

<b>APPLICATION NO.</b>	<a href="#">P19/S0480/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	4.3.2019
<b>PARISH</b>	THAME
<b>WARD MEMBERS</b>	Pieter-Paul Barker Kate Gregory David Bretherton
<b>APPLICANT</b>	Euro Garages Limited
<b>SITE</b>	Thame Service Station Long Crendon Road Thame, OX9 3SB
<b>PROPOSAL</b>	Two Drive Thru (A1, A3, A5) Pods with associated landscaping, hardstanding and other associated works. (Bat survey submitted 21 August 2019, letter received 16 September 2019 in response to Thame Town Council's comments and Flood Risk Assessment Addendum received 26 September 2019.) (Updated Flood Risk Addendum and Annexe submitted 25 November 2019).
<b>OFFICER</b>	Davina Sarac

1.0 **INTRODUCTION**

- 1.1 This application is referred to Committee at the discretion of the Planning Manager because the officer's recommendation conflicts with the view of Thame Town Council.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) comprises of the service area within the wider Petrol Station and travel lodge services located at the northern edge of Thame. It is accessed from the west of the site directly from the B4011 and close to the roundabout serving the highway network, principally the four mains routes of the A418, B4011, B4445 and A4129. The northern edge of the site is bounded by trees and just beyond the trees is the river with open fields beyond. To the east of the site lies the Travel Lodge motel with associated car parking, and the petrol station directly to the south. The site is approximately 0.38 hectares, with part of the site lying within Flood Zones 2 and 3.

2.0 **PROPOSAL**

- 2.1 Planning permission is sought for the erection of two modern, single storey Drive Thru pods and associated infrastructure. One of the pods would replace the existing Burger King building on site and it is suggested by the applicant that it would be occupied by Burger King again. The other, it is suggested, would be occupied by Starbucks. Each pod is to have its own dedicated recycling/waste storage facilities. The applicant indicates that the facilities would be open 24 hours a day. The authority cannot reasonably control the end users of the development and therefore, no weight can be given to the applicant's suggestions as to whom the occupants may be.
- 2.2 The proposed units comprise flat roofs. Heights vary with the largest unit (the proposed coffee shop) having a maximum height of 4.40m, and the smaller replacement for the Burger King unit being 6.11m. Materials comprise a mix of Kingspan smooth cladding, and some brickwork adding visual interest, and aluminium framed glazed elements with canopies over entrances with a corrugated red band below the eaves.

2.3 Parking is provided for 42 car parking spaces, 4 of which are to be disabled spaces with each unit being allocated specific parking areas. Vehicular access is from the existing main service access. Landscaping works are also part of the proposal.

2.4 A copy of the plans accompanying the application is **attached** as Appendix B. Other documentation associated with the application, including the Design and Access Statement, can be viewed on the council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

### 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Below is a summary of the most up to date responses received. A full copy of all the comments made can be viewed online at [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

#### 3.2 **Thame Town Council**

Continue to object on the following grounds:

- The application remains contrary to Policy WS1 of the Thame Neighbourhood Plan (TNP). The applicant has not engaged with the need to direct retail development to the nearest Town Centre and is refusing to demonstrate flexibility in terms of format and scale. The scheme remains contrary to both Paragraphs 86 and 87 of the NPPF.
- Motorists visiting Thame Service Station have the alternative option to drive less than 1km into Thame to access a much wider range of cafés, restaurants and takeaways.
- The applicant continues to misapply TNP Policy WS13 in an attempt to link their scheme with the provision of employment as described within the TNP. Policy WS13 only applies to B class employment areas. Much of the application site has been preserved for HGV and coach parking and cannot, therefore, be considered employment land; the site would be most likely be considered Sui Generis in use.
- The proposed scheme would remove 7 bays of HGV and coach parking. The consultation response from the Local Highway Authority clearly demonstrates that the provision of these spaces was a requirement of the original planning application for Thame Service Station and that their retention was deemed necessary (condition 14 of P89/N0227/O).
- It has been observed that prior to the removal of the three coach bays for a jet-wash facility, undertaken without the benefit of planning permission, all 7 bays were frequently observed to be full.

#### 3.3 **Highways Liaison Officer (Oxfordshire County Council)**

Comments in place of the original Local Highway Authority consultation. The submitted plans and supporting documents have been reviewed, and a Highways Officer has inspected the development site. The Local Highway Authority do not wish to object to the granting of planning permission. A condition requiring parking & manoeuvring areas to be retained is recommended.

