

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 7th December 2020

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

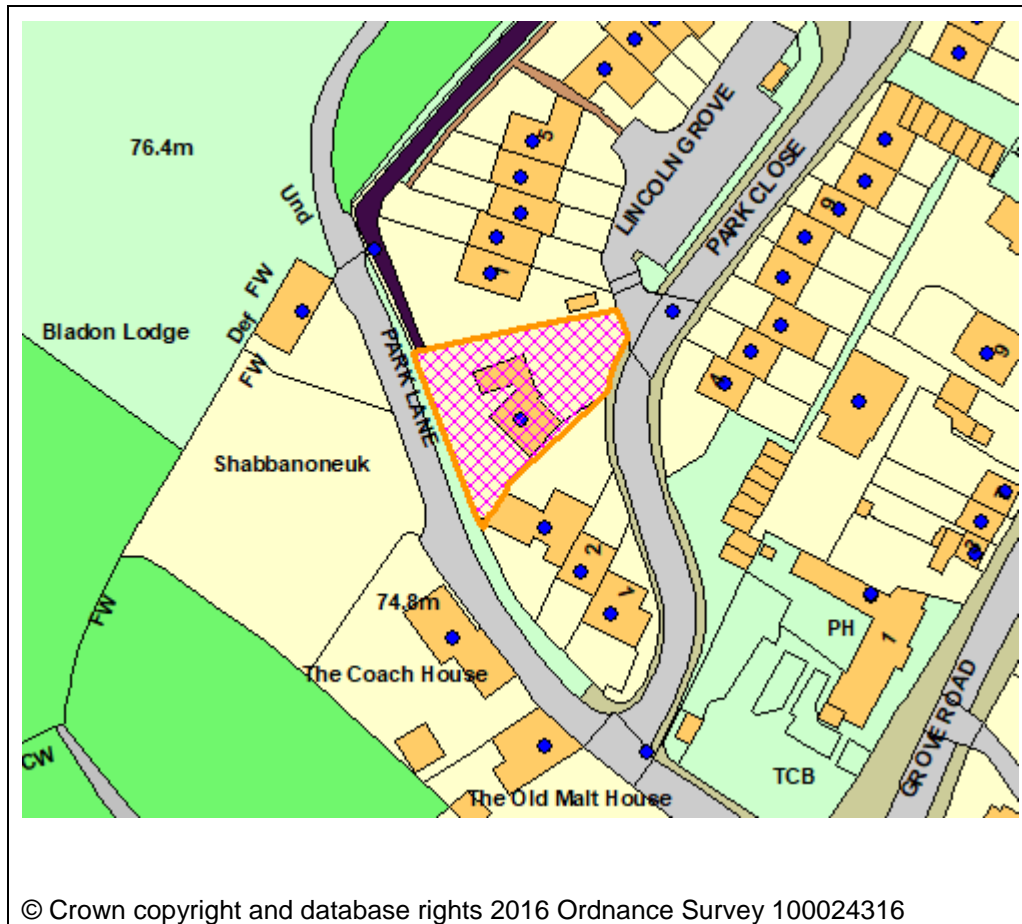
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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
20/01808/FUL	Shabbanoneuk Park Close, Bladon	3
20/02400/FUL	Post Office 72 Main Road, Long Hanborough	13

Application Number	20/01808/FUL
Site Address	Shabbanoneuk Park Close Bladon Woodstock Oxfordshire, OX20 1RN
Date	25th November 2020
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Bladon Parish Council
Grid Reference	444786 E 215016 N
Committee Date	7th December 2020

Location Map



Application Details:

Demolition of existing dwellinghouse and the erection of three new dwellings (1 detached and 2 semi-detached) with associated works including landscaping and formation of parking (amended plans)

Applicant Details:

J Webb, Aelfric Court, 2 Oxford Road, Eynsham, OX29 4HG

I CONSULTATIONS

- | | | |
|-----|---------------------------|---|
| 1.1 | OCC Highways | No objection subject to conditions. |
| 1.2 | WODC Drainage Engineers | No objection subject to conditions. |
| 1.3 | Thames Water | No Comment Received. |
| 1.4 | WODC Env Health - Uplands | No Comment Received. |
| 1.5 | Biodiversity Officer | No objection subject to conditions. |
| 1.6 | Conservation Officer | No Comment Received. |
| 1.7 | Parish Council | Bladon Parish Council <ul style="list-style-type: none">• The nearby residents were very prompt in expressing their concern about this application to the parish council.• The parish council concur with much of their concern.• Namely the over development of the site.• The loss of privacy for neighbours in Park Close• The variance of the levels between this and adjacent plots and the resultant shadowing of these properties. |

2 REPRESENTATIONS

- 2.1 Twelve letters of representation have been received objecting to the proposals on the following grounds:
- I suggest that an acceptable density would be two dwellings
 - Council have noted at the pre-app stage that the proposed garden spaces are "cramped and contrived", it appears that the scheme has not been amended accordingly since.
 - The reduction to two dwellings would also provide the opportunity to increase the garden amenity space for the future occupants whilst also creating a more appropriate layout
 - it is requested that a section showing the height of proposals relative to the neighbouring Toad Cottage is submitted in order to ascertain whether the proposals meet the BRE's "25 Degree Test"
 - houses will have very little outdoor space, limited space for bins, bicycles, children's play areas
 - The design is banal and would substantially detract from the Conservation Area
 - The scheme at present fails to meet Local Plan Policy OS4 and that a design that better incorporates local distinctiveness and high-quality design features
 - three rather than two houses on such a prominent piece of land would be an eyesore rather than an enhancement to the neighbourhood
 - Replacing one medium-sized house with three smaller houses seems excessive and will make for constricted accommodation

- view has already changed from the cutting down of trees and hedges. The proposed 3 houses will hide a lot of the stone walls and green space, with 3 driveways we will also lose even more greenery
- Levels between site and Lincoln Grove (neighbouring site) differ greatly. There is a 1.5m reduction in ground level at that boundary
- Adding three elevated buildings on Shabbanoneuk would further reduce the sunlight coming in to Lincoln Grove from the south west
- the proposed 1.8-2 metre high wooden boarded fence to be put in place immediately behind my boundary wall would only provide low-level screening of a two storey building, given the differentiation in site and land levels
- current proposals therefore fail to meet policy OS2 of the Local Plan by having a harmful impact on the amenity of the existing occupants.
- Lincoln Grove gardens will be overlooked
- Taking advice regarding right to light
- The development site, like Lincoln Grove, was previously the site of quarry works
- No drainage plans have been submitted
- The pavements are seriously damaged as a result of people driving over them.
- Six additional cars would only exacerbate the situation and add to air and noise pollution in the area.
- Will reduce access for delivery drivers and emergency vehicles.
- no public notices of this proposed development

3 APPLICANT'S CASE

- 3.1 The planning statement is concluded as follows:
- 3.2 The proposed development is located within the village of Bladon and represents sustainable development, compliant with housing location policies H2 and OS2. The scheme will meet identified housing need and will boost the delivery of windfall sites in the sub-area; which is supported by both local and national policy. A need exists for family dwellings, evidenced both by the Council's SHMA. The application addresses Policy H4 by delivering part of the mix for the District, and should not be assessed in isolation.
- 3.3 Development of the site will not result in the loss of important open space or land of amenity value. Views through the site are very limited. The proposal represents a well-planned development that accords with the linear form of buildings in the locality.
- 3.4 An existing access will be utilised with existing visibility acceptable in both directions. Maximum parking standards can be achieved on site. There are no identified heritage impacts - any that are alleged to exist would be outweighed by the public benefits of the proposal.
- 3.5 Amended plans have been submitted to address members concerns. The changes can be summarised as follows:
- All 3 units moved approx. 1.2m South towards 3 Park Close
 - Single storey element added to the side of Plot 3.
 - Plot 01 depth reduced by approx. 1.2m. 2m wide single storey side extension replaced with 2.25m wide two storey extension. Previous floor area of Plot 01 = 107sqm. Proposed = 117sqm, however ground floor is slightly smaller.

