

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 11th January 2021

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

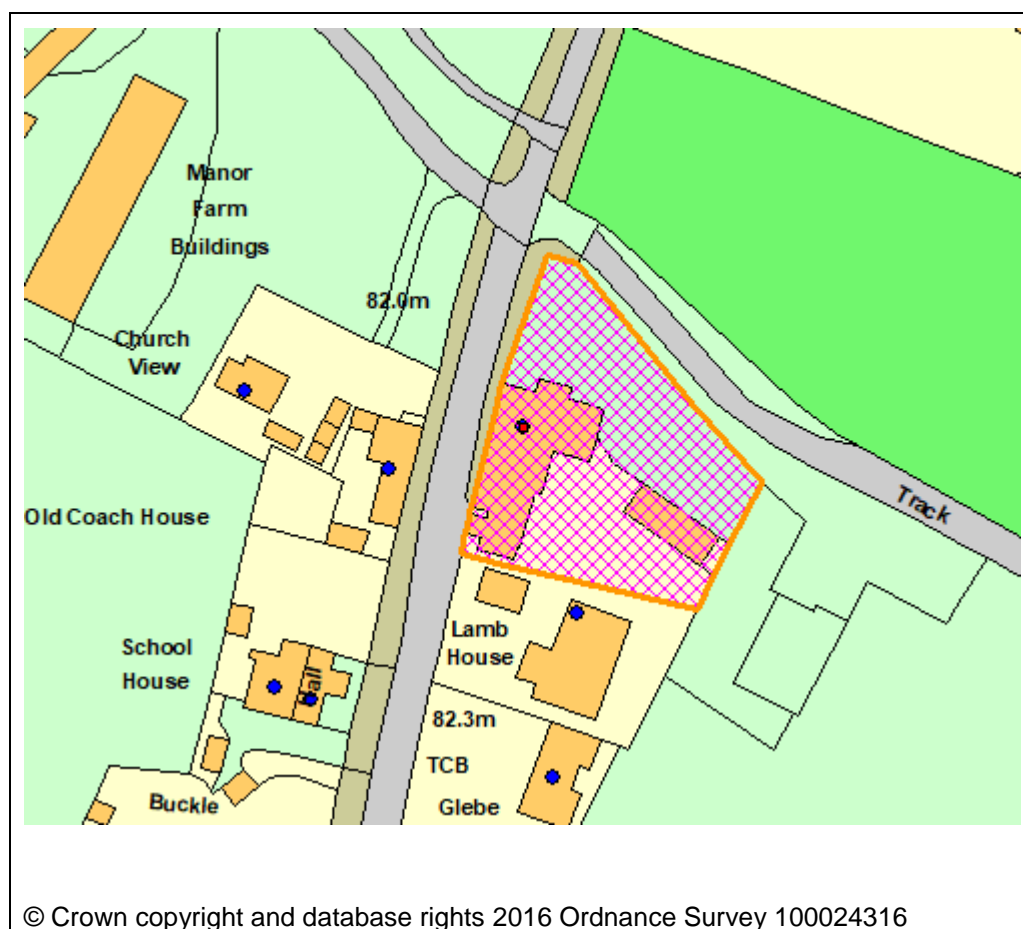
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Application Number	Address	Page
20/02358/FUL	Chilli Pepper, Broadwell, Lechlade	2
20/02650/HHD	105 Burford Road, Carterton	9

Application Number	20/02358/FUL
Site Address	Chilli Pepper Broadwell Lechlade Oxfordshire GL7 3QS
Date	21st December 2020
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Broadwell Parish Council
Grid Reference	425230 E 203996 N
Committee Date	11th January 2021

Location Map



Application Details:

Change of Use from Restaurant/Bar (A3) to Residential (C3)

Applicant Details:

Francesca Barrow

Chilli Pepper, Broadwell, Lechlade, Oxfordshire, GL7 3QS

I CONSULTATIONS

I.1 Parish Council

Thank you for consulting the Broadwell Parish Meeting over this proposal. I have consulted widely in the village.

