

SUBJECT **DEVELOPMENT APPLICATION REPORTS** **ITEM 7**

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P11/W1075
APPLICATION TYPE	FULL
REGISTERED	14.7.2011
PARISH	DIDCOT
WARD MEMBER(S)	Mr Terry Joslin Mrs Margaret Turner
APPLICANT	Mrs S Mainwaring
SITE	50 Wantage Road DIDCOT Oxon, OX11 0BT
PROPOSAL	Change of use of ground floor from Class B1(a) to A5 (hot food & takeaway)
AMENDMENTS	As amplified by additional information - Acoustic Report dated 20 January 2012, drawing no. 111225/1 - proposed kitchen ventilation, and revised opening times from 17:00 Tuesday to Sunday, rec 25.01.12.
GRID REFERENCE	451638/189916
OFFICER	Mrs E Hamerton (W)

1.0 **INTRODUCTION**

- 1.1 This application is referred to Planning Committee at the request of Cllr Joslin.
- 1.2 50 Wantage Road is a commercial premises which is currently vacant. It is one of a line of shops and other commercial properties that have residential flats above along the Wantage Road. There is a deep pavement and forecourt to the front of these buildings and parking occurs along the whole of this frontage. The premises lies within a mixed residential / commercial area with an existing take away at no. 42. Next to no. 50 is a petrol station and beyond that is a shop, across the road is a pub and garage. However there are a number of residential properties nearby.
- 1.3 The site is identified on the OS extract **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 This application is for the change of use of the ground floor from Class B1 (Business) to A5 (hot food take-away) and the installation of a new extract flue. The proposed opening hours for the take away would be 17:00 – 23:00 Tuesday to Sunday (closed Mondays). The residential flat above the premises will remain.
- 2.2 **Attached** at Appendix 2 is a copy of the plans. The other supporting information can be found online at www.southoxon.gov.uk.
- 2.3 The applicant has submitted a noise report and a plan showing where the new extraction unit will be. In addition, they have also amended the opening hours to 17:00

– 23:00 Tuesday to Sunday. At the time of writing this report the consultation period on this additional information was still open.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 This section is a summary of the comments received on the application to date. Any further comments will be updated verbally at the Committee Meeting.

Didcot Town Council No strong views

Neighbour 1 letter received on behalf of the residents of Sherwood Road and Pixton Close. Concerned about the additional parking in an area already congested. The leaves that are currently on the trees during the summer months will not be there during the winter months so the rear of no. 50 will be more visible.

Oxfordshire County Council Highways The use is unlikely to incur highway safety issues. Wantage Road is wide enough for two cars to pass with on-street parking on the one side and some limited off-street parking is proposed using an existing dropped crossover. A refusal on highway grounds would not be appropriate. Although the road is not wide enough for a HGV or Bus to pass by a parked car and oncoming traffic, there is ample forward visibility and passing locations available. Excessive on street parking during the peak traffic hours in the morning or evening is likely to lead to local congestion problems. Therefore, it is recommended that hours of operation are limited by condition.

Health & Housing Env. Protection Team The acoustic report states that the noise from the extraction is going to be significantly lower than the background noise levels. Therefore it is unlikely to cause a loss of amenity to the flat above if it is installed and maintained in line with the noise report.

Health & Housing Food Safety The applicant will have to comply with the Health and Safety at Work Act 1974 and will have to register their business establishment. They will be required to provide satisfactory facilities and ventilation.

Thames Water Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Recommend best practice for the disposal of fats, oils and grease the collection of waste oil by a contractor. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution of local watercourses.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P07/W1472/RET](#) - Approved (13/02/2008)
Change of use from A1 shop to B1(a) office on the ground floor.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 policies;

E6 - Loss of employment uses

EP1 - Adverse affect on people and environment

EP2 - Adverse affect by noise or vibration

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

Planning Policy Guidance 24 – Planning and Noise

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in this case are:

- Whether the principle of the development is acceptable
- Whether the proposal would be unneighbourly
- Impact on highway safety and convenience

6.2 **The Principle**

The permitted use class of number 50 is B1, which is a business use. Policy E6 of the adopted Local Plan seeks to protect the change of use of premises from employment use to non-employment uses. However given this proposal is for a take-away an element of employment use will still be retained, as opposed to a change of use to residential accommodation where the employment use would be lost. Therefore there is no objection in principle to this change of use.