- General appearance / window opening locations etc. retained where possible, as per the original scheme to minimise perceived amendments to the overall scheme.
- Site plan amended accordingly.
- Red lines on the drawing show the outline of the current scheme.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH10 Conservation Areas

EH14 Registered historic parks and gardens

H6NEW Existing housing

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks consent for the demolition of the existing dwellinghouse and the erection of three new dwellings (1 detached and 2 semi-detached) with associated works including landscaping and formation of parking at Park Close in Bladon. The site falls within the Bladon Conservation Area and Oxford Green Belt.
- 5.2 The application was deferred from the November sub-committee meeting to enable your officers to negotiate an amended scheme to address members concerns in respect of the impact of the development on the amenity of neighbours, in particular Toad Cottage.
- 5.3 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
 - Siting, design and form
 - Impact on the Conservation Area
 - Impact on the Green Belt
 - Residential Amenities
 - Highways
 - Other matters

Principle

- 5.4 Bladon is categorised as a village in the settlement hierarchy within the West Oxfordshire Local Plan 2031. Policy H2 states that new dwellings will be permitted on previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan. Therefore, subject to the below assessment, the re-development of the site for additional dwellings is acceptable in principle.

Siting, Design and Form

- 5.5 Policy OS2 of the West Oxfordshire Local Plan states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area. The street scene in Park Close is largely uniform in character comprising of relatively standardised housing of simple form and design which are generally terraced or semi-detached with open areas to the front. There is a modern housing development to the North of the site, Lincoln Grove, which comprises a range of terraced dwellings in neo-vernacular materials.
- 5.6 In this case, your officers are of the opinion that by virtue of the siting, scale and design shown on the amended plans, the proposed development would form a logical complement to the existing linear pattern and character of development in the area. Your officers consider that the design and form, whilst slightly contrived, would be similar to and in-keeping with the character and appearance of the existing dwellings in Park Close. Further, your officers note that the dwellings would be relatively packed on to the site. However, given that the existing dwellings along Park Close are generally sited very close together with little space in-between, and by virtue of the siting and scale of the proposed development, your officers consider that, on balance, this is acceptable and would not represent an overdevelopment of the site. The parking area would sit at the front of the site, similar to parking arrangement serving Lincoln Grove to the North, and is considered to preserve the character of the street scene.
- 5.7 As such, the application is considered, on balance, to be acceptable in visual amenity terms.

Impact on the Conservation Area

- 5.8 Since the application site is within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this case, in light of the above assessment, by virtue of the siting, scale, design and form, the proposed development is considered to preserve the character and appearance of the Conservation Area.

Impact on the Green Belt

- 5.9 As Bladon sits within the Green Belt, in accordance with policy OS2 which states that all development should comply with national policies for the Green Belt, your officers have considered the proposal against section 13: Protecting Green Belt Land of the National Planning Policy Framework which sets out that complete redevelopment of previously developed land should not have a greater impact on the openness of the Green Belt than the existing development. In this case, given the location and built up residential context of the site, the redevelopment of the site for additional housing is not considered to adversely impact the openness of the Green Belt.

Residential Amenities

- 5.10 Amended plans have been submitted to address members concerns in relation to the impact of plot 3 which would sit adjacent to the boundary with the neighbouring property, Toad Cottage, which sits approximately 1.5m lower than the development site. In summary these changes include:
- i) All 3 units moved approx. 1.2m South towards 3 Park Close
 - ii) A single storey element now positioned along the boundary with Toad Cottage on the side elevation of Plot 3.
 - iii) The depth of Plot 01 has been reduced by approx. 1.2m. The 2m wide single storey side extension to Plot 01 has replaced with 2.25m wide two storey extension.
- 5.11 The proposed two storey development has now been sited further away from the boundary with Toad Cottage with a modest single storey addition along this boundary instead. There would be a distance of approximately 6.3m from the two storey element to Toad Cottage, and 5.1m from the single storey element. The proposed boundary treatment along the border with Toad Cottage has also been amended to include a lower fence with a trellis on top to allow for more light. Your officers are of the opinion that, by virtue of the siting, scale and design, and that it is understood that there are no windows serving main habitable rooms in the elevation of Toad Cottage that faces the development, on balance, that the proposed development not would be adversely overbearing or result in a loss of light to the detriment of neighbours.
- 5.12 Whilst the proposed built form has shifted 1.2m closer to 3 Park Close, given the position and orientation of the existing dwellings to the south of the site, the current two storey dwelling which sits along the boundary with no.3, and that there is a garage block which sits between the site and 3 Park Close, your officers do not consider that the development would be adversely overbearing or result in a loss of light to the detriment of the occupants of this dwelling.
- 5.13 By virtue of the siting and design of the proposed dwellings, the development is not considered to result in any adverse overlooking either between the proposed new dwellings, or of neighbouring properties.
- 5.14 The proposed new dwellings are considered to be served by sufficient outdoor amenity space and living standards.
- 5.15 As such, the development is considered, on balance, to be acceptable in these terms.