There is an unhappy recent history to the village pub. When the Five Bells was bought by the present owners, the prospect of its resurrection as a pub/restaurant was initially widely welcomed by the village, but it failed to thrive, unlike several pubs in neighbouring villages, and it shut down as a pub in the late noughties. The application for change of use to residential in 2009 was widely opposed within the village. There was some optimism that the pub would re-open when part of the pub garden was sold off for development under a Section 106 condition, freeing up working capital to invest in the pub. However, we have seen no evidence of any serious attempt to reopen the business as a pub. Whether the pub could become a viable business again turns very largely on the price that a motivated buyer would have to pay for it. The Bell in neighbouring Langford was bought in 2016/2017 at - we surmise - well below the price that it would command as a residential property, and rapidly established itself as a very successful gastropub. When we emerge from the pandemic, there is no reason why the same could not happen in Broadwell. The area is an affluent one, and there are no grounds for thinking the market for pub/restaurants is saturated. Before the pandemic, it was often hard to secure reservations in the Bell at Langford, the Five Alls in Filkins, the Plough at Alvescot and the Plough at Kelmscott. I attach as an annex a list of potential pub users drawn up by one of those I consulted, supplemented by illustrative comments by others on the potential value of the village pub.

Of the households that have let me have comments on the proposal, only one favours a straightforward change to residential use. Another household would support change of use provided that a condition were attached that stipulated at least part of the property should become social housing. (There is an unmet need in the village for at least some social housing.) The fourteen other households who have responded are all opposed to the change of use. Several thought that there had been no serious effort to market the pub at a realistic commercial price, that would meet the requirement in paragraph 6.68 of the Local Plan for a "robust marketing exercise" to establish whether a community asset was non-viable. Overall, therefore, the village feels strongly that WODC should not make an exception in this case to its policy of retention of pubs as community assets. The pub is potentially an Asset of Community Value and should be treated as such. If, however, the planning committee decides that the pub could never become a viable business, we would commend to members the suggestion that at least part of the property is designated as social housing. Finally, several residents have asked whether all the proceeds of the Section 106 sale of part of the garden have been used up. (We

understand that this money was to be held in an escrow account, to be monitored by WODC.) Please could you let us know what would become of any unspent monies (a) if the pub were sold as a business and (b) if it were sold as residential property. Logic dictates that any unspent monies should pass to anyone who buys the pub as a commercial venture.

Annex A: potential pub users and beneficiaries:

There are many potential revenue streams that a potential buyer of the pub could target through advertising and signage to make it a viable commercial enterprise. These include:

- The Colston Tennis club
- The Broadwell Bowling club
- Walkers passing through the village
- Cyclists and cycle clubs passing through the village
- Classic car and motorbike clubs that occasionally pass through the village
- RAF personnel stationed at RAF Brize Norton (permanent and visiting)
- Camping and Caravan people staying at the campsite near to Bradwell Village
- Visitors to the church (including the potential for Christening parties, small wedding receptions and wakes.)
- Visitors to the Manor Farm open days
- Visitors to the Woollen Mill in Filkins
- People visiting the site of RAF Broadwell and the solar farm, if the pub was advertised there
- Visitors (UK and overseas) to local B & B establishments such as Finial House.
- Readers of the Parish Pump
- Residents of Broadwell and Kencot, and other nearby villages

Finally, running the pub as a business could well provide full time or part time local employment opportunities, which will be particularly welcomed after these difficult times have passed.

Illustrative comments on the value of the village pub

"I moved back to Broadwell this year. The lack of a village pub is devastating. A focal point providing good honest food, refuge, pints and takeaway is a huge asset to a small independent village like Broadwell. You only need to look up the road to The Plough or the Bell to see how much demand there is. The thriving local tennis club is crying out for a post-match debrief base."

"As a frequent visitor to Broadwell I go to the local pubs: The Bell, The Plough and The Five Alls very regularly, due to intense demand they are often so busy it's hard to book a table there. In the brief period The Chilli Pepper was 'open for business' it was sadly not

open long enough nor frequently enough across the week to present itself as a viable destination for customers."

