

## Planning & Environment Committee

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<b>Title:</b>	<b>Unit 8 Goodson Industrial Mews, Wellington Street (<a href="#">P22/S0064/FUL</a>)</b>
	Redevelopment of storage (Class B8) to provide 1 office (Class E) and 7 dwellings (7 x 2-bed apartments) (Class C3) with associated access and landscaping works. (As amended by plan received 03 March 2022)
<b>Date:</b>	<b>5 April 2022</b>
<b>Contact Officer:</b>	<b>Graeme Markland, Neighbourhood Plan Continuity Officer</b>

### Background

1. Thame Town Council considered planning application [P20/S1355/FUL](#) on 2 June 2020 and again on 2 March 2021 (Amendment No.1). At both meetings, the Town Council objected on the grounds that it was not in conformance with Thame Neighbourhood Plan (TNP) policy WS12.
2. The application was withdrawn prior to determination on 25 May 2021.
3. In January 2022, the agent contacted the Town Council with amended provisional plans to include a ground floor office (reducing the number of apartments from 8 to 7).
4. The agent resubmitted the original planning application without the office ([P22/S0064/FUL](#)) but gave notice that it was their intention to submit an amendment that included one. The amendment was not received before it was presented to Thame's Full Council on 1 March 2022. The Council recommended that permission be refused due to it not conforming to Thame Neighbourhood Plan policy WS12. The officer report for that meeting, and the one presented to Full Council on 2 March 2021 are appended below.

### Proposed Development

5. The proposed scheme provides the amendment to application [P22/S0064/FUL](#) in exchanging Plot D, a 74.8 sq.m. ground floor, single-bedroom "DDA compliant" flat with an office of the same size.

### Employment

6. The proposal is proposing to exchange around 245 sq.m. of warehouse employment space that could employ between 3 and 4 people with an office use that would provide space for between 5 and 6 people. Policy WS12 of the Thame Neighbourhood Plan states that employment sites outside the Town Centre boundary must remain in employment uses, which it defines as either B1, B2 or B8. Although offices in B1 use now fall under Class E of the Use Class Order the Policy's supporting text does support "other suitable employment or service trade uses". The proposed alternative use as an office under Class E is considered acceptable.

### Other matters

7. Design commentary would remain the same as reported for application P20/S1355/FUL (see Appendix B, below). The only exception would appear to be for the arrangement of windows for the south elevation of Unit D. It is not clear if the associated terrace would now be linked to the office; there appears to be a bathroom and kitchen placed inside these patio doors. It is considered a suitable arrangement could be managed through a minor amendment.

8. No commentary has been given regarding parking arrangements for the office. It is presumed at least one space will be available due to the loss of residential unit D; the 8 flats were to be served by 10 parking and 26 bicycle parking spaces. It is notable that the County Highways Team have not been consulted on either the original proposal, or the amendment.
9. The proposed removal of the DDA-compliant ground floor flat is regrettable but not contrary to Local Plan Policy H11, which looks to ensure that 15% of units be delivered as accessible and adaptable homes. The Policy applies to sites of 10 or more dwellings and the proposed amendment would see this site yield 7.

### **Recommendation**

10. The Town Council's main reason to object to this application has been met through the reintroduction of employment uses on the site. It is recommended that we request Permitted Development rights be removed from the unit to help provide an adequate amenity for future residents. A further request would be that a scheme to ensure adequate parking provision be approved by the District Council prior to the unit being occupied.

### **APPENDIX A – Report as presented to Full Council on 1 March 2022**

#### ***Policy changes since the application was previously considered***

5. *Between the consideration by the Town Council of the original application P20/S1355/FUL and its amendment the District's Local Plan 2035 (LP 2035) was adopted (in December 2020). A legal challenge brought against that Plan had not been resolved by the time of the second Town Council decision (March 2021). Thame Neighbourhood Plan Policy WS12 was considered sufficiently robust to standalone as a reason to refuse the amended P20/S1355/FUL and so it was not felt necessary to include references to Local Plan policies that might be withdrawn.*
6. *Shortly after the amended application P20/S1355/FUL was considered by the Town Council in March 2021, the legal challenge made against the adoption of the District Council's LP 2035 failed. LP 2035 Policy can now be given full consideration.*
7. *LP 2035 Policy EMP3 is broadly compliant with TNP Policy WS12. There is a presumption to retain employment land. Proposals to change its use will only be considered if the applicants can demonstrate the employment land is no longer viable, or there is no market interest in the site.*
8. *A key difference is that LP2035 Policy EMP3 allows redevelopment where significant improvements to the living conditions of neighbours / the environment would result but it is not considered that this will be a material consideration for this proposal. A second more subtle difference is that the District Council will require that "it is evidenced that there is no market interest in the site following one year of **active and effective marketing**" (my emphasis), which may be more effective than the test applied through TNP WS12. Finally, EMP3 2. requires that where there is no reasonable prospect of land or premises being used for continued employment use, a mixed-use enabling development which incorporates employment space should be considered first.*
9. *It will, therefore, be prudent to consider both TNP WS12 and Local Plan 2035 EMP3 when considering this application.*