- 3.4 **Environment Agency** Initial comments were that the submitted flood risk assessment (FRA) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The Environment Agency set out what was needed to overcome their initial objections and after the submission of further details the Environment Agency are satisfied with the details subject to the FRA document being amended via condition.
- 3.5 **Drainage - (South & Vale)** Following the revised Flood Risk Assessment Addendum and that the applicant has confirmed finished floor levels will be set no lower than 63.96 m AOD, officers are now content for the holding objection to be removed and recommend a surface water drainage condition.
- 3.6 **Forestry Officer (South Oxfordshire District Council)** No objection. It is recommended that the arboricultural report is amended to reflect the works to specific trees (discussed further below), and that the following conditions are attached:
- The tree protection condition;
  - Landscaping condition
  - Tree pit design condition
- 3.7 **Countryside Officer (South & Vale)** Following the submission of an ecological scoping survey, the existing building structure is not considered to support roosting bats. The additional information submitted confirms that no trees to be subject to pollarding works are considered to be supporting roosting bats. A construction environmental management plan for Biodiversity (CEMP: Biodiversity) condition is recommended.
- 3.8 **Economic Development** The loss of HGV and Coach parking spaces may have a negative impact to Thame Town Centre. However, due to the job creation and positive economic impact, the proposed erection of two drive thru pods is supported.
- 3.9 **Contaminated Land Officer** The application has been assessed from a contaminated land perspective and there are no objections.
- 3.10 **Food Safety Team** No objections.
- 3.11 **Environmental Protection Team Neighbour representations -** No objections.
- 5 letters in total were received, with 3 objecting to the proposal and 2 in support of it.
- In favour/support:**
- Proposed drive thru will be beneficial.
  - Adding these 2 drive thru's to Thame Services will bring additional benefit to handle the future demand and to keep the site up-to-date and competitive with other service stations.

- Currently, the current layout/design is very old fashioned whereas the new design will add a vibrant effect to this area by modernising the local area.

**Objections:**

- Concern over loss of lorry parking facility which could cause lorries to have to park up on side roads anywhere.
- The free HGV parking facilities would be sorely missed by truckers if they were to go.
- The HGV parking spaces should be retained as they are always well used.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P00/N0558](#) - Approved (23/09/2003)

20 Bedroom Travelodge extension with associated car park amendments. (As amplified by agent's letter dated 5 December 2000 and amended by plan nos. H4928/03B, H4928/05B & H4928/06 accompanying agent's letter dated 31 January 2001 and as amended by Drawing No. H5391-5C accompanying Agent's letter dated 17 June 2003 and as amended by Drawing No. H6446/20 accompanying letter from Agent dated 2 August 2006 and as amended by Drawing No H6446/08 accompanying letter from Agent dated 3 August 2006).

[P99/N0467](#) - Approved (12/08/1999)

Construction of drive-through lane and serving window.

[P98/N0358](#) - Approved (03/08/1998)

Single storey side extension. Relocation of parking spaces. (As amplified by agent's letter dated 1 July 1998).

[P96/N0713](#) - Withdrawn (23/10/1997)

Extension to existing restaurant.

[P95/N0150](#) - Approved (19/04/1995)

Construction of 'Travelodge' Motor Hotel and associated parking.

[P95/N0047](#) - Approved (12/04/1995)

Construction of 'Little Chef' roadside restaurant, associated parking and electricity sub-station housing. (As amended by Drawing No. 1877 PD07A accompanying Agents letter dated 16 March 1995).

[P92/N0364/RM](#) - Approved (30/08/1994)

Erection of a petrol filling station, motorists restaurant, lodge and provision of associated parking.

[P92/N0327](#) - Approved (23/09/1992)

Erection of a car wash (ancillary to petrol filling station).

[P89/N0227/O](#) - Approved (18/10/1990)

Erection of a petrol filling station, motorist's restaurant, lodge and provision of associated parking spaces. Access.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

National Planning Policy Framework Planning Practice Guidance (NPPG)

**5.2 South Oxfordshire Core Strategy (SOCS) Policies**

CS1 - Presumption in favour of sustainable development  
CSB1 - Conservation and improvement of biodiversity  
CSM1 - Transport  
CSEM1 Supporting a successful economy  
CSQ3 - Design  
CSS1 - The Overall Strategy  
CST1 - Town centres and shopping  
CSTHA1 - The Strategy for Thame

