

APPLICATION NO.	P15/S4332/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	7.1.2016
PARISH	WHEATLEY
WARD MEMBER(S)	Toby Newman
APPLICANT	Mr Jonathan Cobb
SITE	Co-op Station Road Wheatley, OX33 1ST
PROPOSAL	An extension of opening hours from 7am - 10pm to 7am - 11pm. Variation of condition 1 of P10/W0696.
AMENDMENTS	None
GRID REFERENCE	459524/205616
OFFICER	Hannah Kruger

1.0 **INTRODUCTION**

- 1.1 The application has been referred to the Planning Committee because the recommendation conflicts with the views of the Parish Council who object to the application.
- 1.2 Wheatley is situated off the A40 and is located approximately 5 miles outside of Oxford. Wheatley is identified in the South Oxfordshire Local Plan as a 'larger village outside the Green Belt'.
- 1.3 The Co-op store is located in a relatively central position in the village and the surrounding area comprises premises with a mix of uses, including residential dwellings and the Railway Inn Public House, directly opposite the Co-op site.
- 1.4 The retail unit is not situated within any areas of special designation. The application site is shown on the OS extract **attached** as Appendix 1.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission by variation of condition to extend the opening hours of the Co-op store, Station Road, Wheatley. Condition 1 of planning permission P10/W0696 allows the store to be open from 7 am until 10 pm, as follows;

'That the premises shall be open for service to the public between the hours of 7am and 10pm of any day.'

- 2.2 The current application seeks to vary this condition in order to extend the opening hours from 7 am until 11 pm. The owners claim this is justified as they require the additional hour to serve increasing trade from the local area.
- 2.3 Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Wheatley Parish Council – Object**

The Parish Council object on the basis that there is the potential for unneighbourly disturbance to local residents, if the opening hours are extended.

It is also noted that the council state the Co-op is currently disturbing local residents by receiving deliveries from 6:30 am, breaching the conditions of the current planning

permission. Concerns were raised regarding the routes that delivery lorries are taking through the village.

3.2 Health & Housing - Env. Protection Team – Approve

The application has been reviewed, taking into account various environmental protection issues relating to planning. Officers consider that there should be no change in the permitted hours of delivery or the movement of delivery cages. However, given the nature of the area, officers do not consider that extending the opening hours to 11 pm would have a significant detrimental effect on local residents.

Officers comment that condition 8 of existing permission P04/W0259 (relating to noise emitted from refrigeration and air conditioning units) should be upheld. If an extension of opening hours is granted, officers consider that the noise output from the units should not exceed the noise levels and times of operation outlined in this condition.

Otherwise, there are no objections.

3.3 Neighbour Object (1)

The neighbour objects on the ground that the extension of opening hours to 11 pm will bring additional traffic to the area, resulting in unwanted noise. It is stated that there are alternative shops approximately 5 miles away, including a motorway service station.

It is acknowledged that the store sells alcohol and is located opposite The Railway Public House and near to other pubs. The neighbour raises concerns that this could promote additional alcohol consumption. Additional concerns relate to the retrospective nature of the application and the frequency of deliveries to the store.

4.0 RELEVANT PLANNING HISTORY

4.1 [SE15/480](#) - Breach resolved
Extension of opening hours

[WE10/077](#) - Breach resolved
Breach of Condition 4 of P04/W1203 (working hours).

[WE10/027](#) - No breach
Illegal advertisements.

[WE09/034](#) - Breach resolved
Change of opening hours in contravention of condition 4 of planning permission P04/W0259

[WE06/173](#) - Breach resolved
Refrigeration and air conditioning units operating in breach of cond. 8 of P04/W0259 (noise)

[P10/W0696](#) - Approved (28/07/2010)
Variation of Condition 4 (opening hours) of planning permission P04/W1203 to allow extended hours of trading to the public from 7am to 10pm.

[P04/W1203](#) - Approved (18/02/2005)
Demolition of canopy, extension and conversion of petrol filling station into food retail unit. Amendment to planning permission P04/W0259 to revise forecourt/parking layout, plant area and side secure door only. (As amplified and amended by drawing no. 1413 200/C accompanying letter from Agent dated 4 January 2005).

[P04/W0259](#) - Approved (21/07/2004)

Demolition of canopy. Extension and conversion of petrol filling station into food retail unit. (As amplified by letter received on 8 April 2004, by letter and attached information received on 25 May 2004, by letter and noise information received on 24 June 2004 and by letter and plan received on 28 June 2004 all from the Agent).

