

Case Officer: Stuart Howden

Recommendation: Approve

Applicant: Builders Ede Ltd.

Proposal: Change of Use from Class B1(a) offices to Class C3 residential – 16 No one and two bedroom and studio flats

Expiry Date: 11 July 2018

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the south side of High Street, within the village centre of Kidlington. The site comprises a three store building that occupies a number of commercial units at first and second floor levels. Access to the site is from High Street between 18 and 20 High Street.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks a determination as to whether prior approval is required for the development shown in the application submission.
- 2.2. The proposal is for a change of use of the office units at first and second floor level to a residential use under the provisions of Class O, Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. The offices at first and second floor level are proposed to be converted to 16 residential units.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 17/02023/O56 - Conversion of existing office building into 20 x 1 bed, 2 bed and studio residential units - WITHDRAWN on 11th December 2017
 - 18/00544/O56 - Change of use of office building to 20 x 1 and 2 bedroom and studio flats - WITHDRAWN on 24th May 2018.
- 3.2. The applications were withdrawn due to concerns raised by consultees and that the proposal previously included an A2 use (financial and professional services). The red line has been reduced in order to address this latter issue.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 02.07.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

6.2. CLLR GRIFFITHS (WARD MEMBER): Has raised significant concerns regarding a lack of parking serving the development.

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

6.3. KIDLINGTON PARISH COUNCIL: **Object**, on parking grounds as there should be one car per dwelling.

STATUTORY CONSULTEES

6.4. ENVIRONMENT AGENCY: **No objections**.

6.5. LOCAL HIGHWAYS AUTHORITY: **No objections** in principle.

NON-STATUTORY CONSULTEES

6.6. ENVIRONMENTAL PROTECTION: **No objections** in principle.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. No local policy consideration due to nature of the Prior Approval Application.

7.2. The Schedule 2, Part 3, Class O, of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015.

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development and eligibility for prior approval
- Highway safety
- Contamination risks on site
- Flooding risk
- Noise

Principle of development and eligibility for prior approval

8.2. Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that the conversion of offices to a residential use is permitted development provided it meets the criteria set out in section O.1 of Class O.

8.3. The building is not on article 2(5) land. There are a number of office units on the first and second floor of the building, and I have no reason to doubt that these have been in use for Class B1 office use before 29th May 2013.

8.4. The building is proposed to be for C3 use and the site is not and does not form part of a safety hazard area. The site and building is not and does not form part of, a military explosives storage area.

- 8.5. The building is not a listed building or within the curtilage of a listed building; and the site is not and does not contain a scheduled monument.

Highway safety

- 8.6. Oxfordshire County Council Local Highways Authority (LHA) has offered no objections to the application. Concerns have been raised during the consultation process regarding the lack of parking on site given that a car free development is proposed in this instance and instead cycle parking is proposed. Secure parking for 35 bicycles is proposed to the rear of the site, including 10 spaces
- 8.7. The LHA has referred to existing traffic regulations within the vicinity of the site to prevent off-site parking close to the site, stating that on-street parking cannot occur in the immediate vicinity of the site due to the pre-destinations of the road immediate to the front of the development, in addition to a yellow box at the signalised junction and double yellow lines on the A4260.
- 8.8. The LHA therefore concludes that the proposal is unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view. Furthermore, it is the case that the village centre has access to a wide range of amenities, a cycle network of reasonable quality, and a regular bus service to Oxford.
- 8.9. Whilst, I understand the concerns of third parties, it would be difficult to defend a refusal on highways safety ground at appeal given the above. Thus, it is considered that the proposal is unlikely to have an adverse impact upon the safe and efficient operation of the highway network.

Contamination risks on site

- 8.10. An Asbestos Management Report has been submitted alongside the application and this identifies that no asbestos containing materials have been identified. Furthermore, the Environmental Protection Officer has raised no objections in relation to land contamination.

Flood Risk

- 8.11. The site is located within Flood Zone 1 and is therefore considered that the site is not at risk of flooding and is acceptable in this regard. Furthermore, the Environment Agency has not objected to the proposal.

Noise

- 8.12. The impacts of noise from commercial premises on the intended occupiers of the development are another matter for consideration for the Local Planning Authority. The site is within the village centre of Kidlington and a number of commercial premises surround the site therefore there is the potential for noise to impact upon the proposed occupiers of the development. A noise report has been submitted alongside the application. This concludes that with minor mitigations works, the conversion can successfully achieve the daytime and night time internal noise levels as stated in BS8233, with windows closed and trickle vents open. These mitigation works include: roof upgrade with additional linings internally; windows being upgraded; and ventilation units being carefully selected.
- 8.13. The Environmental Protection Officer is satisfied with the findings within the submitted noise report, so long as the recommendations in the report are carried out

and this is confirmed in writing by the applicant prior to the first resident taking occupation. I do not consider it necessary to request such information as a compliance condition could suffice.

Other

- 8.14. It would be sensible and otherwise reasonable to impose a condition to require details of refuse and recycling storage for this development. However, this matter goes beyond the remit of a Class O development and therefore unfortunately would not be reasonable in this instance. It is hoped that this could be captured under separate legislation (e.g. Building Regulations) in order not to have adverse effects on the character appearance and general amenity of the local area.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The application is considered to meet the requirements for Class O and Paragraph W, Part 3 of the GPDO 2015 (as amended). It is therefore concluded that prior approval is approved.

10. RECOMMENDATION

That prior approval is required and **approved** with the following condition(s):

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this prior approval.

Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form; cover letter (ref: 129-17) from Mike Gilbert dated 8th May 2018; Existing Site Plan and Location Plan at 1:500 scale on A3 paper; Proposed First & Second Floor Plans at 1:100 scale on A2 paper; and Proposed Site Plan at 1:250 scale on A3 paper submitted with the application.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the occupation of the development hereby approved, full design details of the cycle parking facilities for 35 cycles shall be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details so approved and shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form and appearance of the completed development and to comply with Policies ESD1 and ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to its first occupation, the development hereby permitted shall be implemented in accordance with the recommendations in the Summary and Conclusions section (7) of the Noise Assessment Report by WMB Acoustic Consultants dated 7th March 2018 submitted with the application, and shall be retained as such thereafter.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. The applicant is reminded that the issuing of this Prior Approval for the change of use under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not grant permission for any building operations necessary to convert this building into a dwelling.

Case Officer: Stuart Howden

DATE: 09/07/18

Checked By: Nathanael Stock

DATE: 09.07.2018
