

APPLICATION NO.	P20/S2373/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	6.7.2020
PARISH	GORING
WARD MEMBER(S)	Maggie Filipova-Rivers
APPLICANT	Mr Muhammed Abul Hasan
SITE	Former Lloyds Bank, High Street, Goring, RG8 9AT
PROPOSAL	Change of Use of part A5 user class (Hot Food Takeaway) to A3 user class (Restaurant), Sui Generis use as taxi office and residential use at first floor to remain.
OFFICER	Max Gull

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to planning committee at the discretion of the Planning Manager because the recommendation conflicts with the comments of the parish council who object to the application.
- 1.2 The site is situated within the main high street in Goring and hosts a two-storey brick faced building. The building is not listed, but is in the Goring Conservation Area, and within the Chilterns Area of Outstanding Natural Beauty. Following planning permissions for change of use in 2018 and February 2020; the ground floor space hosts a Taxi Call Centre and a Hot Food Take-Away with residential accommodation on the floor above.
- 1.3 Prior to the aforementioned permissions, the ground floor was originally used by the Lloyds TSB bank and the first floor as a two-bedroom flat. The flat is accessed from the rear via a set of metal external stairs leading to and over a flat roof to the apartment entrance. This arrangement has existed as per the original construction of the building.
- 1.4 The application seeks planning permission to convert the current Hot-Food Takeaway (Use Class A5) to a restaurant (Use Class A3). It also seeks to convert the rear of the ground floor into an area of common use for both the restaurant and the taxi office business. A plan identifying the site can be found at **Appendix 1** to this report.
- 1.5 The application was submitted prior to the amendments implemented on 1 September 2020 to the Town and Country Planning (Use Classes) Order 1987 (UCO 1987). As such the use class status for both the Hot Food Takeaway (A5) and restaurant (A3) remain, as well as their associated permitted development rights. Therefore, the disputed change of use from a Hot Food Takeaway to a Restaurant is authorised under permitted development.
- 1.6 Reduced copies of the plans accompanying the application are attached as **Appendix 2** to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Goring Parish Council – Objection

Initial Objection Received 26-08-2020;

- Inadequate Fire Escape Routes
- Signage is out of keeping with conservation area
- Smell
- Insufficient recycling and Waste Facilities

Revised Objection Received 16-09-2020

- Over-intensification of use of the building within a Conservation Area
- Signage is out of keeping with Conservation Area

2.2 Food Safety – No Objection Subject to Informative

2.3 Env. Protection Team – No Objection

2.4 Countryside Access – No Comments Received

2.5 Contaminated Land – No Strong Views

2.6 Neighbour – Objection x2

- Conservation Area and the Shop Fascia
- Over-intensification of use of the building within a Conservation Area
- Extraction and treatment of fumes/ Smell
- Safety

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P20/S0462/FUL](#) - Approved (31/03/2020)

Full planning permission sought for the Change of Use of part A2 user class (Financial and professional services) to Sui Generis user class (Taxi call centre)

[P18/S0778/FUL](#) - Approved (14/06/2018)

Change of use of Part A2 Use Class (Financial and Professional Services) to A5 Use Class (Hot Food Takeaway).

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 No Environmental Impact Assessment was required for the application.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Core Strategy (SOCS) Policies:

- CS1 - Presumption in favour of sustainable development
- CSEN1 - Landscape protection
- CSEN3 - Historic environment
- CSQ3 - Design
- CSS1 - The Overall Strategy
- CST1 - Town centres and shopping

South Oxfordshire Local Plan 2011 (SOLP 2011) Policies:

- CON7 - Proposals in a conservation area
- D1 - Principles of good design
- D4 - Reasonable level of privacy for occupiers

- D5 - Compatible mix of uses
- EP1 - Adverse affect on people and environment
- EP2 - Adverse affect by noise or vibration
- G2 - Protect district from adverse development
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Emerging Local Plan 2034 Policies

The council is currently progressing the emerging local plan through the examination stage. The plan currently carries limited weight. Relevant policies include;

- DES1E - Delivering high quality development
- DES2E - Enhancing local character
- DES6E - Residential amenity
- EMP2E - Range, size and mix of employment
- ENV1E - Landscape and countryside
- ENV6E - Historic environment
- ENV8E - Conservation areas
- STRAT1E - The overall strategy

5.2 **Goring Neighbourhood Plan**

- Policy.16 - Building Design Principles
- Policy.17 – The Historic Environment

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Core Strategy 2027 (SOCS) which was adopted in December 2012, the saved policies of the South Oxfordshire Local Plan 2011 (SOLP) and the made Goring Neighbourhood Plan (July 2019).

Development that is not in accordance with the development plan should be refused unless material planning considerations indicate otherwise.

6.2 **The relevant planning considerations are the following:**

- **Principle of development**
- **Design and character**
- **Amenity**
- **Access and Parking**
- **Other material planning considerations**

6.3 **Principle of development**

6.4 Policy CSS1 of the SOCS sets out a strategy to encourage a strong network of settlements across the District and part of that is supporting and enhancing larger villages, including Goring, to include a range of facilities and services so they fill the role of a local service centre.

6.5 In addition to this, Policy CF2 of the SOLP adds to this, referring to the provision of community facilities and services, stating that proposals that would result in the provision of additional community facilities or services within settlements will be permitted. Provided that there is no overriding amenity, environmental or traffic objections to the proposals and that there is no conflict with the other policies in this plan.