"We are of the opinion the original decision should be upheld. It could be a successful pub, if it was only properly managed. By example of The Bell at Langford. I thought the sale of the land of the Pub garden was to be reinvested to reopen?"

"We have spent a fair bit of time discussing this, and we are supportive of the original decision."

" We strongly believe that we should continue to contest the proposal to convert to domestic use. In the nine years we have lived in the village there has been no effort whatsoever to test whether a business is viable, in that time we have seen The Bell in Langford change hands 3 times to now become (not withstanding Covid 19) an extremely successful business. We are sure with effort this could be replicated at the Chilli Pepper. How the current value is derived at for a commercial premises is unfathomable."

I.2 WODC Business Development I am unable to support the application for change of use to residential. The building has hosted successful businesses in the past and I am confident that it is capable of doing so again. It is the last pub in the village and, as such, is an important community facility that should be retained.

I.3 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.

I.4 WODC Drainage Engineers Thank you for sending me the attached consultation for 20/02358/FUI, although the proposal does not warrant any flood risk or surface water drainage comments.

I.5 Newt Officer Thank you for consulting me on the above planning application. The proposed change of use will not impact great crested newts, so I have no comments to make regarding great crested newt mitigation or licensing.

2 REPRESENTATIONS

2.1 Four objection comments have been received. A summary of the comments is as follows:

- The pub would, if it was open, be a valuable asset to the local community
- The pub has not been open for 10 years, therefore how can it be deemed economically unviable
- Other local pubs have managed to be successful

- The pub has not been marketed at a realistic price for a business
- The pub has not been managed correctly
- The decision of the Inspector ref APP/D3125/A/10/2125810 dated the 3rd of November 2010 which could not have been more clear
- The decision of the Council ref 14/0128/P/OP which permitted the development of a new dwelling specifically so that the funds resulting must be invested in the premises so as to achieve the re-opening of the pub

3 APPLICANT'S CASE

- 3.1 A supporting letter has been submitted with the proposal. A full version of this is available on the Council's website. The letter has been summarised and concluded as follows:
- 3.2 After 20 years and trying to keep afloat and trying multiple avenues to make the business work, it is evident that Chilli Pepper is not viable as a business nor commercial establishment.
- 3.3 As owners and 2 highly experienced restaurateurs (with a background in owning and running one of the most successful and sustainable venues and restaurants in London for over 25 years prior to purchasing Chilli Pepper) it is clear that even with and despite our extensive expertise, Chilli Pepper is unable to run as a viable commercial property.
- 3.4 Over the years we have been advised by other experts (estate agents and their clients - some of whom themselves are successful pub owners). Despite marketing the property for a year (with no offers) and on previous occasions of marketing it both as freehold or leasehold, this has simply been met with the same reports and feedback time and time again: it is not commercially viable - as follows:
- Its close proximity (walking distance) to two others pubs in Filkins and Langford
 - Not enough footfall, too isolated
 - It's too big and expensive to run in its full size and too small in its original format to make it a viable business
 - Most of the new villagers are weekenders and the older, permanent residents are on a limited budget
 - Southrop (Thyme) and Burford catch most of the destination clients whilst Carterton gets the locals with its many new openings
- 3.5 Looking to the future to see whether matters will improve we now have the impacts of Covid-19: restaurants were already squeezed by incredibly thin margins and high competition regardless of the national stimulus package; it feels inevitable that many will go out of business; which together with the above adds immense weight to the already zero interest in Chilli Pepper and its business unviability.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

E5NEW Local services and community facilities

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application is to be heard before the Lowlands Planning Sub-Committee as the Parish Council have objected to the proposal.
- 5.2 The proposal seeks consent for change of use from restaurant/bar (A3) to residential (C3).
- 5.3 The application relates to Chill Pepper, a former restaurant/bar prominently located in Broadwell. The premises have not operated as a restaurant/bar for over 10 years.
- 5.4 Relevant planning history:
- 09/1604/P/FP - Change of use from restaurant/bar to residential - Refused - Appeal Dismissed
14/0128/P/OP - Erection of detached dwelling - Approved
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Residential Amenity