**APPENDIX B - Report as presented to Full Council on 2 March 2021:****Background to P20/S1355/FUL (Amendment No.1)**

1. *Goodson Industrial Mews is an “L” shape-plot that holds 9 units in employment use. It sits behind housing and offices fronting Wellington Street. Access is available onto Wellington Street from points in the north-west and north-east corners of the site. Most of the existing units are in Use Class E and 2-storey in height with pitched roofs. Units 1-4 are located on the western edge of the site. Unit 1 is functionally three-storeys in height, with enlarged gables enabling use of the roof space. Unit 5 is free-standing and, like Unit 1a, has a frontage to Wellington Street. Units 6,7 and 8 are attached and aligned along the southern boundary; Unit 8 is a single-storey warehouse unit. Unit 9 is a detached building near the eastern boundary.*
2. *Members will recall that Goodson Industrial Mews was covered by an expired, full planning permission for a mainly residential, mixed-use scheme. It was proposed that Units 5 – 8 would be demolished and replaced with 25 residential units, with four flats above units 1 – 4 under permission P15/S3848/FUL.*
3. *Unit 5 has via prior approval notification the right to be converted to ten, one-bedroom flats, application P19/S0204/N1A. Units 6 and 7 have similar separate rights to form 12 units between them, application P19/S0206/N1A. Both permissions remain extant until 28 March 2022.*
4. *In March 2020 permission was granted for the redevelopment of Unit 5 for eight, 2-bed apartments, and associated landscaping and parking, application P19/S2720/FUL. This moved away from merely converting an existing use as the proposal included the remodelling and extension of the unit.*
5. *In April 2020, application P20/S1355/FUL was submitted to redevelop Unit 8 to provide a single 1-bed, and seven 2-bed apartments with associated works. At Full Council on 2 June 2020, the Town Council recommended that the permission be refused on the grounds that it was contrary to Policy WS12 in that no evidence had been submitted that showed the unit had been marketed for at least one year and was no longer economically viable for either its original, or alternative, B-class employment use. This application has now been subject to an amendment which is the subject of this report.*
6. *Units 1 and 1a were granted prior approval under permitted development rights to be converted to two studio and three, 1-bed flats on 1 October 2020, under P20/S2901/N1A.*
7. *Units 1-4 and 6-8 are now the subject of planning application P21/S0056/FUL that seeks the redevelopment of office buildings for use as ten, 2-bedroom apartments and minor changes to the appearance of Class E Units 1-4. This application was considered earlier in this meeting under Agenda item 5.*

**Proposed Development**

8. *The proposed scheme, P20/S1355/FUL, is an amendment of that considered at Thame Town Council’s 2 June 2021 Full Council. This consists of a site of approximately 0.16ha in area and covers a building with lawful use as a warehouse. Other applications of relevance to this application are those covering Units 1 - 4 and 6 - 7 and 1 and 1a above, P21/S0056/FUL and P20/S2901/N1A, respectively. They are material in deciding this application; it is advised that the officer report covering application P21/S0056/FUL, Agenda Item 5, is read alongside this application.*

9. *Within a covering letter to that application, the applicant states that it is proposed that Goodson Industrial Mews will be redeveloped through employing the granted permission covering Unit 5, for 8 apartments; this amended scheme for Unit 8, which would provide another 8 apartments; and the conversion and redevelopment of Units 6 and 7, for 10 units.*

### **Unit 8 amendments**

10. *Thame Town Council objected to the original planning application on the sole grounds of loss of employment. No evidence had been submitted that suggested the warehouse unit had been marketed for a year at reasonable cost to test its viability in the market, contrary to Policy WS12 of the TNP. The warehouse had become subject to this policy as a result of the Government redefining what should be considered a Town Centre site.*
11. *Concerns raised by local residents included the suggestion that the warehouse unit was still in use. Other concerns raised by them included concerns over loss of privacy, insufficient distance between the back of the building and its boundary fence with their properties, and inappropriate design.*
12. *The applicant has submitted amendments to the redevelopment that are claimed to help alleviate some of the concerns raised.*

