

APPLICATION NO.	P24/S0433/FUL
SITE	Unit 8, Goodson Industrial Mews Wellington Street THAME Oxon, OX9 3BX
PROPOSAL	Change of use of existing storage/light industrial unit from B8 to E(D).
APPLICANT	MVMNT Box Functional Fitness Ltd
APPLICATION TYPE	FULL APPLICATION
PARISH	THAME
WARD MEMBER(S)	Pieter-Paul Barker, Kate Gregory & David Bretherton
OFFICER	Marc Pullen

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Committee as the recommendation made by your officers to grant planning permission conflicts with the view of Thame Town Council.
- 1.2 The application site (which is shown on the OS extract attached as **Appendix A**) lies within Thame town centre and is within the Goodson Mews estate and is accessed off Wellington Street. The site lies partially within the Thame Conservation Area.

2.0 PROPOSAL

- 2.1 This application seeks planning permission to change the use of the existing storage/light industrial unit (Class B8) into a gym (Class E(D)).
- 2.2 No external alterations are proposed to the building. The use would be served by five parking spaces and a new cycle store.
- 2.3 Reduced copies of the plans accompanying the application are attached as **Appendix B**. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Publicity

Site notice.

3.2 Statutory Consultee responses

Thame Town Council – Object

- The application is contrary to TNP Policy WS12 and Local Plan 2035 Policy EMP3 in proposing the loss of employment land without supporting evidence of a lack of viability or market interest.

Highways Liaison Officer (Oxfordshire County Council) –

- No objection, subject to conditions

Env. Protection Team –

- Acoustic assessment required to ensure protection of neighbours

Neighbours (11)

- Concern over the change of building use making it easier to fast-track an application for residential use.
- Request the use be granted for temporary permission.
- Concern over noise pollution (music from gym) and impacts on local residents and the late closing times.

4.0 RELEVANT PLANNING HISTORY

Application Number	Description of development	Decision and date
P89/N0860	Phase 3 - Conversion of shop and creation of business units.	Approved (21/03/1990)
P89/N0169	Phase 3 - conversion of shop and creation of business units.	Approved (03/08/1989)

5.0 ENVIRONMENTAL IMPACT ASSESSMENT

5.1 N/A.

6.0 POLICY & GUIDANCE

6.1 **National Planning Policy Framework and Planning Practice Guidance**

6.2 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES6 - Residential Amenity
- DES8 - Promoting Sustainable Design
- DES10 - Carbon Reduction
- EMP3 - Retention of employment land
- EMP6 - New Employment Land at Thame
- ENV8 - Conservation Areas
- ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)
- ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
- EP1 - Air Quality
- EP3 - Waste collection and Recycling
- EP4 - Flood Risk
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- TH1 - The strategy for Thame
- TRANS5 - Consideration of Development Proposals

6.3 **Thame Neighbourhood Plan 2013 Policies**

- ESDQ16 - Development must relate well to its site and its surroundings
- ESDQ17 - Development must make a positive contribution towards the distinctive character of the town as a whole

ESDQ29 - Design car parking so that it fits in with the character of the proposed development

WS7 - Retain small scale employment in the town centre

WS12 - Retain existing employment land in employment use

Emerging Thame Neighbourhood Plan:

The town council recently ran the statutory pre-submission consultation on the draft review plan, which ended on 7 August 2023. As such only limited weight can be given to the following policies:

GDR2 - Town Centre Uses

CPQ1 - Design in Response to Local Character

CPQ3 - Town Centre Design Principles

CPQ5 - Sustainable Design and Construction

SF01 - Community Facilities and Services

GAAT1 - Active Travel

6.4 Supplementary Planning Guidance/Documents

Joint South Oxfordshire and Vale of White Horse Design Guide

7.0 PLANNING CONSIDERATIONS

7.1 The relevant planning considerations are the following:

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**

7.2 Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission 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.

Where development conflicts with the Development Plan planning permission should be refused unless material considerations indicate otherwise.

Where the development plan is silent on a particular matter or specifically directs assessment in line with national planning policy the development will be assessed against the National Planning Policy Framework (NPPF).

Policy EMP3 of the South Oxfordshire Local Plan (SOLP) advises against the loss of employment land. Policy WS12 of the Thame Neighbourhood Plan (TNP) has a similar aim.

It is officer's view that the proposed development, converting the B8 use into E(D) use would ensure that employment is retained on the site and would not result in the loss of employment within the town centre. As such officers are satisfied that the proposed development would not result in the loss of employment and would comply with Policy EMP3 and WS12.

Officers have recommended a condition which limits the use of the building as Class E(D) to ensure that any future movement within Class E cannot happen without the express need to apply for planning permission. If limited just to Class E the owner could convert the building into uses such as a restaurant, bar or takeaway venue. These are likely to have an impact on neighbours and there would be no ability to consider matters such as noise, odour or time of operation within the planning framework.

7.3 Design and character

The Council's policies and guidance on design states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

The proposed development results in limited external changes to the building with the exception of a new cycle store outside the entrance of the property. The use as a service/facility within the town centre location would be appropriate in officer's opinion.

Officers are satisfied that the proposed development is an appropriate and sustainable use of the site and would not have an adverse impact on the character and appearance of the conservation area.