Principle

- 5.6 Policy E5 of the Local Plan states that development proposals that would result in the loss of community facilities and services will only be supported where it can be clearly shown that:
- appropriate alternative provision of at least equivalent suitability and accessibility, particularly by foot, will remain, and;
 - in the case of pubs, shops and other commercially run services and facilities, the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise. A robust marketing exercise will be required to demonstrate that the use or premises is unviable in accordance with separate guidance published by the Council.
- 5.7 Given that the restaurant/bar has not operated as a business for over 10 years and that there are three public houses located at Filkins, Langford and Alvescot within 20-30 minutes walking distance from the application site itself, your officers consider that there is accessibility for local residents to appropriate alternative provision.
- 5.8 With regard to marketing the premises, once consultation responses had been received the applicant submitted marketing evidence to the Local Planning Authority on 23/11/2020 illustrating how the premises had been marketed. The particulars of this marketing evidence show that the premises have been marketed extensively from July 2019 until September 2020. During this period of time the premises were marketed in a variety of ways and at different sale prices in an attempt to attract potential buyers. Despite this marketing exercise, the premises

received limited interest. In light of this information, your officers consider that a robust marketing exercise has been undertaken and conclude that the use of the premises as a restaurant/bar is unviable.

Residential Amenity

- 5.9 The proposed change of use from restaurant/bar to residential will not result in a change of built form or physical alteration to the existing premises, and as such your officers consider that the proposal will not have a significant detrimental impact on the residential amenity of surrounding neighbours.

Conclusion

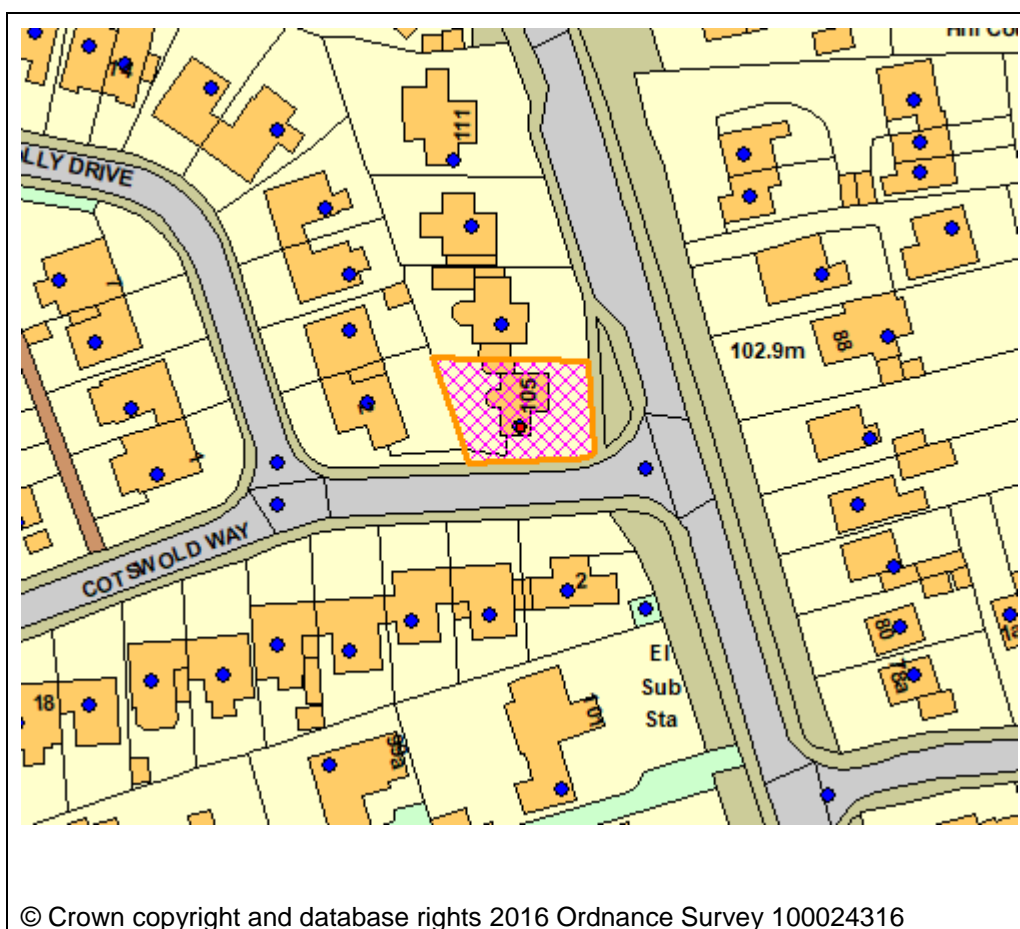
- 5.10 In light of the above assessment, the application is recommended for approval as your officers consider that it complies with the provisions of policies OS2, and E5 of the adopted Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

