be provided in accordance with details to be provided

10 : No more than 20% comparison goods to be sold in the retail unit

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