### **Employment**

13. *The warehouse unit offers some 245 sq. m. of floorspace. The applicant claims within the Planning, Design and Access Statement submitted against application P21/S0056/FUL that the floorspace will be provided as office floorspace within Units 1 and 1a by dint of not taking up the option to convert the existing offices to dwellings.*

### **Design**

14. *The design principles were reported and debated during the consideration of the original planning application for Unit 8 and this report focuses on the proposed amendments, submitted on 19 February 2021.*
15. *The eastern half of the building has been moved northwards. Looking at ground level, Unit D (the eastern-most unit) has moved by approximately half a metre and the adjacent Unit C, one metre. Unit D is a fully compliant DDA accessible home. The floorspace for this unit has grown, mostly through storage being moved outside of the original built envelope, adjacent to the eastern stairwell serving the flat above, to 74.8 sq. m. This is a generous size for a single-bed dwelling for two occupants.*
16. *The external wall of Unit D's store will be timber-clad and will extend upwards to enclose the eastern external stairwell to ensure privacy is maintained for neighbouring residents. The roof of this enclosure will be slate-clad, as per the south-facing pitched roof.*
17. *All of the south-facing roof terraces and balconies are now demonstrably 1.7 m in height, and no longer rely on coping materials to make up the height. This should ensure adequate privacy for both the occupants and the nearby residents. Similarly, the first-floor rooflights have all been confirmed as being "high" rooflights (at least 1.7 metres above the internal finished floor level) meaning that they can be both clear, and opening, without introducing privacy concerns.*

18. *Eight rooflights serve studies on the second floor. The case officer for this report has stated these are lower than the required 1.7 metres and are shown with clear glazing. Scaled measurements suggest they may meet the standard. Although building control regulations may be able to adequately secure their correct, obscured / non-opening state, it is recommended that a comment is submitted by the Town Council asking that this is ensured.*

### **Discussion.**

19. *The design of the original application will be subtly improved by the modest changes proposed through this amendment. The greatest improvement will be to the living space for the single bedroom Unit D, followed by a modest increase in external amenity space to Units C and D of some 4 and 7 sq. m. respectively.*
20. *The increased distance in separation between these two units and their rear boundary is a minor, but notable, improvement. The south-western corner of the building still only has a back to boundary distance of 3 metres. Because of the angled nature of the border, this does at least now increase across the width of the apartment to 4.5 metres. The increased set back takes the distance between the nearest potentially habitable room in East Street and the closest first floor (high level) rooflight within Unit 8 to approximately 28 metres in distance, in excess of the District's Design Guide requirement. This measurement suggests that the closest first floor terrace is around 24 metres from the nearest first floor habitable window in East Street. Given that the height of the terrace wall will be at least 1.7 metres above the finished floor surface, it is not felt that overlooking will be a concern.*
21. *Although the design aspect of the proposed development has been subtly improved, the matter of employment loss has not. The proposed use of Units 1 and 1A, which collectively deliver 259 sq.m. of office floor space fails to take account of the principle of development. In proposing that floorspace that already exists is used to replace that lost, no recognition is made that development will not have taken place. In reality, the warehouse floorspace is lost; the floorspace that already exists, the office floorspace, is neither new nor the result of intensification.*
22. *The Town Council advised the applicant that the principle concern regarding the lost warehouse floorspace was that of the lost job potential the unit has. As warehouse floorspace, the unit might only have yielded 3, or at the very most, 4 jobs. Any intensification of the existing office units, even of only 30 - 35 sq. m. would have given an equivalent job return.*
23. *The applicant claims that the District have, however, stated that the floorspace be replaced with an equivalent quantity. This has led to the proposed sleight of hand trick that cannot not be squared in terms of either employment monitoring or logic.*
24. *The applicant states they would willingly remove permitted development rights from Units 1-4 if permission for the two applications is granted. Given the pressure for small office and industrial units in Thame this, along with the proposed modifications, would help keep them secure and viable. Members should consider if the benefit of this outweighs the loss of warehouse floorspace. There is a concern that the District Council will consider we are establishing a principle if we allow even this small loss of potential employment. The alternative though is that the District Council adopt a principle of their own in allowing a waved permitted development right to be considered as a replacement for lost floorspace.*

25. *Potentially securing the future of Units 1 - 4 against the loss of warehouse floorspace is all that is on offer. If considered acceptable, Members are recommended to grant permission. If not, permission should be refused.*

**Recommendation:**

26. *It is recommended that Thame Town Council approves this application subject to the noted rooflight concerns and the site's collective potential for yielding affordable housing contribution.*