**5.3 South Oxfordshire Local Plan 2011 (SOLP 2011) saved policies;**

C6 - Maintain & enhance biodiversity  
C8 - Adverse affect on protected species  
C9 - Loss of landscape features  
D1 - Principles of good design  
EP4 – Impact on water course  
EP6 - Sustainable drainage  
EP8 - Contaminated land  
G2 - Protect district from adverse development  
G3 - Development well served by facilities and transport  
T1 - Safe, convenient and adequate highway network for all users  
T2 - Unloading, turning and parking for all highway users  
T9 - Petrol filling station and motorist service areas outside built up areas

**5.4 Emerging South Oxfordshire Local Plan 2035;**

The council is currently progressing the emerging local plan through the examination stage. The plan currently carries limited weight. Relevant policies include;  
STRAT1 – The overall Strategy  
TRANS2 – Promoting Sustainable Transport and accessibility  
TRANS4 – Transport Assessments  
ENV3 – Biodiversity – Non designated sites, habitats and species  
ENV4 – Watercourses  
ENV11 – Pollution  
EP4 – Flood Risk  
DES1 – Delivering High Quality Development  
DES3 – Design and Access Statements

**5.5 Thame Neighbourhood Development Plan policies (TNP)**

ESDQ11 - Incorporate Sustainable Urban Drainage into new development  
ESDQ12 - Applications for new development to provide a drainage strategy  
ESDQ15 - Developers must demonstrate in a Design and Access Statement how their proposed development reinforces Thame's character.  
ESDQ16 - Development must relate well to its site and its surroundings  
ESDQ17 - Development must make a positive contribution towards the distinctive character of the town as a whole.  
ESDQ19 - The Design and Access Statement and accompanying drawings must provide sufficient detail for proposals to be properly understood.  
ESDQ29 - Design car parking so that it fits in with the character of the proposed development.  
WS1 - Locate new retail development in the town centre  
WS13 - Support improvements to existing employment areas

**5.6 South Oxfordshire Design Guide 2016 (SODG 2016)**

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

- **Principle of development**
- **Design**
- **Highways and Parking**
- **Flooding and Drainage**
- **Landscaping and trees**
- **Biodiversity**
- **Other matters**

**Principle of Development:**

- 6.2 The site is within an existing out of town petrol station and service area. It is anticipated that the proposed development will be operated by Starbucks and Burger King in their 'drive-thru' format with the proposed use comprising a mixed Class E (café) and sui generis (hot food take-away) use.
- 6.3 Firstly, in relation to this proposal national planning guidance (NPPF) seeks to 'positively drive and support sustainable economic development' and 'encourage the effective use of land by re-using land that has been previously developed' and 'promote mixed-use developments'. It also goes on to emphasise the importance of helping 'to achieve economic growth' and the need for local planning authorities 'to meet the development needs of business and support an economy fit for the 21st Century.'
- 6.4 In assessing main town centre uses that are not within an existing centre, there are two key tests that need to be applied. This includes the 'sequential test' and 'impact assessment test' as set out in the NPPF. However, since this proposal falls under the 2,500sqm threshold the 'impact assessment test' does not need to be applied. The SOCS in addition to the TNP include Policies CST1 (Town centres and shopping), Policy CSTHA1 (Strategy for Thames), and Policy WS1 (new retail development in the town centre) which is similar to the NPPF in seeking to direct main town centre uses to existing centres and seeking to ensure no adverse impact on existing centres. As such, the existing Burger King unit will be replaced by one of the new pods and the other pod will be occupied by Starbucks. Both pods are specifically designed as drive-thru models which are mainly suited for out-of-town locations. Officers consider that the principle of the development would not threaten the vitality of other similar uses within the town centre.
- 6.5 In relation to the 'sequential test' Planning Practice Guidance provides some useful supporting advice on how to apply this test. It states that Local Planning Authorities should consider the relative priorities and needs for main town centre uses, particularly recognising 'their different operational and market requirements'. For example, a hotel which is likely to cater for a different market at a motorway service station than within a town centre. Furthermore, recent legal cases are also important in providing guidance on how the sequential test should be applied in practice which includes a recognition of the applicants' specific 'business model,' which would ultimately impact on the size of

the site being searched for and the ‘viability’ / deliverability of the development. It is considered that in practise given the operational requirements of the applicant and their ‘business model’ for this particular type of use i.e. mixed use ‘drive-thru’ format, Officers consider that such an assessment is very unlikely to be able to identify a site within the existing town centre that would be able to meet the specific needs of this type of use.

