

27 APR 2015

Objection to planning application for the 'House of Spice' site (Planning application 15/00980/APP – 19-20 Fort End)

This is an objection on behalf of Haddenham Village Society to two aspects of the above planning application: change of use; and the provision of parking space.

While the design principles of the application are in general to be applauded in conserving the character of the building and harmonising with its surroundings, our principal concern is the loss of yet another amenity within the village, as well as the argument of the developers that the current status of the Neighbourhood Plan means it can have little weight in deciding on the application for change of use. Further, given the location on a dangerous S-bend, with no spare on-road parking space, the provision for parking on the site appears clearly inadequate.

1. Objections regarding change of use:

In their Design and Access statement, in support of their application the proposers explicitly cite the policies of AVDCLP 2004: *'the Council will resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need. Regard will be had to those considerations set out above in relation to Policy GP32.'* (p.10, para 5.9) In para 6.4 (p.15) they state: *'insofar as it relates to the principal A3 (Restaurants and Cafe) use on the site, there are no policies within the adopted AVDLP that seek to protect such uses. Indeed, these fall outside the definition of community facilities in the pre-amble to policy GP93, and are not referred to in Policy GP32. Furthermore, although the restaurant currently generates some employment, the use (A3) falls outside the definition of an established employment use (B1-B8) which are covered by Policy GP17. As such, there is no objection, in principle, to the loss of the existing A3 use.'* (our emphasis)

We believe there is an objection in principle. According to government guidelines, changes in use from A3 class to residential use requires approval, and although local district councils are empowered to waive the requirement to obtain agreement to change of use, AVDC website provides no specific waiver of that requirement that we can find. Furthermore, it is not self-evident that there is no 'demonstrable local need' for a restaurant on the site. Thus there seems to be a prima facie right to councils, residents and to the wider local community to object to such an application for change of use. HVS believes the Councils which hold the relevant responsibilities should exercise that right.

2. Objection to justification on basis of precedent. Despite their argument that there is no objection in principle, the proposers nonetheless offer a justification in principle on the following grounds:

- For the House of Spice site, by citing as precedents the agreements to similar changes of use of Peking Rendezvous (High Street) (p.15 para 6.5).
- For the bookmakers' property, by citing precedents for similar changes of use of A2 class businesses in Haddenham (the banks, the Paper shop on Station Road, and the Beehive (subsequently off-licence) on Churchway (para 6.7).

The proposers conclude that *'for the reasons outlined, it is considered that the principle of the proposed development is acceptable'*.

We note that in addition to the businesses cited above, in the last 12 years the village has seen similar changes of use accorded to the Post Office (Churchway, opposite Banks Park), the Red Lion, and most recently, the joinery formerly occupied by Ivor Newton. We believe that if this reasoning is accepted (i.e. merely invoking precedent), no business in Haddenham can be protected from change of use to residential accommodation. And yet, as noted below, the HNP is very concerned to protect existing amenities.

3. **Regarding the status of Haddenham Neighbourhood Plan (HNP):** The proposal states that *'Given that the Neighbourhood Plan is still required to progress through a number of stages before being 'made' it follows that the Plan is currently of only limited weight in the decision making process. Accordingly, the policies of the draft Plan are not reviewed as part of this application'* (p.13 par 5.15).

However the Secretary of State has recently called in and refused major planning applications on the grounds that Neighbourhood Plans were relatively advanced, and in fact the SoS has recently called in a planning application in relation to HNP. We therefore believe that the HNP should be given consideration, and strongly urge that both the Parish Council and AVDC should not accept the applicants' argument, and give due weight to the HNP and to its explicit concern to protect existing businesses and facilities within the village.

4. **Respecting the logic of the HNP:** The HNP, and through it, the Parish Council and its residents, have already gone out of their way to accept the need for very significant increases in residential accommodation (some figures suggesting a 25% population increase over the next few years). Against this background, we submit that:
 - a. All possible protection against change of use applications should be offered to existing amenities and facilities such as those on this site to offset the planned increase in population and to contribute to maintaining a sense of community.
 - b. Their maintenance can contribute to enabling the community to achieve its environmental ambitions, by helping to limit unnecessary travel.
 - c. If amenities are non-viable, objections may fail, but in this case it is improbable that a restaurant would be commercially non-viable in a community of the projected size and demographic of Haddenham and the wider South Bucks/South Oxfordshire area.
 - d. The application gives no numbers of employees at House of Spice, and claims that, as with the PC's view regarding the change of use of the Spicer Hallfield site, *'significant alternative employment opportunities exist'* elsewhere in the village. Yet in the current economic climate we believe that any loss of employment opportunity should be resisted. Indeed we respond (in similar vein to the argument of the applicants) that the HNP provides for substantial numbers of new low cost housing elsewhere in the village which reduces the need for this particular development.
5. **Our objections regarding proposed parking provision:**
 - a. The provision of 11 parking bays for 7 residences is almost certainly inadequate: if most households have two cars, 12 bays would likely be a minimum requirement for residents, but in addition, parking space would also be needed for visitors, delivery vehicles and tradesmen's vehicles. Since the site is located at a dangerous s-bend,

where there is no on-street parking, and where space at Fort End is already at capacity for much of the week, there is no room for overspill. Hence either parking provision should be increased to at least 15 spaces (although this could only be done at the expense of the proposed garden areas, which would make the development less attractive), or else the number of dwellings should be reduced from 7 to 5. Failure to make this provision would exacerbate the existing problems of local on-road parking in Fort End, to the detriment of the Conservation Area.

- b. In any case before being accepted, all proposed building developments should include a commitment to park all contractors' vehicles on the site, an undertaking which is currently lacking.

6. Conclusion

In the absence of any statutory constraint on the change of use of these premises, but also in line with the overall strategy of the HNP, we believe that the application for change of use should be refused, and that the lack of adequate parking provision outlined above is further grounds for refusal.

On behalf of Haddenham Village Society

17 April 2015