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy policies

CSEM4 - Supporting economic development

5.2 South Oxfordshire Local Plan 2011 policies;

CF3 - Retention of shops

G2 - Protect district from adverse development

EP2 - Adverse affect by noise or vibration

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

6.0 PLANNING CONSIDERATIONS

6.1 When assessing section 73 applications the Council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition. If the Council decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.

6.2 When considering this application to extend the operating hours of this business, the principal consideration is the impact on the amenity of the surrounding area. The initial planning permission P04/W1203, relating to the change from a petrol filling station to a food retail unit, imposed conditions to limit the store opening hours, delivery times and hours of operation of the refrigeration and air-conditioning units. This was to protect the amenity enjoyed by residents of the nearby properties from unacceptable noise and disturbance. As such, the current application to extend the opening hours should take the same considerations into account.

6.3 The National Planning Policy Framework states that decisions should “recognise that development will often create some noise and existing business wanting to develop in continuance of their business should not have unreasonable restrictions put on them”. Given that the elements of business which could have a detrimental impact on the neighbouring amenity (deliveries and noise output from equipment) can be restricted through conditions, it is not reasonable to restrict the opening hours to 7 am – 10 pm in your officers view as discussed in detail below.

6.4 Officers consider that the extension of opening hours from 7 am – 10 pm to 7 am – 11 pm will not materially impact the amenity of the neighbouring properties. An additional hour of opening in the evening would not have a significant detrimental impact on the surrounding area, when compared to the current permitted hours of operation.

6.5 Paragraph 123 of the National Planning Policy Framework states that the objective for planning decisions is to “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”. Officers consider that the

additional hour of operation will not impact on the quality of life of the neighbouring residents. The primary concern that could affect this is the occurrence of significant noise disturbance at a late hour.

- 6.6 In your officers view any noise and disturbance is associated with deliveries and the use of delivery cages and the hours of deliveries will remain unchanged. Disturbance can be prevented through the imposition of conditions to restrict the levels of noise and activity on the site and the previous conditions from permission P04/W1203, relating to deliveries and use of on-site equipment, are repeated in the recommendation. In the circumstances the noise levels will not significantly alter from the existing noise levels.
- 6.7 Through imposing that no deliveries shall take place outside the hours of 7 am – 7 pm Monday to Friday, and no deliveries on Sunday – with the exception of newspaper deliveries on any given day – there will be no difference in noise disturbance in this respect. Additionally, a condition restricting the manoeuvring of delivery cages can ensure that there is no such activity outside of the hours it already occurs. And finally, the continuation of condition 8 from permission P04/W1203 will ensure that the noise emitted from the refrigeration and air conditioning units does not exceed the acceptable noise level between the hours of 7 am – 11 pm and shall not exceed the background noise at any other time. This would not allow for any further noise emission than is already permitted. Therefore, the granting of permission for extension of opening hours will not alter the amenity of the neighbouring residents in relation to the above considerations. This is in line with South Oxfordshire Local Plan policy G2 which seeks to protect the district from adverse development, and complies with the recommendations made by Environmental Health.
- 6.8 It is acknowledged that there may be pedestrian and vehicular traffic to the store for one hour more than is presently permitted. However, given the location of the store and the nearby local amenities, it is not considered that this will have a significant detrimental impact on the residents. The store is located opposite The Railway Public House and there is another Public House at the end of Station Road, along the High Street. The Railway is likely to receive business until its closing time, at 11 pm and the venue advertises monthly 'live music nights'. Therefore, there will be an existing level of vehicular and pedestrian traffic – and associated noise – in the area from those using the Public Houses in the locality.
- 6.9 It has been noted that there are alternatives to the store, including a motorway service station, approximately 5 miles away. However, officers do not consider that the additional movement from those using the Co-op store will significantly add to any noise disturbance, or materially harm the amenity of the neighbouring properties. As such, the proposal is in line with South Oxfordshire Local Plan policy EP2, relating to adverse effects from noise and vibration.

7.0 **CONCLUSION**

- 7.1 Your officers recommend that planning permission is granted on the basis that the proposal does not present a demonstrable or significant harm to the amenity of the surrounding properties. The factors which could impact upon noise disturbance in the area are recommended to be limited by conditions, so there is inadequate justification to refuse the application. Officers are satisfied that the proposed extension of opening hours is acceptable and in accordance with Policy.

8.0 **RECOMMENDATION**

8.1 **Planning Permission subject to the following conditions;**

- 1 : Opening hours – 7am – 11pm**
- 2 : Restriction of delivery times**
- 3 : Restriction of movement of delivery cages**
- 4 : Noise, not to exceed 5 dB(A)**

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