- 6.6 This use is considered likely to mainly serve existing users of the highway network by reason of the drive through facility. The majority of customers would therefore be already on the highway network, passing through the area or visiting this area. The proposed use would create new jobs, promote economic growth and provide a sustainable form of development, given its location, which would be served by this proposal. Issues relating to environmental impact are dealt with further below.
- 6.7 In conclusion therefore, Officers consider, that given the nature of the proposal it would provide sustainable economic development in a way that makes effective use of previously developed land and would not be harmful to existing businesses within the town centre and is therefore acceptable in principle in this location, in accordance with the NPPF and Development Plan Policies.

### **Design**

- 6.8 Policies CSQ3 of the SOCS, D1 of the SOLP and ESDQ16 of the TNP state that good design and the protection and reinforcement of local distinctiveness should be taken into account in all new development.
- 6.9 The buildings’ designs are functional. There is little to inform the design of buildings in this location. The buildings (pods) would be set in spacious landscaped grounds and would appear subservient within the landscape. The appearance of the units with the variation in materials, projections, different sizes and with the planting scheme proposed is appropriate on this site and in accordance with design policies in the adopted local plan and is therefore in accordance with Policies D1 of SOLP, CSQ3 of the SOCS and ESQ16 of the TNP.

### **Highways and parking**

- 6.10 Vehicular access to the proposed development would be taken via the existing internal road network and junction with the B4011, Thame Road. The junction to Thame Road benefits from a right turning lane and accords with relevant design standards in terms of geometry and visibility. Similarly, appropriate geometry and visibility is provided at the proposed junctions with the internal network. Deliveries/refuse collection areas are separated from the main car parking spaces to aid circulation and ensure safe movement through the site
- 6.11 The site plan shows that there is a total of 42 car parking spaces available, 4 of which are disabled parking bays. As a result, there would be a loss of 4 HGV parking spaces. These HGV parking spaces were a part of the historic planning approval reference number P89/N0227/O and initially the Local Highway Authority recommended that the application should be refused.
- 6.12 However, following further assessment from the Local Highway Authority they raised no objection to the development stating that:

*“An appropriate level of car parking is provided within the development; however, some spaces may be blocked by queueing drive-thru traffic. Any unmet parking demand would likely be contained within the site and would not present a risk to highway safety. I note a condition of a previous planning permission at the site included provision of HGV parking, which would be lost as a result of these proposals. The reason given for*

*the condition related to local amenity and vehicle parking standards. Neither the Local Highway Authority or Local Planning Authority have relevant parking standards for HGVs. With regards amenity, this is a matter for the consideration of the Local Planning Authority. Whilst I understand that it may be desirable locally to retain HGV parking, I do not consider there are sufficient grounds of highway safety or convenience to uphold a refusal of planning permission.*

*The submission does not include any detailed traffic impact analysis, but I am satisfied any impact would be minimal and negligible at network peak times, when most trips would arise from linked or pass-by journeys.”*

### **Flooding and Drainage**

- 6.13 From review of the Environment Agency’s Flood Mapping the proposal is located within Flood Zones 2 and 3. Part of the site is also within Flood Zone 3b (Functional floodplain). Flood Zone 3b land is defined by the South Oxfordshire District Council Strategic Flood Risk Assessment (SFRA) December 2018, as having a high probability of flooding. Where detailed modelling is not available the SFRA states to take a precautionary approach and assume that Flood Zone 3a (1 in 100-year flood extent) represents the functional floodplain.
- 6.14 A Flood Risk Assessment (FRA) has been submitted and Walsingham Planning also provided additional flood risk modelling which was undertaken to support the development. In July 2020 the applicant provided an additional flood hydrology addendum following the Environment Agency’s objection to the proposal. The additional modelling demonstrated that the proposed site is located within Flood Zone 2, not Flood Zone 3b as initially thought. The submitted FRA states that finished floor levels will be set 300mm above the existing ground level at 63.90m AOD in accordance with government guidance. However, this is for extensions only and does not apply to this development. The type of development at this site is classified as less vulnerable. Therefore, finished floor levels should be set no lower than the 1% + 35% climate change fluvial flood level (63.96mAOD). The applicant’s agent has confirmed that the finished floor levels will be set no lower than 63.96 m AOD. This is higher than existing floor levels and no lower than the 1% + 35% climate change fluvial flood level and is therefore acceptable according to the Environment Agency.
- 6.15 The Council’s Flood Risk and Drainage Engineer also removed his holding objection following the confirmation of the required finished floor level and has recommended that surface water drainage details are agreed via condition.

