

APPLICATION NO.	P20/V1413/FUL
SITE	40 Bath Street, Abingdon, OX14 3QH
PARISH	ABINGDON
PROPOSAL	Change of use from A1 (retail) to C3 (residential). Convert an existing shop to form a self contained one bedroom ground floor flat. (Red line amended by plans received 21 July 2020. Additional information received 8 September 2020).
WARD MEMBER(S)	Cheryl Briggs Helen Pighills
APPLICANT	Heslop Ltd
OFFICER	Sally Appleyard

RECOMMENDATION

Planning Permission is granted, subject to the following conditions:

Standard

1. Commencement of development within three years
2. Development in accordance with approved plans

Pre-commencement

3. Boundary details to be submitted

Pre-occupation

4. Car parking in accordance with approved plan

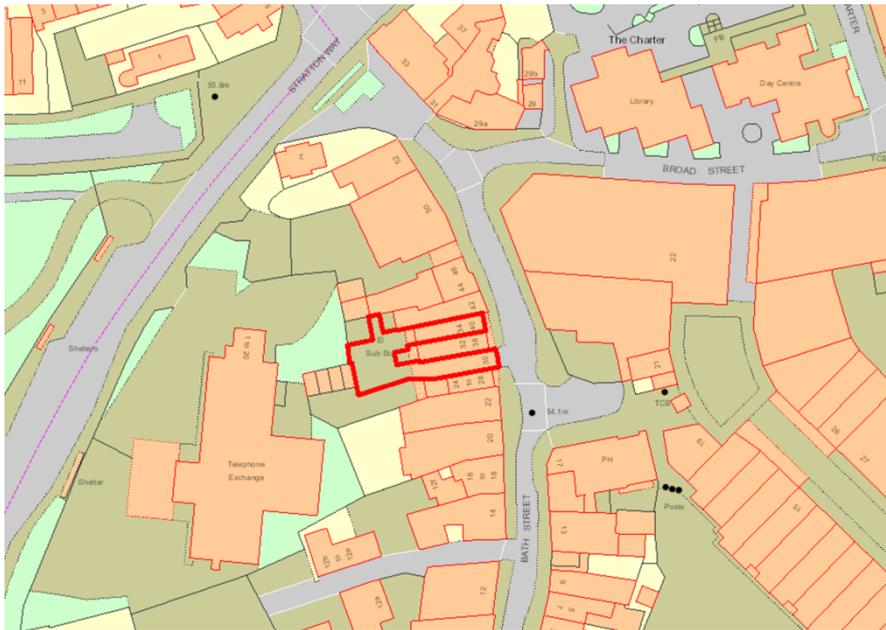
Compliance

5. Materials in accordance with details submitted

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application is referred to planning committee at the request of Councillor Helen Pighills.
- 1.2 The application site is a ground floor retail unit located within Abingdon Town Centre. Other retail units are located to the north and south of the site, which have residential flats above. The parking area is located to the rear of the buildings, which is accessed from Bath Street. The site is within the Abingdon Town Centre conservation area.

1.3 A site location plan is provided below:



1.4 The application seeks full planning permission for the change of use of a vacant retail unit to a one-bed residential flat. The application plans are **attached** at Appendix 1.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 This is a summary of the final responses received from consultees and third parties to the application. The full responses can be viewed on the council website: www.whitehorsedc.gov.uk

<p>Abingdon Town Council</p>	<p><u>First Consultation</u> Objection.</p> <ul style="list-style-type: none"> • Insufficient information regarding provision of parking/access, contrary to Local Plan policies CP35 and DP16. <p><u>Second Consultation</u> Objection.</p> <ul style="list-style-type: none"> • Regrettable to lose another retail building. • The proposal would not conserve or enhance the character of the area, contrary to Local Plan Policy CP37 • Should the application be approved, request a condition for sufficient cycle provision. <p><u>Third Consultation</u> Objection. As above.</p>
<p>Local Residents</p>	<p><u>First consultation</u></p>