7.4 Residential amenity

Policy DES6 (SOLP) seeks to ensure that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses. Factors to consider include loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination and external lighting.

The council's environmental protection team has considered the potential impacts on neighbours as a result of the proposed use, with the use of music during exercise sessions. They require further details to ensure protection against noise and as such officer's consider it necessary for the applicant to provide an acoustic assessment which should set out measures if required to provide acoustic protection.

The condition restricting the use of the building to Class E(D) would also ensure the local planning authority retains control over any possible impacts on neighbours.

7.5 Access and parking

Policy TRANS5 (SOLP) advises that all types of development will, where appropriate provide for a safe and convenient access for all users to the highway network, provide safe and convenient routes for cyclists and pedestrians and provide parking of vehicles in accordance with Oxfordshire County Council parking standards and provide for loading, unloading, circulation and turning spaces on site.

In consultation with the local highway authority, the proposed development is not considered to be harmful. The proposal has demonstrated a total of five parking spaces, which is below guidance, however, the site benefits from being in an accessible location. A range of shops, services and public transport services are within reasonable walking and cycling distances.

Given the accessibility of the site, the local highway authority is satisfied the level of off-street parking is appropriate subject to the provision and operation of a Travel Plan Statement to reduce private car use and encourage greater use of sustainable modes of transport. This can be secured via a suitably worded condition. In addition, sheltered and secure cycle parking/storage must be provided on-site in accordance with local guidance.

7.6 Community Infrastructure Levy

The proposed development would not be liable to pay CIL.

7.7 Pre-commencement conditions

In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Section 100ZA (6) of the Town and Country Planning Act 1990(a) the Council is required to confirm agreement to all pre-commencement conditions. These will all have been agreed by the applicant/agent in writing in accordance with the requirements of this legislation.

8.0 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.
- Crime and Disorder Act 1998 - In considering this application, due regard has been given to the likely effect of the proposal on the need to reduce crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998. In reaching a recommendation, officers consider that the proposal will/will not undermine crime prevention or the promotion of community safety.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 Officers are satisfied that the proposed development is acceptable in principle as the development would not result in the loss of a commercial employment use, and would support the vitality and viability of the town centre. The development would not result in harm to the character or appearance of the area or the amenity of neighbours. The proposed development is sustainably located within the town centre and would not impact adversely on highway safety.

9.2 Abbreviated versions of the recommended conditions are listed below and shown in full in Appendix C.

10.0 **RECOMMENDATION**

Planning Permission

1 : Commencement 3 years - Full Planning Permission

2 : Approved plans

3 : Parking & Manoeuvring Areas Retained

4 : Specified use within Use Class

5 : Cycle Parking Facilities

6 : Travel Plan Statement

7 : Noise Control-Sound insulation scheme-Noise from inside building

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Appendix C

Recommended Conditions (full text):

Sequence	Description	Details
1	Commencement 3 years - Full Planning Permission	<p>The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: By virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	Approved plans	<p>That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 1002 Rev P02, 1003 Rev P01, 5000 Rev P01, 3000 Rev P02 and 1001 Rev P02, except as controlled or modified by conditions of this permission.</p> <p>Reason: To secure the proper planning of the area in accordance with Development Plan policies.</p>
3	Specified use within Use Class *	<p>The building/premises shall be used only for purposes within Class E(d) and for no other purposes including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the change of use of the premises to a residential use as described in Schedule 2, Part 3, Class MA of the Order shall not be undertaken without obtaining planning permission from the Local Planning Authority.</p> <p>Reason: In the interest of local amenity and to avoid the loss of an employment use in accordance with Policies DES6 and EMP3 of the South Oxfordshire Local Plan 2035.</p>
4	Parking & Manoeuvring Areas Retained	<p>Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan 3000, Rev P02 and shall be constructed, laid out, surfaced, drained and</p>

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		<p>completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.</p> <p>Reason: In the interests of highway safety and in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.</p>
5	Cycle Parking Facilities	<p>Prior to the first use of the development hereby approved details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented prior to first use of the development and thereafter retained in accordance with the approved details.</p> <p>Reason: To encourage the use of cycles as a means of transport in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.</p>
6	Travel Plan Statement	<p>Prior to the use of the development hereby permitted a Travel Plan Statement shall be drawn up, and submitted to and approved in writing by the Local Planning Authority; such plans to include proposals for all travel by modes other than the private car for journeys to and from site.</p> <p>Reason: To promote the use of non-car modes of transport in accordance with Policy TRANS4 of the South Oxfordshire Local Plan 2035</p>
7	Noise Control-Sound insulation scheme-Noise from inside bld	<p>No development shall take place until a scheme for the control of noise from the building has been submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be operated and retained in compliance with the approved scheme.</p> <p>N.B. this condition is intended to control noise from the inside of the building and should consider noise control from points of access and egress - for example the proposed access points, sealing the building from internal noise, upgrading the acoustic specification of windows where necessary, ensuring that any</p>

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		<p>ventilation points and entry for fresh air feeds are appropriately acoustically protected.</p> <p>Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy ENV12 of the South Oxfordshire Local Plan 2035.</p>
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