Highways

- 5.16 The Local Highway Authority has raised no objections to the application in terms of highways safety and convenience subject to conditions.

Conclusion

- 5.17 In light of the above, the application is considered to be acceptable, on balance, and compliant with policies OS2, OS3, OS4, H2, H6, EH3, EH9, EH10 and T4 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant provisions 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.
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.
4. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.
REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.
5. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.
6. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
7. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.
8. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

9. On commencement of the development the proposed access shown on the approved plans shall be formed. The existing access shall cease to be used and the highway kerbline/footway reinstated along the front boundary prior to the occupation of any of the approved dwellings.
REASON: To ensure a safe and adequate access.

10. The development shall be completed in accordance with the recommendations in Section 6 of the Protected Species Survey Report, dated 08/09/2020 prepared by Windrush Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.
REASON: To ensure that the bats, birds, hedgehogs, reptiles and amphibians are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

11. Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

12. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, as well as hedgehog gaps/holes through the fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.
REASON: To provide additional roosting for bats and nesting birds and ensure permeability for hedgehogs as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006

13. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, hedgerow buffers sown with a shade tolerant wildflower meadow seed mix and tree planting) and a 5-year maintenance plan.

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

15. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

16. That, prior to the commencement of above ground development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework, The West Oxfordshire Strategic Flood Risk Assessment and Planning Practice Guidance). If the surface water design is not agreed before works commence it could result in abortive works being carried out on site or additional works being required to ensure flooding does not result, which may result in changes to the approved site layout being required.

NOTE TO APPLICANTS:-

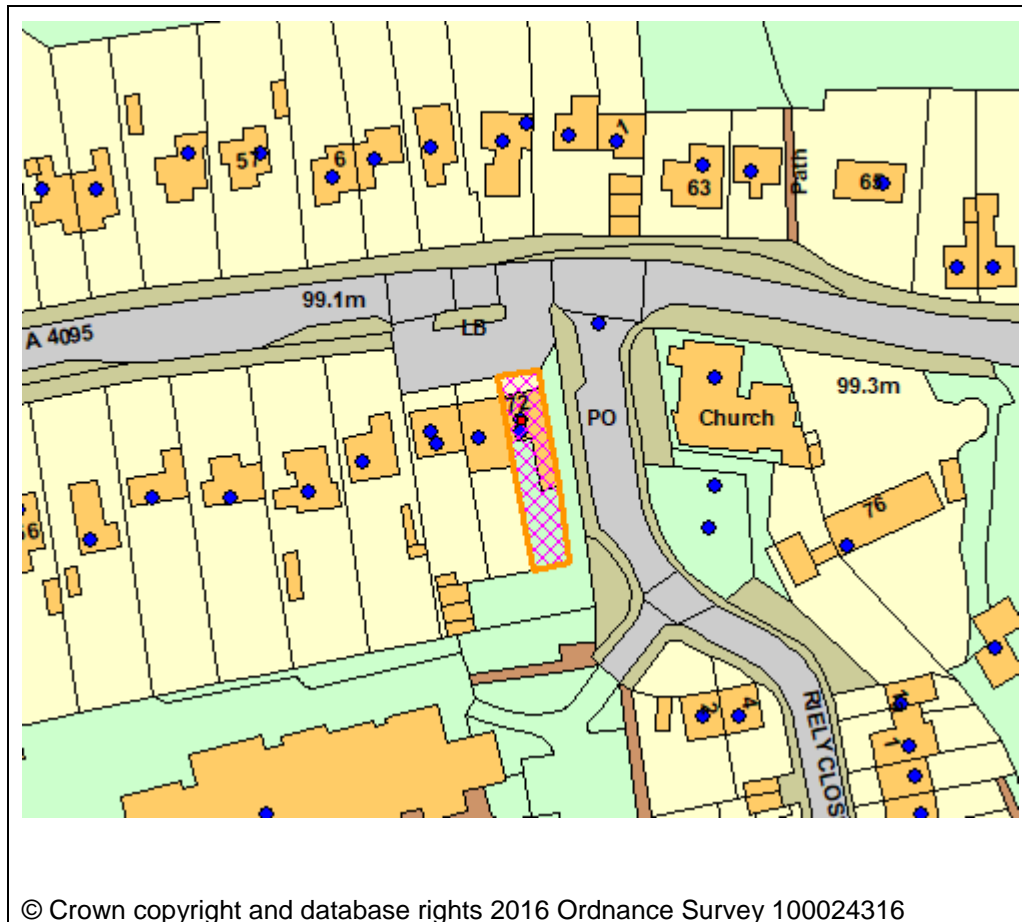
1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.
2. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation

licence from Natural England would be required before any works affecting bats or their roosts are carried out.

3. All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.
4. In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).
5. There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within a amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

Application Number	20/02400/FUL
Site Address	Post Office 72 Main Road Long Hanborough Witney Oxfordshire OX29 8BD
Date	25th November 2020
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	442098 E 214135 N
Committee Date	7th December 2020

Location Map



Application Details:

Change of use of part of existing property from retail (Class E) to hot food takeaway to include external alterations to provide additional front entrance and window in side elevation and installation of a flue (amended).

Applicant Details:

Local Community Homes Ltd, C/O Agent, Bagley Croft, Hinksey Hill, Oxford, OX1 5BD

I CONSULTATIONS

I.1 Parish Council

Post Office, 72 Main Road, Long Hanborough

- As Hanborough Parish Council anticipated when commenting on the applicant's previous planning application regarding the same site (formerly Hanborough's post office cum convenience store), the proposal is now for a hot food takeaway (A5 use) instead of a cafe'. There is an argument for making takeaway food readily available whilst Covid-19 inhibits eating out or shopping for ingredients to cook at home. However, as one resident has pointed out in her letter of objection, "Covid isn't going to be here forever and the change to a takeaway shouldn't be allowed to stop what's needed in the long term" which is, in her view, "a cafe' and/or bakery with opportunities for locals to sell their own produce."
- Hanborough is already served by many nearby takeaways in addition to the fish, chips and pizza takeaway just two doors along from the site in question. Referring to the fish and chips shop, another resident says: "We suffer from the cooking fat smells regularly. We do not want to have any more." This is a significant concern for the Parish Council, particularly since there is scant evidence of how it might be addressed by the applicant. There is nothing under his Ventilation and Extraction Statement; instead we are directed to look at a PDF numbered I108-5A, where we see the Proposed East Elevation of a building with "Coffee House" signage (presumably copied from the applicant's previous application documents).
- Faintly indicated by broken lines on that East Elevation drawing, there is an "outline of potential extraction system for alternative use," but still no detail or promise of actual mechanisms. To know more of what might be appropriate, we are shown a report by "Don" at Purified Air who says: "As this is a coffee shop with limited if any cooking, I would suggest no Odour Control is needed but if this was to become a more aggressive cooking establishment, for example, then see below for either Indian/Thai or Turkish cooking." Equipment is then specified, but the applicant has not, to HPC's knowledge, made an explicit commitment to install it.
- Without a clear commitment from the applicant to high level mitigation of what has been described as "aggressive cooking," HPC must object to the proposed takeaway. Even if such a commitment materialises, HPC has further reservations about the foul sewage disposal system, drainage connection and intended hours of opening all being "unknown." Opening hours must not coincide with children coming out of their school (just around the corner) in the middle of the afternoon, as takeaway traffic drives across a break in the pavement.
- 20/02400/FUL is so lacking in information about what is being proposed that giving planning permission, on the basis of the

documents WODC has published online, would be giving carte blanche.