	<p>Two letters of objection have been received. The concerns raised have been summarised as follows:</p> <ul style="list-style-type: none"> • Loss of retail space on ground floor, not in keeping with the area • Retail space on Bath Street should be retained, and the loss would be a significant blow to its revival • Loss of retail space would be detrimental to the town centre <p><u>Second consultation</u> No further comments received</p> <p><u>Third consultation</u> No further comments received</p>
<p>The Friends of Abingdon Civic Society</p>	<p><u>First Consultation</u> Objects.</p> <ul style="list-style-type: none"> • The small 1960s development, of which 40 Bath Street is a part, although of no great architectural merit retains the overall pattern of the rest of the street. • Harm to the conservation area • Permitting the ground floor of 40 Bath Street to be converted to a flat will set a precedent which could lead to the street ending up with a lot of dead frontage and therefore becoming unattractive to shoppers. • Units on Bath Street, which have lower rents than prime shopping streets, are ideal locations for new enterprises • Very little detail of what the new frontage would look like • Living accommodation is substandard. • Lack of natural light • Lack of useable amenity area <p><u>Second consultation</u> No further comments received</p> <p><u>Third consultation</u> No further comments received</p>
<p>Conservation Officer</p>	<p><u>First consultation</u> The proposal would erode some of the consistency of the character and dilute the historic shopping character of the conservation</p>

	area. This results in less-than-substantial harm, albeit at a low level.
Highways Liaison Officer (Oxfordshire County Council)	<p><u>First consultation</u> Objection. No right of access demonstrated to parking space. One parking space required in accordance with standards.</p> <p><u>Second consultation</u> No objection, subject to condition:</p> <ul style="list-style-type: none"> • Parking in accordance with plan
Drainage Engineer	No objection
Env. Protection Team	No objection
Waste Management Officer (District Council)	No objection
Contaminated Land	Holding objection. Contaminated land questionnaire to be submitted.
County Archaeologist	No objection
Economic Development	No comments received

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P18/V1699/FUL](#) - Approved (17/08/2018)

Change of use of a hairdressers salon (A1) to form a two bedroom flat (C3). Ground floor of salon area to remain as (A1) use.

[P12/V0694](#) - Approved (17/05/2012)

Change of use from office to residential (2 x 1 Bedroom flats)

[P11/V2592/COU](#) - Approved (30/11/2011)

Change of use from accountants office to dental surgery

3.2 **Pre-application History**

None

3.3 **Screening Opinion requests**

None

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal does not fall within a category of development that would be subject to EIA.

5.0 **MAIN ISSUES**

5.1 The relevant planning considerations are the following:

- Current Policy
- Character and Historic Environment
- Residential Amenity
- Living conditions
- Access, parking and highway safety
- Contamination
- CIL

5.2 **Current Policy**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan currently comprises the Vale of White Horse Local Plan 2031 Part 1 (adopted in December 2016) and the saved policies of the Vale of White Horse Local Plan 2011. Paragraphs 15 and 16 of the NPPF confirms that a core principle of the planning system is that it is plan-led, to give predictability to the planning process. Paragraph 11 states that, where an up-to-date local plan exists, decisions should be taken in accordance with the local plan.

5.3 The Vale has an up-to-date local plan and a five year supply of housing. The district can demonstrate it has a spatial strategy to deliver sufficient housing for the future and that, consequently, the policies of the local plan have considerable weight in the balance of considerations relating to a planning application for new housing.

5.4 The settlement hierarchy set out in Core Policy 3 of the Local Plan 2031 Part 1 identifies Abingdon as a 'Market Town' which are considered to have the ability to support the most sustainable patterns of living within the Vale through their current levels of facilities, services and employment opportunities. Market Towns have the greatest long-term potential for development to provide the jobs and homes to help sustain, and where appropriate, enhance their services and facilities to support viable and sustainable communities in a proportionate manner. Core Policy 4 of the Local Plan 2031 Part 1 confirms there is a presumption in favour of sustainable development within the existing built areas of Market Towns, unless material considerations indicate otherwise.

5.5 The site is located on Bath Street, which is defined as a Secondary Shopping Frontage on the adopted Policies Map for Abingdon-on-Thames and Oxford Fringe. In accordance with Policy DP13b of the adopted Local Plan 2031 part 2, proposals within secondary frontages involving a change of use at ground floor level from Class A1 (Retail) to residential accommodation (Class C3), will be supported if the following criteria are met:

- i. the proposal would not individually, or cumulatively with other nonretail uses, cause harm to the function, character or appearance of the existing shopping provision or to the town centre as a whole

- ii. the proposal would add to the range and variety of goods and services available to the local residents, and
- iii. there would be no harm caused to the public amenity of the town centre or living conditions of any neighbouring residents in terms of noise, odours or general disturbance.

5.6 The principle of the change of use is therefore supported subject to compliance with these criteria, which are discussed in detail below.

