

**Kirtlington Post Office Stores 1 Troy Lane
Kirtlington OX5 3HA**

19/02888/F

Case Officer: Shona King

Recommendation: Refuse

Applicant: Ms R Simpson

Proposal: Change of Use of Shop to Residential, alternations to front window and two new roof lights.

Expiry Date: 6 March 2020

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to the Kirtlington Post Office stores, a two-storey mid terrace stone cottage with a tiled roof facing onto Troy lane. The site is within the built-up limits of Kirtlington and is within the Conservation Area. The property is not listed but is bounded by Grade II listed buildings (West View to the north and Garden Cottage to the south).

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Consent is sought for the change of use of the shop, which occupies the ground floor of the building, to wholly residential use in conjunction with the existing residential use on the upper floors, and alterations to one of the ground floor windows in the front elevation and the insertion of two rooflights in the rear elevation.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

16/02557/F – Single storey rear extension - APPROVED

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 **4 February 2020**, although comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- Impact of Co-op in Bletchingdon
- Health of applicant
- Takings down on previous years
- Shop too large and needs to much investment to make viable
- Consistent support required from village residents
- New housing required in Kirtlington
- Premises suited to reverting to a single dwelling
- Improve visual appearance of area without shop

- Hub of village and focal point
- Loss of facility harmful to character of village
- Post office widely used
- Closure would result in additional traffic and environmental impacts

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. KIRTLINGTON PARISH COUNCIL: **No comment to date**

6.3. MID-CHERWELL NEIGHBOURHOOD FORUM: **No comment to date**

STATUTORY CONSULTEES

6.4. OCC – LOCAL HIGHWAY AUTHORITY: **No objections**

NON-STATUTORY CONSULTEES

6.5. CDC BUILDING CONTROL: **Comment** that the development would require a Building Regulations application.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PDS1 – Presumption in favour of sustainable development
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- S29 – Loss of existing village services
- C28 – Layout, design and external appearance of new development
- C30 – Design control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Impact on heritage assets
- Residential amenity
- Highway safety

Principle of development

- 8.2. Paragraph 83 of the NPPF states that planning policies and decisions should enable the retention and development of accessible local services and community facilities such as local shops. Para 92 of the NPPF places weight on valued local facilities particularly where they meet the community's day to day needs. Para 92 (d) states that shops should be retained for the benefit of the local community.
- 8.3. Saved Policy S29 of the Cherwell Local Plan 1996 states that proposals that involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted.
- 8.4. The applicant's agent has argued in the design and access statement submitted with the application that Policy S29 should be given reduced weight due to its age. However, the policy is in accordance with the thrust of paragraphs 83 and 92 of the NPPF and therefore should be given full weight. The supporting text to Policy S29 does acknowledge that it will be difficult to resist the loss of local facilities such as shops when they are proven to be no longer financially viable in the long term. (Albeit that such a qualification does not feature in the named paras of the NPPF.)
- 8.5. The design and access statement advises that the shop has been under pressure for many years but with the completion of a Co-op convenience food store in Bletchingdon in September 2019 overall trade has reduced significantly and the shop is operating at a loss. However, no evidence has been submitted with the application to support this claim.
- 8.6. In order to justify the loss of the shop contrary to Policy S29 and paragraphs 83 (d) and 92 of the NPPF a viability assessment is required setting out details of how the business operates currently, hours of operation, annual accounts from recent years and evidence that the property has been marketed at a reasonable price as a shop with for at least a 12 month period without success. It must be demonstrated that the shop as a service is non-viable rather than the particular business model used by the current or last operator.
- 8.7. There have been a number of comments submitted by residents of Kirtlington. Some support the change of use whilst others have commented that the loss of the shop would be detrimental to the village. From all the comments received it is clear that the shop is a valued facility but it is not clear whether the business is viable in the long term or whether it is the applicant's circumstances that have resulted in the submission of the application.
- 8.8. Notwithstanding the above, if the loss of the facility was determined to be acceptable, the use of the whole of the property for residential use could be supported in sustainability terms. The property is currently used as a shop on the

ground floor with associated living accommodation on the two upper floors. Therefore, the proposal would not result in a net additional dwelling. That said, the site is within the built limits of Kirtlington village, which is a Category A village under Policy Villages 1 of the adopted Cherwell Local Plan 2011-2031: Part 1 where the conversion of an existing buildings to residential can be acceptable in principle subject to other considerations and these are considered further below.

Design and impact on the character of the area

- 8.8. Paragraph 124 of the NPPF states that: 'Good design is a key aspect of sustainable development' and that it 'creates better places in which to live and work'. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. In addition, Policy ESD15 states new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards."
- 8.9. Saved Policy C28 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.10. The proposed alterations to the front elevation are considered to be acceptable and the proposed window would match the size and form of the existing ground floor window in this elevation giving a consistent appearance to the building.
- 8.11. The rooflights require planning permission as the property does not currently benefit from permitted development for rooflights. The rooflights in the rear elevation would not be readily visible in public views due to the relationship with surrounding buildings and by reason of their siting would not result in any significant detriment to the visual amenities of the area.

Impact on heritage assets

- 8.12. The site is within Kirtlington Conservation Area and adjoins Grade II listed buildings.
- 8.13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.14. Likewise, Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.15. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to

substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

- 8.16. The proposed works are considered to preserve the character and appearance of the Conservation Area and whilst the building adjoins two Grade II listed buildings it is considered that the development would not result in any significant harm to the significance of the listed buildings by reason of change to their settings.

Residential amenity

- 8.17. The proposed alterations to the building would not result in any significant increase in overlooking or loss of privacy to the occupiers of the adjacent dwellings. The change of use from shop to a single dwelling could result in a reduction in noise and disturbance to the neighbouring dwellings.

Highway safety

- 8.18. The proposal seeks to convert the ground floor of the premises to living accommodation in conjunction with the existing residential use on the upper floors. The property does not benefit from any off-street parking.
- 8.19 The Local Highway Authority has recommended a condition requiring the provision of cycle storage/parking. However, this is considered to be unreasonable as there is already a residential unit on the site that doesn't benefit from such a facility and the property would remain as a single dwelling.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposal would result in the loss of an existing village service which serves the basic needs of the local community and it has not been demonstrated that it is not financially viable in the long term. This is contrary to Saved Policy S29 of the Cherwell Local Plan 1996, Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

10. RECOMMENDATION

That permission is refused, for the following reason:

1. The proposal would result in the loss of an existing village service which has not been demonstrated as not being viable in the long-term. As such, the loss of the service would lead to an unacceptable impact on the local community and would therefore be contrary to saved Policy S29 of the Cherwell Local Plan 1996, Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance on supporting a prosperous rural economy and promoting healthy communities contained within the National Planning Policy Framework.

Case Officer: Shona King

DATE: 04 March 2020

Checked By: Nathanael Stock

DATE: 05.03.2020