Application Number	20/02650/HHD
Site Address	105 Burford Road Carterton Oxfordshire OX18 1AJ
Date	21st December 2020
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Carterton Town Council
Grid Reference	427817 E 207611 N
Committee Date	11th January 2021

Location Map



Application Details:

Render rear extension and move a fence in garden.

Applicant Details:

Mr Dylan Bartle
105 Burford Road
Carterton
Oxfordshire, OX18 1AJ

I CONSULTATIONS

- 1.1 Parish Council Carterton Town Council would ask officers to check whether the fence would obscure the driver's view on leaving the property.
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.

2 REPRESENTATIONS

- 2.1 No third party comments have been received to date.

3 APPLICANT'S CASE

- 3.1 No supporting statement submitted with the application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to a detached dwelling located within a residential area of Carterton. The property is located on a corner plot, set back from Burford Road and the junction with Cotswold Way. The application is seeking planning consent to clad a new extension and to reposition a garden fence.
- 5.2 The application was heard at the December Lowlands Area Sub-Committee by the request of Cllr Mrs Crossland.
- 5.3 The planning reasons have been summarised as;
Re-siting the fence right upto the public footpath would be damaging to the visual amenity of the entrance to a housing development of over 100 properties, highway safety issues, and would set a precedent for the future.
- 5.4 The application was deferred by Members for your officers to negotiate some changes to the proposed fence.

- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 Previously the extension was deemed permitted development. However as the applicant now wishes to change the materials to that which does not match the host dwelling, the extension now comes under planning control.
- 5.7 The proposed repositioning of the fence requires planning permission due to the proposed height of the fence adjacent to a public highway.
- 5.8 Your officers consider that the principle of such proposals is acceptable.

Siting, Design and Form

- 5.9 The exterior finish of the extension is to be white render, whilst the host dwelling is constructed of brickwork. Given that render is considered to be a vernacular material, and the extension is to be located to the rear of the dwelling, your officers do not consider that the proposal will result in a detrimental impact to the visual appearance of the streetscene.
- 5.10 The proposed fence is to be of a close board wooden fence. It is proposed to be positioned further forward of the existing fence adjacent to Cotswold Way. It is only on this boundary and will not extend up to the junction with Burford Road.
- 5.11 Your officers consider that given the limited length of the proposed fence, that the visual appearance and open aspect of the existing streetscene will not be adversely affected by the proposal.
- 5.12 Since last month's meeting, your officers suggested revisions to the proposal which included the reduction in height of the fence and the setting back of the fence from the footpath. At the time of writing your officers are awaiting the applicant's response. A full update will be given at the meeting.

Highways

- 5.13 OCC Highways were consulted on the application and have no objections to the proposal.

Residential Amenities

- 5.14 Your officers consider that the proposal will not harm residential amenities in terms of loss of light, given the location of the proposed fence.

Conclusion

- 5.15 Your officers consider that the proposed extension is acceptable in term of the impact to neighbouring properties' residential amenities, the visual appearance of the streetscene, and how it relates to the host dwelling. Whilst the proposed fence will project adjacent to the footpath, given the distance that the proposed fence will be sited along the boundary with

Cotswold Way, your officers do not consider that such a detrimental visual impact will result to the character and appearance of the streetscene.

- 5.16 However a full update will be given at the meeting with regards to any revisions received.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.