Additional comments following amended information submitted

- HPC's objection remains because, although the applicant has submitted a revised equipment specification from Purified Air, this has still not been presented as a planning commitment and nor has the technical pollution officer's requirement for ventilation noise control. Moreover, the applicant's responses to our other concerns (about the foul sewage disposal system, drainage connection and intended hours of opening) are still "unknown."

1.2 OCC Highways

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

1.3 WODC Env Health - Uplands

Mr ERS Pollution Consultation Good morning,

Although I have no objection in principle, I advise that ventilation noise control arrangements must be agreed before the proposed premises is brought into operation.

'Prior to the first use of the development hereby permitted, control measures including in-duct silencers shall be installed in accordance with a scheme for the control of extract fan noise, that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of environmental noise in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application'.

Kind regards,

Neil Shellard MCIEH.
Senior Officer
Technical Pollution Team.

2 REPRESENTATIONS

2.1 11 Objection comments have been received (summarised below)

- Limits Future development options
- Increase in Litter

- Additional Cooking odours
- Traffic Generation
- No demand for additional takeaway outlets
- Proximity to the school

2.2 3 Support Comments have been received (summarised below)

- Additional service welcomed
- Local Employment Site
- Vacant unit utilised

3 APPLICANT'S CASE

3.1 The Planning Statement submitted as a supporting document advises that:

3.2 Whilst the applicant maintains a desire to operate a coffee shop within the village, the demand that existed for such a use has diminished significantly since planning application 20/00235/FUL was first received by the Council. The use would not be economically viable at this time, and this is expected to be the case from some time - this is due to the impacts of Covid on leisure activities as well as a large drop in numbers using the Long Hanborough Railway Station (making use of linked trips). Whereas the demand for A5 uses has increased beyond normal market expectations and there is an evident need for a range of takeaway premises given the move towards more home-based eating.

3.3 Whilst there is an existing hot food takeaway premises in the village - notably at No.68 Main Road - the applicant's market analysis indicates a demand that exceeds supply and therefore, whilst similar to what exists already (albeit it would serve different food to No.68) an expansion of local services and facilities should be supported in this instance. Long Hanborough is a Rural Service Centre and a growing settlement and current facilities are less than what would be expected for a settlement of this scale (this position is confirmed by the Council's own settlement hierarchy analysis).

3.4 Providing an increase in provision within the village negates the need for the local community to drive to Witney, Eynsham or Woodstock to benefit from a wider choice and this therefore reduces unsustainable patterns of travel.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

E1NEW Land for employment

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks permission for change of use of part of existing property from class E (Retail) use to hot food takeaway to include external alterations to provide additional front entrance and window in side elevation and the installation of a flue.

- 5.2 It is worth noting at this point that from 1 September 2020 the Town and Country Planning (Use Classes) Order 1987 was amended, meaning class A1 is now Class E (Retail) and Class A5 is now 'sui generis' ('in a class of its own')
- 5.3 The application site is located on the main road through Long Hanborough. The building itself has a mix of uses with business use at ground floor level and residential at first floor level. The site is not within a Conservation Area or other areas of special designated control.
- 5.4 The application is to be heard before committee as the Parish Council has objected to the proposal.
- 5.5 In addition an extension of time was required to determine this application so that it could be put before planning committee.
- 5.6 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
 - Siting, Design and Form
 - Highways
 - Residential Amenity

