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| APPLICATION NO. | 11/00481/FUL |
| APPLICATION TYPE | Full |
| REGISTERED | 29 March 2011 |
| PARISH | Abingdon Town |
| WARD MEMBER(S) | Dr Jim Halliday Holly Holman |
| APPLICANT | Tesco Stores Ltd |
| SITE | The former Fitzharris Arms, Thornhill Walk, Abingdon |
| PROPOSAL | Installation of plant, including refrigeration and air conditioning units, within a fenced compound |
| AMENDMENTS | Additional information dated 13 April, 18 April, 27 April, 28 April, and 3 May 2011 |
| GRID REFERENCE | 449282 198052 |
| OFFICER | David Rothery |

1.0 INTRODUCTION

- 1.1 The application comes to Committee as Abingdon Town Council objects.
- 1.2 This is one of four planning applications submitted for ancillary works following the conversion of the former public house to a retail supermarket. This change of use (from use class A4 to use class A1) is permitted development and, therefore, planning permission for the change of use was not required.
- 1.3 The site is within the built up area of Abingdon, located on Thornhill Walk opposite the road link to Wotton Road. The site faces a green amenity area between the two roads. The building stands alone although it is surrounded by a residential estate, the closest dwelling being 20m away from the building. The former public house garden directly south of the existing building is the subject of a current planning application for residential development.
- 1.4 A location plan is at Appendix 1.

2.0 PROPOSAL

- 2.1 The proposal is for the external siting of refrigeration equipment and air conditioning equipment at the rear of the building. The three air conditioning units would be attached to the rear wall, and the refrigeration condenser would be free standing. The units vary in size but the largest, the free standing unit, is 1.7m high, 3.1m long and 1.2m wide. All of the units would be contained within a 2m high hit-and-miss timber fence enclosure.
- 2.2 A Planning Statement, a Design and Access Statement, and a Noise Impact Assessment have been submitted in support of the application.
- 2.3 Extracts from the application plans are at Appendix 2.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 Abingdon Town Council – “Refuse: The Town Council were concerned about noise pollution from the refrigeration and air conditioning plants and that there was no adequate provision to safeguard neighbouring properties from noise. A recent application to build flats nearby should also be taken into consideration. The Town Council felt that deliveries to the new store should be limited to between 9.00am and 5.00pm. Therefore the Town Council felt that the application was contrary to Policy DC9(iii) of the adopted VWHDC Local Plan 2011.”
- 3.2 Environmental Protection Team – The previous use as a public house involved the use of cooling plant for the cellar. The submitted noise assessment indicates that the impact of the plant would not have any significant impact on the amenity of local residents.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The planning history of the previous use of the site as a public house, The Fitzharris Arms, provides an indication of the scope of the former use of the building and grounds.
- 4.2 00/00296/FUL : Extension and alterations to provide larger kitchen and increased customer area. Approved 12 May 2000
- 4.3 01/01760/FUL : Single storey ground floor extension to provide additional trading area. Approved 17 January 2002.
- 4.4 08/01792/FUL : Construction of covered decking area to rear elevation. Approved 16 October 2008 but not implemented.
- 4.5 11/00418/FUL : Erection of 4 flats (3no. 1 bedroom and 1 no. 2 bedroom). Pending determination. This application relates to the redevelopment of the former public house beer garden and skittle alley shed.
- 4.6 11/00480/FUL : Installation of new access ramp to entrance. Approved May 2011. This application relates to the permitted supermarket use of the site.
- 4.7 11/00482/ADV : Installation of internally illuminated fascia and projecting signage and two externally illuminated pinned off lettering signs at first floor level, new shop front including change of colour of door. Approved May 2011. This application relates to the permitted supermarket use of the site.
- 4.8 11/00484/FUL : Installation of new shop front and the infilling or alteration to doors and windows at ground floor level. Approved May 2011. This application relates to the permitted supermarket use of the site.

5.0 POLICY & GUIDANCE

- 5.1 Policy DC1 of the adopted Vale of White Local Plan refers to the design of new development, and seeks to ensure that development is of a high quality in terms of layout, scale, mass, height, detailing, materials to be used, its relationship with adjoining buildings, design and it takes into account local distinctiveness and character.

- 5.2 Policy DC9 of the local plan refers to the impact of new development on the amenities of neighbouring properties and the wider environment in terms of, among other things, noise and disturbance, and dominance or visual intrusion, to ensure new development will not unacceptably harm the amenities of neighbouring properties and the wider environment.
- 5.3 Planning Policy Statement 1 : Delivering Sustainable Development;
Planning Policy Statement 4 : Planning for Sustainable Economic Growth
Planning Policy Guidance 24 : Planning and Noise

6.0 PLANNING CONSIDERATIONS

- 6.1 As planning permission is not required for the conversion of the former public house (use class A4) to a retail supermarket (use class A1), the opening hours of the supermarket or the delivery times cannot be restricted. The hours of use would be governed by commercial requirements and subject only to nationally applied trading legislation.
- 6.2 The application proposes the installation of refrigeration and air conditioning plant required in association with the operation of the supermarket. The equipment is located to the rear of the building and is enclosed within a timber fence compound. None of the equipment would be publicly visible. As such, the proposal is considered to comply with local plan policy DC1.
- 6.3 The supporting documents submitted with the application consider the proposal against Local Plan Policy DC9 and PPG24. They conclude that the noise emissions from the plant would not have an adverse effect on nearby residential properties. The nearest property is 20m from the rear wall of the application building.
- 6.4 The noise and disturbance assessment from the council's environmental protection team agrees with the technical reports submitted. Accordingly, it is considered there would be no undue harm to the amenities of the occupiers of surrounding residential properties.

7.0 CONCLUSION

- 7.1 The proposal has been shown to meet current noise requirements so will not cause disturbance to nearby residential properties.
- 7.2 The change of use from a public house to a retail supermarket does not require planning permission, so no conditions restricting the use (e.g. restricting trading or delivery hours) can be imposed on this permission.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 8.1 **1. The development to which this permission relates shall be begun within a period 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.**

- 8.2 2. **Prior to the first use or occupation of the retail supermarket, the plant equipment shall be enclosed with timber fencing in accordance with the submitted and approved details and, thereafter, the fence enclosure shall be retained and maintained for the duration of the supermarket use of the site. Reason: In the interests of visual amenity and residential amenity (Policies DC1 and DC9 of the adopted Local Plan)**

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