

WAN/1960/15 – Suffolk Life Pensions

Conversion of part of upper floor to form 2 no. 2 bedroom flats and 2 no. 1 bedroom flats. Unit 8, Regent Mall, Wantage

1.0 The Proposal

- 1.1 This application seeks planning permission for the conversion of the upper floors of unit 8 in the Regent Shopping Mall, Wantage, to residential use in the form of 4 flats. The ground floor of the unit would remain in its existing retail use and the flats would be accessed from existing side access points and stairs.
- 1.2 The building is also occupied by Wantage cinema which, although not currently in use, is not affected by the proposed conversion should it re-open.
- 1.3 The proposed conversion incorporates some external alterations to the building in the form of window openings in both side elevations (north and south) and some alterations to the existing opening in the rear elevation.
- 1.4 There is no parking provision included in the scheme, however there are a number of town centre car parks in close proximity to the site.
- 1.5 The site is within the Wantage Conservation Area.
- 1.6 Extracts from the application drawings are at **Appendix 1**.

2.0 Planning History

- 2.1 Planning permission was granted in July 1985 for the alteration and conversion of the existing cinema into part cinema and 8 retail units.
- 2.2 Planning permission was refused in January 1987 for the erection of 3 no. 1 bedroom flats at first floor level with existing service yard below.
- 2.3 Planning permission was granted in August 1988 for 3 no. 1 bedroom flats at first floor level with car parking and storage below, to the rear of the cinema building.
- 2.4 Planning permission was refused in March 2005 for the change of use of the cinema to 8 no. 1 bedroom flats due to the impact of the loss of the cinema on the vitality of Wantage town centre.
- 2.5 There have been a number of other applications relating to signage.

3.0 Planning Policies

- 3.1 Policy S8 of the adopted Local Plan encourages the provision of residential accommodation within Wantage town centre providing it does not conflict with other policies in the Local Plan.
- 3.2 Policy S4 of the Second Deposit Draft Local Plan states that within the primary and secondary shopping frontages in Wantage town centre, permission will be granted for other uses including residential accommodation above ground floor level only, and providing there would be no demonstrable harm caused to the living conditions of neighbouring residents in terms of noise etc.
- 3.3 Policies D15 of the adopted Local Plan states that development will not be permitted if it is likely to be adversely affected by existing or potential noise.

3.4 Policy DC10 of the emerging Local Plan refers to the same issue.

4.0 **Consultations**

4.1 Wantage Town Council object to the application for the following reasons: “Object to the loss of retail space in the Town Centre/Market Place location. The Cinema property is next to the proposed flats. This makes the property unsuitable for residential purposes.”

4.2 The Local Member, Cllr Jim Moley, has commented on the application. His comments are attached at **Appendix 2**.

4.3 The County Engineer has raised concern over the lack of parking provision but has accepted the fact that this is for the conversion of an existing building and is in Wantage Town Centre where there is existing provision.

4.4 The Council’s Environmental Health Officer does not object to the application in terms of the impact of noise from the cinema on the proposed residential use. He has recommended conditions.

4.5 The Council’s Building Control Officer has commented on the proposal in connection with the relationship of the proposed residential use and the adjacent cinema. Subject to some possible minor works to the means of escape to meet Building Regulations, there is no objection raised on either noise or fire risk grounds.

4.6 Wantage and District Chamber of Commerce objects to the application due to the loss of retail space in the town centre.

4.7 46 Letters of objection have been received from local residents raising the following concerns:

- Lack of car parking provision for the proposed flats.
- Increase in traffic to the town centre.
- Impact on the future viability of the cinema.
- Residential use adjacent to the cinema would limit the hours of opening of the cinema due to noise.
- The cinema is viable and should re-open. This development will prevent this happening.
- Allowing flats before the future of the cinema is decided is short sighted.
- The proposed development will result in a fire and safety risk.
- A residential use should not be permitted under an asbestos roof (this is not a material planning consideration).

5.0 **Officer Comments**

5.1 The main issues to consider in determining this application are: i) Whether the principle of converting the retail use into residential use in this location is acceptable; ii) whether a residential use in close proximity to the cinema will be detrimental to either the occupants of the proposed flats or the continued viability of the cinema in terms of noise and fire safety issues; iii) whether the proposed flats will have a detrimental impact on the amenities of neighbouring uses; iv) and whether the proposal is acceptable in terms of the lack of any parking provision.

5.2 The site is within Wantage town centre and within an area designated in the Local Plan as within the secondary retail frontage. Both adopted and emerging policies for this area seek to encourage a diversity of uses in the Town Centre in the interest of enhancing the vitality and viability of the area. The ground floor of the furniture store would be retained in retail use which accords with these policies, and the proposal is to convert the upper floor to flats. The top floor of the building is currently loft space, which would be converted into residential use also, however the proposal would result in the loss of only one floor of retail space (and only part of

one retail unit) to and alternative use which is encouraged in this town centre location. Your Officers, therefore, consider that the principle of the conversion is acceptable in this location.

- 5.3 Significant concern has been raised by local residents in relation to the proposed residential use adjacent to the cinema, and that the flats could prevent the continued use of this valued local facility. Although the cinema is currently not in operation, a study commissioned by the Council in relation to the previous application concluded that a cinema was financially viable in this location. Advice has been taken from the Council's Building Control and Environmental Health Sections in relation to the noise and safety implications of the proposed flats in the area behind the cinema screen. The Building Control Officer has confirmed that the works required to the stairs and flats themselves are feasible for the proposal to meet the Building Regulations.
- 5.4 In relation to noise, the Environmental Health Officer requested an acoustic survey to be submitted investigating the likely impact of the cinema noise and vibration on the proposed flats, and whether works could be carried out to mitigate the effects. This has been received (and can be viewed on the planning file) and has concluded that the existing wall between the cinema and the proposed flats is sufficient to satisfy the requirements of Part E (Resistance to the passage of sound) of the current Building Regulations. The report also contains recommendations suggesting further sound attenuation measures and a specification of works required within the conversion. The Council Environmental Health Officer has stated that he is satisfied with the contents of the report and has recommended a Condition requiring the proposed works set out in the specification, to be carried out.
- 5.5 The location of the cinema adjacent to the proposed residential use would therefore not have an impact on the future occupants in terms of noise and vibration, and the existence of the new flats should not preclude the continued use of the cinema should it re-open. Officers, therefore, consider that refusal on the grounds of the impact on the viability of the cinema could not be justified.
- 5.6 In relation to the impact of the conversion on the amenities of neighbouring properties, the proposal is not considered to have a detrimental impact. The scheme includes the addition of new side openings to the building, however the site is within the town centre and is surrounded by commercial uses and service yards, although there is a small shared residential block located between 8 and 15 metres away to the rear beyond a car parking area.
- 5.7 The proposed development does not include any car parking provision, however the site is located within the town centre where there are a number of public car parks, a varied range of facilities and good public transport links to other areas. As the proposal is for the conversion of an existing building, it is considered that refusal on parking provision grounds could not be justified.

6.0 **Recommendation**

6.1 *It is recommended that the application be approved subject to the following Conditions:*

1. *TL1 – Time Limit*
2. *MC7 – Submission of Details (Windows/doors)*
3. *The proposed development shall be carried out in accordance with the approved plans ref: A1/A05680/100, 200 and A1/A05680/101,201 and with the specifications outlined in the acoustic report entitled "Assessment of the Proposed Construction, The Regent Mall, Newbury Street, Wantage" by Ian Sharland Ltd, dated 25th March 2006.*