Principle

- 5.7 Officers consider that given the extant permission on site (20/00235/FUL) granted by planning committee in July, which allowed the change of use of part of the class A1 retail unit to a coffee shop, that the principle of development has been established however as development has not yet commenced the planning balance must still be applied.
- 5.8 Therefore considering the principle of the proposed development in this location, there are two fallback positions. First, the extant permission (20/00235/FUL), Secondly, similar to that of previous permission, that under the General Permitted Development Change of use rights, retail use can be changed to a restaurant or café through the prior approval process. Whilst this is an un tested fallback, given the provision within the GDPO, officers consider that this forms a part of the planning balance decision.
- 5.9 Policy EI Land For Employment - Existing Employment Sites states
"Proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses."
- 5.10 The unit currently stands vacant following the closure of the Coop supermarket. In this regard, the separation and change of use is considered to be in character for the area of Long Hanborough and the adjoining units (both commercial and residential) and bring the vacant shop partly back into use.
- 5.11 This is also echoed in Policy OS2 which states that all development form a logical compliment to the existing scale and pattern of development and/or the character of the area.

- 5.12 Policy E5 supports the development of local services to meet local need to promote social wellbeing, interests, interaction and healthy inclusive communities. The supporting text indicates Local facilities are essential in meeting the day to day needs of residents and a hot food takeaway has the possibility of providing a local employment opportunity. The agent has also indicated that the applicant intends to build the extension to the rear of the smaller (A1 use) Class E (retail) unit as per extant permission 20/00235/FUL. If this permission is implemented then the larger 'café' units use could still be implemented out without any further need for permission.
- 5.13 Therefore in this regard officers consider the proposal is in accordance with Policies E1, E5 and OS2 of the Local plan.
- 5.14 Officers note the objection representations regarding the preferred use of the unit as a coffee shop however the assessment must consider the application which is before us which is for the use as a Hot Food Takeaway.

Siting, Design and Form

- 5.15 On the front elevation the proposed off centre doorways are consistent with the business context of the site and the neighbouring properties and the proposed alterations will not harm the visual appearance of the streetscene. Therefore officers consider that proposed acceptable in this regard.
- 5.16 The flue required for the extraction system is to the rear of the property and given the other extraction equipment on neighbouring properties this would not look out of place and is also considered acceptable. As requested by the Environmental Health Officers a condition has been recommended ensuring the extraction system is in operation before any Takeaway use comes into operation.

Highways

- 5.17 In regards to parking at the site, officers note the objection representations regarding traffic generation; however Oxfordshire County highways were consulted during the planning process and raised no objection to the proposals. It is therefore considered acceptable in this regard.

Residential Amenities

- 5.18 The site and adjoining properties consist of a mix of uses, with residential flats at first floor level. Officers consider that given the existing uses of the neighbouring properties the proposed use as a hot food takeaway is acceptable and consistent in the location and would not have a detrimental impact on the residential amenity of the dwellings in the immediate vicinity. As mentioned above, Environmental Health has confirmed that the flue and extraction equipment detailed would be sufficient for the intended use. Therefore this is considered acceptable in this regard.

Other Matters

- 5.19 Representation comments have been made in regards to Viability or demand of the proposal within the village of Long Hanborough. However viability and demand of a business is not a material planning consideration and therefore does not form part of this assessment.

Conclusion

- 5.20 In light of this assessment, taking in consideration the Principle, design, neighbouring amenity and layout, and highways this proposal is acceptable in accordance with policies OS2, E1, E5 and T4 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016.

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.
4. Prior to the first use of the development hereby permitted, Extraction and Ventilation control measures including in-duct silencers shall be installed in accordance with a scheme for the control of extract fan noise, that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.
REASON: To ensure that there is a scheme for the control of environmental noise and smells in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application
5. That a scheme for the maintenance of the extraction and ventilation system shall be submitted to and approved in writing prior to the first use of the premises for the preparation of food. Maintenance of the ventilation system shall be carried out in accordance with the approved maintenance schedule. A log of all maintenance activity on the ventilation and extraction system shall be kept and permanently retained.
REASON: To protected the amenity of neighbouring properties.
6. The premises shall not be open for the sale of food except for between the hours of 8:00am and 10:00pm.
REASON: To protect the amenities of the locality and neighbouring properties.
7. That whenever food is being prepared on the premises all external windows and doors in the shop shall be closed other than for normal entry and exit or emergency use.
REASON: To protected the amenity of neighbouring properties.