6.6 In my view, the proposed change of use from the existing Hot-Food Takeaway to a Restaurant will promote the intent of Policy CF2, with the function of a restaurant providing additional community benefit to that of the existing use.

6.7 In my opinion, the above policy establishes the in-principle acceptability of the proposed development subject to considerations that are highlighted above as well as its compliance to other policies within the development plan.

6.8 **Design and character**

6.9 The existing building is located within the Conservation Area but is of limited historical and architectural value. Policy CON7 of the SOLP sets out that planning permission will not be granted for development that would harm the character and appearance of a conservation area. This policy is bolstered by other design-based development plan policies including D1 and G2 of the SOLP and Policy 16 and 17 of the Goring Neighbourhood Plan.

6.10 The proposed change of use involves one change to the external appearance of the building; a window on the west elevation of the building being replaced with a new rear door. The new door would be situated in a location that would be screened off by existing built form and not be visible from the public realm.

6.11 In my view, this external change has little impact on the external appearance of the building, and given its location, would have very little to no impact on the character of the wider Goring Conservation Area.

6.12 Neighbours and Goring Parish Council have objected to the change of use application due to a new advertisement display on the grounds that it does not reflect the character of the wider Goring Conservation Area. Prior to this application being submitted the sign which advertised the Hot food Takeaway has been replaced with a new sign, it is the new sign which has received objection.

- 6.13 Whilst these concerns are noted, advertisement considerations fall out of scope of a change of use application and instead would require a separate grant of advertisement consent.
- 6.14 **Residential amenity**
- 6.15 The proposed development will take place within the commercial centre of the village of Goring, and will replace an existing commercial use within an existing building. On all sides, the property is surrounded by other commercial uses, except for the first floor flat above.
- 6.16 It is noted that neighbours in the surrounding area have objected to the proposal due to odour concerns. These concerns were noted and discussions with the council's environmental protection team were undertaken.
- 6.17 The environmental protection officer (EPO) requested confirmation that the extraction system for the take-away remained in situ because the takeaway use has created no odour, noise or waste complaints.; the agent provided confirmation that this was the case. The change of use from a take-away to a restaurant would produce similar levels of noise and odour and the EPO raised no objections to the change of use as the current mitigation methods are deemed satisfactory. The EPO has also suggested a condition in respect of opening hours so that the restaurant hours remain consistent with the permission granted for the original hot-food takeaway.
- 6.18 Subject to the recommended condition restricting opening hours, it is my view that the proposed development accords with policy CF2 of the SOLP.
- 6.19 It is my view that there are no amenity issues that are significant enough to warrant a refusal of planning permission. However, should any unneighbourly odour concerns arise, it should be reported to the Environmental Protection team so that they can be investigated and resolved through the Environmental Protection Act 1990.
- 6.20 **Impact on Parking**
- 6.21 Policy CF2 of the SOLP states that development would need to comply with SOLP Policies D2, T1 and T2 in order to provide for adequate, safe and secure parking and access at the premises.
- 6.22 When consulted for the Change of Use from a bank to the Hot-Food Takeaway, the highway's authority raised no objection. A public car park is located to the rear of the application site, providing adequate space for people to park in close walking distance to the site. In conjunction with existing parking restrictions on the main high street, it is unlikely that the proposed site would cause parking concerns and additional strain to the highway network.
- 6.23 In my view that the anticipated footfall for the proposed restaurant would be equal to or less than the existing Hot-Food Takeaway.
- 6.24 On balance it is my view that the proposed change of use would not produce any traffic concerns that are materially different to the current use and that the proposed development accords with relevant highway parking policy and policy CF2 of the SOLP.

6.25 Other material planning considerations

6.26 The change of use from A5 (Hot-Food Takeaway) to A3 (Restaurant) is permitted under Schedule 2, Part 3, Class B of the Town and Country (General Permitted Development) Order 2015 (as amended). Planning permission for the proposed development is required due to the creation of the communal space at the rear of the ground floor.

6.27 The objections raised by both neighbours and the parish council relate to the change of use from a Hot Food Takeaway to a Restaurant. Whilst their concerns are noted, substantial weight must be given to the permitted development fall back held by the application at the time of submission. In my view this consideration tips the planning balance in favour of approval despite the concerns raised.

6.28 Health and Safety based objections were raised by both neighbours and the parish council in their initial objection. The concerns raised are not planning considerations because they are dealt with instead under separate health and safety legislation.

6.29 Community Infrastructure Levy

In this case the proposed development would not be a liable form of development.

7.0 CONCLUSION

7.1 I recommend that planning permission is granted for the proposed change of use. Significant weight is given to the permitted development fallback that was in place at the time of submission. The proposed change of use would produce minimal changes to the external appearance of the building and would not materially harm the character of the Goring Conservation Area. Additionally, the proposed change of use would not produce any increase in highway or amenity concerns beyond those associated with the existing use. In conjunction with the attached conditions, the proposal accords with development plan policies.

8.0 RECOMMENDATION

8.1 Planning Permission

1 : Commencement three years - Full Planning Permission

2 : Approved plans

3 : Materials as on plan

4 : Hours of operation

5 : Food and Safety informative

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