5.7 **Character, Function and Historic Environment**

Core Policy 37 of the adopted Local Plan 2031 Part 1 requires new development to be of a high-quality design that is visually attractive and the scale, height, massing and details are appropriate for the site and surrounding area.

5.8 The Planning (Listed Building and Conservation Areas) Act 1990 at Section 72 states it is desirable to preserve or enhance the character and appearance of a conservation area. Core Policy 39 of the adopted Local Plan 2031 Part 1 sets a framework to ensure proposals conserve and enhance heritage assets in accordance with national policy and legislation. Development Policy 36 of the adopted Local Plan 2031 Part 2 sets out how development proposals will be considered in the context of the social, environmental, cultural and economic significance of the assets, with Development Policy 37 of the adopted Local Plan 2031 Part 2 sets out measures to ensure that Conservation Areas are protected from inappropriate development.

5.9 The existing shop unit at street level is consistent with the street pattern of this part of Bath Street which sits within the historic market centre of Abingdon and consists of shops, pubs and takeaway/restaurants. Whilst upper storeys have been converted from ancillary shop space or offices into flats, the street level character has remained largely unchanged.

5.10 The proposed conversion would introduce a domestic frontage into the commercial street scene, eroding some of the consistency of this character and diluting the historic shopping character of the conservation area. This results in less-than-substantial harm, albeit at a low level.

5.11 In accordance with paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.12 The retail unit is small and has been vacant since July 2020, having previously been a clothes shop. Either side of the unit is a nail studio and a shop, opposite is the rear of units that front onto the precinct to the east, which have no active frontage to Bath Street. To the south of the site, the character is more heavily concentrated with shops, restaurants/cafes, pubs and takeaways. To the north of the site towards Stratton Way, this starts to be a more mixed character area as offices and residential properties mix alongside shops and restaurants/cafes. The site itself is somewhat within the transitional area,

located towards the northern end of this part of Bath Street, not on the main pedestrian thoroughfare connecting the High Street to the south directly to the precinct.

- 5.13 Whilst the loss of the retail unit is regrettable, due to the small size of the unit, and its specific location within this area of the secondary shopping frontage, it is not considered that the loss of this unit would cause significant harm to the function, character or appearance of the existing shopping provision or to the town centre as a whole. Looking cumulatively as the policy also requires, there are no other ground floor units that have been converted to residential use within the immediate area.
- 5.14 This change of use allows for a small unit to remain in active use and retain a vitality to this part of Abingdon, with future occupants contributing to and supporting the existing retail uses within the town centre. It is considered that the change of use makes a positive contribution towards wider social and economic benefits and provides a viable future use.
- 5.15 Officers are also mindful of the wider national context encouraging greater adaptability and diversity for high streets to meet changing circumstances and demands; including a wider variety of permitted development prior approval change of use options and the more recent changes to the use classes order allowing great flexibility of uses.
- 5.16 Therefore, it is considered that, on balance, the benefits of the proposal outweigh the low level of harm to the character and appearance of the conservation area and would not result in harm to the function of existing shopping provision in this particular area, or to the town centre as a whole.
- 5.17 The existing shop front is to be replaced with a door and storey height window with white rendered panels in between. The existing windows and door openings on the rear elevation are to be retained, and the air conditioning unit removed. The external changes are considered acceptable in design terms.
- 5.18 **Residential Amenity**
Development Policy 23 of the adopted Local Plan 2031 Part 2 sets out measures to minimise the impact of development on neighbouring amenity, in terms of loss or privacy, overshadowing or dominance.
- 5.19 The proposal is for the change of use only with minimal external changes. The windows of the flat would overlook the rear parking area, and directly onto Bath Street, and is not considered to result in any overlooking issues. The proposed change of use would not cause any harmful impacts in terms of noise or smells.
- 5.20 **Living conditions**
Development Policy 2 of the adopted Local Plan 2031 Part 2 requires proposals for one bedroom homes to be in accordance with the Ministry of Housing, Communities and Local Government's Technical Housing Standards - Nationally Described Space Standard Level 1.