6.3 **Impact on neighbours**

One letter of objection has been received, which has been written on behalf of the residents of Sherwood Road and Pixton Close. Their main concern relates to the impact on parking in the locality as a result of this change of use. The impact on highways safety and convenience is dealt with in section 6.5 below.

6.4 There is a residential flat above the proposed take away in addition to flats above most of the other commercial premises along Wantage Road. There are, also, residential garden areas that back onto the premises.

The main areas of concern in terms of the impact on neighbours relate to noise and disturbance and odour.

6.5 Noise

There are a number of ways in which noise can be a problem, through the opening hours, vehicle movements and noise from extraction systems.

Control over the opening hours of these premises is considered to be essential given its proximity to residential properties and a condition is recommended that restricts the openings hours from 17:00 – 23:00 Tuesday to Sundays. No. 42 Wantage Road is a Chinese take-away with opening hours of 09:00 – 23:00 Monday to Saturday and between 17:00 – 22:30 on Sundays. There is also a fast food take away at nos. 32 – 34 Wantage Road with opening times up until 23:00. Having regard to the opening hours of the other premises in the same parade, which are controlled by conditions, the opening hours that are proposed by the applicant are considered to be acceptable as they are in line with other opening times in the vicinity.

Neighbours are concerned about the additional parking that would occur in the nearby roads. This could cause a disturbance when take-away patrons are coming and going from their cars at 'unsocial hours'. However, this area is already a busy commercial area and the existing level of noise being experienced from other sources such as

traffic, the pub, petrol station and other take-aways along this road would mean that any new noise would be subsumed in existing noise. Given the opening hours proposed, the parking provision on the forecourt and along Wantage Road itself, in addition to the delivery service the take-away will offer, your officers considers that the level of noise generated would not be un-neighbourly.

There is a residential use above the proposed take away. A condition requiring acoustic soundproofing has been recommended to overcome any concerns about the transfer of noise during open hours.

The other additional noise source is often through the extraction systems. Most extraction systems require a fan mechanism and other mechanical venting that can create continual noise. The applicant has submitted a noise report which states that the noise levels from the system will not exceed a specified level. This has been covered by condition stating that the system should be no louder than 19db when measured 1m from the rear bedroom window of 43 Sherwood Road.

6.6 Odour

A common objection to take-away proposals is that cooking odours would be created which would harm the amenity of nearby properties. However, modern systems of filtering and extraction are normally efficient enough to reduce any smells to acceptable levels. Details of the extraction unit have been provided. Environmental Health have no objection in this respect.

6.7 **Impact on highway safety and convenience**

One of the main concerns raised by nearby neighbours is the impact on parking in the locality, in particular along Sherwood Road and Pixton Close. Residents are concerned as there is already parking along these roads associated with Didcot Girls School, the shop on the corner and the other shops and take-aways along Wantage Road. Residents consider that the proposed take-away will add to the existing parking problem in the area.

The premises will have 2 parking spaces at the front and it is likely that at least one of these spaces will be used by the take-away by one of the delivery vehicles.

The Highway Officer has not raised any objection to this proposal. Wantage Road is considered wide enough for on street parking to occur without impacting on the flow of traffic along it. The Highway Officer has recommended that the opening hours of the take-away are limited to avoid peak flow times which are 07:30 – 10:00 and 16:30 – 18:00. The applicant would like to open the premises at 17:00. Although this would be during the peak flow period, given that the other take-away premises along Wantage Road can open during this time, it is considered unreasonable to prevent this particular take-away from opening until 18:00. In addition the take-away will offer a delivery service, therefore this may help reduce the number of customer visits to the premises.

Although residents have concerns about the existing parking situation in the locality, this take-away use would not cause a level of parking and disturbance to highway safety and convenience that would justify refusing planning permission in my view.

7.0 CONCLUSION

7.1 It is acknowledged that take-away uses can cause problems of noise and odour when they are in close proximity to residential properties, and residents have concerns about parking in the locality. However with appropriate conditions to ensure that an appropriate extraction system is provided and that noise levels are within acceptable levels, along with a condition restricting opening hours then this change of use is considered acceptable.

8.0 RECOMMENDATION

8.1 **It is recommended that planning permission be granted subject to the following conditions:**

- 1. Commencement 3 yrs - Full Planning Permission**
- 2. planning condition listing the approved drawings**
- 3. Compliance with the noise report**
- 4. Opening hours**
- 5. Parking as shown on the plan**
- 6. Installation of a fat trap**
- 7. Internal acustic soundproofing**

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