### **Landscaping and trees**

- 6.16 Policy CSEN1 of the SOCS states that the district’s distinct landscape character and key features will be protected against inappropriate development and where possible enhanced. Where development is acceptable in principle, measures will be sought to integrate it into the landscape character of the area.
- 6.17 Policy C9 of the SOLP also states that any development that would cause the loss of landscape features will not be permitted where those features make an important contribution to the local scene, and/or provide all or part of an important wildlife habitat and/or have important historical value. Where features are retained within the development site, conditions will be used to ensure that they are protected during development and have sufficient space to ensure their survival after development.
- 6.18 The northern part of the site contains a number of trees. The applicant submitted an arboricultural report including a tree survey, arboricultural impact assessment (AIA) and arboricultural method statement during the application process. The report stated that

the proposed development requires the removal and coppicing of 15 individual trees and 50% of a group of trees. The majority of these trees have been categorised as category C or U in accordance with BS 5837:2012, meaning they are of low quality and should therefore not be considered a constraint to the proposed development.

- 6.19 The Forestry Officer has assessed the submitted documentation and visited the site. Currently these trees provide a screen to this site when viewed from the North and help to soften the site when entering the Service Station. The Forestry Officer recommends significant tree planting will be required to mitigate their loss. For the willow trees shown in the arboricultural report, it is the Officers' opinion it would be more appropriate to reduce some of these trees down to a height of approximately 2m above ground level and then manage them as a pollard, rather than coppice, this applies to T6-T8 and T14-T15. This will ensure that the risks from the trees due to their poor condition are reduced to an acceptable level, whilst providing the trees with a better chance of responding positively and regenerating from the tree works and then managing them as pollards in the future. For the willow trees that have splits within their stems below 2m, such as T5, T9, T10, T11, T12 and T13, there are no objections to coppicing. The Forestry Officer recommends that the arboricultural report is amended to reflect the above works to T6, T7, T8, T14 and T15, which can be secured through a planning condition. Officers also recommend further conditions regarding tree protection measures, landscaping and tree pit design.

#### **Biodiversity**

- 6.20 Policy CSB1 of the SOCS states that a net loss of biodiversity will be avoided, and opportunities to achieve a net gain across the district will be actively sought. Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be sought for all types of habitats, with a primary focus on delivery in the Conservation Target Areas.
- 6.21 This is echoed in Policy C6 of the SOLP which states that in considering proposals for development, the maintenance and enhancement of the biodiversity resource of the district will be sought. Full account of the effects of development on wildlife will be taken. Where there is any significant loss in biodiversity as part of a proposed development, the creation and maintenance of new landscape features, habitats, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources.
- 6.22 The application was accompanied by an ecological scoping survey. The River Thame and Cuttle Brook reside within close proximity to the site. To protect these priority habitats, the project ecologist has recommended a CEMP. The Council's Countryside Officer has reviewed the report and as such has raised no objection to the proposal, subject to the CEMP condition.

#### **Other matters**

##### Pre-commencement Conditions

- 6.23 In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Section 100ZA (6) of the Town and Country Planning Act 1990(a) the Council is required to confirm agreement to all pre-commencement conditions. These have all been agreed by the applicant/agent in writing in accordance with the requirements of this legislation.

##### Community Infrastructure Levy (CIL)

- 6.23 This application would not be CIL liable as it does not create residential space.

**7.0 CONCLUSION**

7.1 It is considered that the proposed development would be acceptable in principle in this existing out of town location. The proposals would not have a significant impact on the existing town centre, highway network or car parking, archaeology or other environmental impacts such as flooding. The proposal accords with the Policies contained within the Local Development Framework and NPPF.

**8.0 RECOMMENDATION**

8.1 **Planning Permission to be granted, subject to the following conditions:**

1. **Development must commence not later than the expiration of three years beginning with the date of this permission.**
2. **The development must be implemented in accordance with the approved drawings.**
3. **A construction environmental management plan for Biodiversity (CEMP: Biodiversity) shall be submitted and implemented in accordance with the approved details.**
4. **A full surface water drainage scheme, including details of the size, position and construction of drainage works, shall be submitted and implemented in accordance with the approved details.**
5. **A revised Flood risk Assessment shall be submitted and implemented in accordance with the revised approved details.**
6. **A scheme of landscaping of the site to be agreed and implemented**
7. **Development to be carried out in accordance with tree protection details**
8. **Trees planted next to hard surfaces must be planted in specific tree pits.**
9. **Development shall be carried out in accordance with the details shown on the approved plans.**
10. **Parking & Manoeuvring areas shall be laid out in accordance with approved plans and retained thereafter.**

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