- 5.21 A one bedroom, single storey dwelling, that could accommodate two people is required to have a minimum gross internal floor area of 50 square metres plus 1.5 square metres of storage space. The proposed residential unit has an internal floor area of approximately 52 square metres, and is therefore in accordance with the adopted space standards.
- 5.22 A small space at the rear, measuring approximately 6.2 square metres will provide a covered amenity area. Given the town centre location, this is considered acceptable. To ensure that there is a defensible space between the amenity area and the car park, it is considered reasonable and necessary to secure details of boundary treatments by way of a condition.
- 5.23 The dwelling is positioned between two retail units, with residential flats above. It is not considered that the amenities of future occupants would be harmed due to noise or smells. The Environmental health Officer has raised no objections to the proposed change of use.
- 5.24 It is acknowledged that concerns have been raised regarding limited daylight to the flat. Windows are within the main living area and bedroom, and it is not considered that the amenities of future occupiers would be significantly harmed in terms of lack of daylight.
- 5.25 **Access, parking and highway safety**
Core Policies 35 and 37 of the adopted Local Plan 2031 part 1 requires development to be well connected to provide safe and convenient ease of movement by all users, and that adequate car parking is provided in accordance with OCC standards on all new developments. Paragraph 108 of the NPPF also requires developments to ensure safe and suitable access to the site can be achieved for all users.
- 5.26 The existing premises has one allocated parking space to the rear, accessed via Bath Street. This will be reallocated to the new residential unit. The site is located within the sustainable location with easy access to services and facilities. The highways officer has no objections to the proposal on highway grounds.
- 5.27 **Contamination**
The environmental health officer has requested further information regarding contaminated land. Given that the proposals are for the change of use of an existing retail unit, with no significant external alterations proposed, it is not considered that further information is required. It is not considered that the change of use would be affected by land contamination.
- 5.28 **Community Infrastructure Levy (CIL)**
New residential uses are subject to CIL. However, this is a conversion with no increase in floorspace. The previous use was lawfully in use for at least six months of the previous three years before this application. Therefore, in accordance with the CIL regulations, this development is not liable for the charge.

5.29 **Pre-commencement conditions**

In accordance with S100ZA(6) of the Town and Country Planning Act 1990 (a), any pre-commencement conditions have been agreed with the applicant.

6.0 **PLANNING BALANCE AND CONCLUSION**

6.1 This application has been assessed on its merits and determined in accordance with the development plan unless material considerations indicate otherwise. This council has a five year supply of housing land and the development plan accords with the NPPF. Consequently, as the Local Plan policies are fully consistent with the NPPF and housing supply policies are not out of date, they attract full weight.

6.2 Whilst the loss of a ground floor retail unit is regrettable, due to the small size of the unit, and its location on a secondary shopping frontage, it is not considered that the loss of this unit would cause significant harm to the function, character or appearance of the existing shopping provision or to the town centre as a whole. This change of use allows for a small unit to remain in active use and retain a vitality to this part of Abingdon, with future occupants contributing to and supporting the existing retail uses within the town centre. It is considered that the change of use makes a positive contribution towards wider social and economic benefits and provides a viable future use. Therefore, it is considered that, on balance, the benefits of the proposal outweigh the low level of harm to the character and appearance of the conservation area.

6.3 The proposed change of use will not harm the amenities of neighbouring properties in terms of overlooking, noise or smells, and the living conditions of future occupants is considered to be acceptable. There is no impact on highway safety.

6.4 Overall, it is considered that, the proposal complies with the relevant development plan policies and the provisions of the NPPF and is recommended for approval.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 policies;

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP05 - Housing Supply Ring-Fence
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP39 - The Historic Environment
- CP42 - Flood Risk

Vale of White Horse Local Plan 2031 Part 2 policies;

- DP02 - Space Standards

DP13 - Change of Use of Retail Units to Other Uses
DP16 - Access
DP23 - Impact of Development on Amenity
DP28 - Waste Collection and Recycling
DP37 - Conservation Areas

Neighbourhood Plan

Abingdon does not have a neighbourhood plan

Supplementary Planning Documents (SPD)

Design Guide – March 2015

Other material documents/considerations

- National Planning Policy Framework 2019 (NPPF)
- Planning Practice Guidance (PPG)

Other Relevant Legislation Due regard has been had to the following legislation;

- The Planning (Listed Building and Conservation Areas) Act 1990
In determining this application, the council has regard to its obligation to preserve the listed building or its setting or any features of special architectural and historic interest and/or to preserve or enhance the character and appearance of the conservation area as required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- Community & Infrastructure Levy Legislation
- Human Rights Act 1998
- Section 149 of the Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Town and Country Planning (Development Management Procedure) (England) Order 2015 (amended)

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