

<b>APPLICATION NO.</b>	<a href="#">P21/V3298/FUL</a>
<b>SITE</b>	65 St Johns Road, Abingdon, OX14 2HA
<b>PARISH</b>	ABINGDON
<b>PROPOSAL</b>	Change of use of retail (E use class) into restaurant (E use class) and takeaway (Sui Generis) including installation of extraction flue system to side.
<b>WARD MEMBER(S)</b>	Cheryl Briggs Helen Pighills
<b>APPLICANT</b>	Mr S Chinnam
<b>OFFICER</b>	Martin Deans

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## **RECOMMENDATION**

Planning Permission subject to the following conditions:

### **Standard**

- 1. Commencement of development within three years**
- 2. Development in accordance with approved plans**

### **Compliance**

- 3. Materials in accordance with application**
- 4. Premises hours restriction**
- 5. Extraction flue installed and maintained in accordance with details submitted**
- 6. Restriction of use to pizza restaurant/take-away only**
- 7. Bins to be stored as shown on plan**

## **1.0 INTRODUCTION AND PROPOSAL**

1.1 This application was presented to Planning Committee on 9 March 2022. Committee resolved to defer the application to seek more information on the following:

- The suitability of the proposed extraction flue for cooking types of food other than pizza
- A comparison of traffic generation between a shop and a restaurant/take-away
- The legality of parking outside the premises on the pavement
- Arrangements for waste storage and collection

Members also resolved to undertake a site visit when the application is due to be re-considered.

1.2 The location plan is below and the previous committee report is **attached** at Appendix 1. The plans are **attached** at Appendix 2.



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 The full version of all of these comments can be found on the planning application pages on the council’s website, [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

<p><b>Abingdon Town Council</b></p>	<p><b>Original Comments</b>                  The Town Council commented as follows:                  “The Town Council does not object to the application in principle but has concerns over the nature of the take-away. The Town Council is concerned that if the nature of the take-away changes, there may be an increase in odour and thus nuisance to neighbouring properties. The Town Council therefore requests that the planning team adds an informative if permission is granted which would require further approval should the nature of the take-away change in future”</p>
<p><b>Neighbour comments</b></p>	<p><b>Original Comments</b>                  12 households object on the following grounds:</p> <ul style="list-style-type: none"> <li>• Likely rogue parking due to existing local on-street parking congestion will create obstruction and danger</li> <li>• The danger could involve local schoolchildren who use St John’s Road</li> <li>• Associated parking congestion will make exiting St John’s Road onto Oxford Road, and entering from</li> </ul>

	<p>it, dangerous</p> <ul style="list-style-type: none"> <li>• Lack of commercial waste storage</li> <li>• Anti-social behaviour and littering, which is already experienced, will be increased to the detriment of neighbours</li> <li>• Noise and light pollution</li> <li>• Proposed hours of use</li> </ul>
<p><b>Highways Liaison Officer (Oxfordshire County Council)</b></p>	<p><b>Original Comments</b> No objections</p> <p><b>Further Comments Since 9 March</b> Although it is acknowledged that traffic associated with the proposal is likely to be materially greater than for a shop, there are no objections. The location means there is the potential to attract non-car using customers and there are opportunities to park locally while still avoiding the double yellow lines and avoiding the on-street parking in St John's Road. There is insufficient evidence to produce a robust refusal reason on highway safety grounds.</p>
<p><b>Environmental Protection</b></p>	<p><b>Original comments</b> No objections subject to conditions</p> <p><b>Further Comments Since 9 March</b> No objections subject to conditions on the provision and maintenance of the extraction system and the type of use being restricted to a pizza operation only</p>
<p><b>Drainage</b></p>	<p><b>Original Comments</b> No objections</p>
<p><b>Food Safety</b></p>	<p><b>Original Comments</b> No objections</p>
<p><b>Waste Management Officer</b></p>	<p><b>Original Comments</b> No objections</p>

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P87/V1323](#) - Approved (09/12/1987)

Demolish existing toilets and storeroom. Erection of new store incorporating external access to flat over.

[P83/V1757/COU](#) - Withdrawn (31/01/1983)

Change of Use from children's clothes shop to sale of hot food.

#### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 This proposal does not fall within one of the identified classes of development in Schedule 2 of the EIA regulations and is not in a sensitive area. A screening opinion under the Regulations is therefore not required.

#### 5.0 **MAIN ISSUES**

5.1 This report will consider the issues that led to deferral of the application from committee on 9 March. These are:

- The extraction system
- Traffic generation and parking
- Waste Storage and Collection

#### 5.2 **The Extraction System**

The applicant has confirmed that the proposed pizza oven will be gas-fired and the maintenance regime has been designed to apply to this type of oven. Further discussions have been held with officers in the Environmental Protection Team. These have clarified that the proposed extraction system may not be suitable for some other types of food operation. Consequently, the applicant has agreed to a condition on any planning permission to restrict the use of the premises to the preparation and sale of pizza only. Therefore, planning permission will be required for any other type of restaurant/take-away on the site, which will allow for further consideration of the suitability of the extraction system and whether it needs to be modified. Combining this with the condition for the maintenance schedule to be followed, officers consider the proposal has an acceptable impact on neighbours in terms of noise and odour from the extraction system.

#### 5.3 **Traffic Generation and Parking**

The County Highways Officer has reviewed comparative data on expected traffic generation from a shop and a restaurant/take-away. The data does show the potential for a marked increase in traffic generation. The County Highways Officer remains of the view that he cannot object to the proposal for the following reasons:

- A proportion of customers are likely to come by non-car modes of transport given its location and the proximity of housing to it
- The junction of Oxford Road and St John's Road is controlled by double yellow lines, and any breach of this parking restriction should be reported to: <https://www.oxfordshire.gov.uk/residents/roads-and-transport/parking/illegal-parking>
- There is no recorded accident data at the junction, which would be evidence of an existing problem that could be weighed in the calculation of risk to highway safety
- There are local opportunities to park on street away from the double yellow lines and St John's Road itself, for example on Oxford Road, where parking can be accommodated without compromise to the safety of road users.

For these reasons, the County Highways Officer considers the evidence available means that he cannot substantiate a sufficient degree of risk to highway safety that would yield a robust reason for refusal.

5.4 Highway records show that all of the pavement outside the existing premises is public highway, and effectively falls under the parking restriction. So any parking on the pavement should be reported as a breach in the same way as above.

5.5 **Waste Storage and Collection**

The applicant has confirmed that waste bins will be stored at the rear of the premises, where bins are currently stored for the flat above. A plan has been submitted showing the proposed location of the bins, which is in Appendix 2. A condition is recommended to ensure storage of bins is as shown. The intention is that the bins will be wheeled out to the street on collection day, and then taken back. These arrangements should avoid any potential conflict with vehicles using the Tesco car park. The council's Waste Management Officer has confirmed that commercial waste does not fall under the council's scope of waste control and separate arrangements are made between the site operator and a private waste collector.

6.0 **CONCLUSION**

6.1 The proposal is considered to be acceptable in terms of its impact on visual amenity. Subject to condition, the impact of the proposed flue is considered to be acceptable. In general, no likely harm to neighbours' amenities can be identified. The factors relating to associated traffic have been carefully considered and it is concluded the proposal cannot be refused on highways grounds. Proposed arrangements for the collection of waste are considered to be acceptable. As such, the proposal is considered to comply with relevant policies of the development plan and with the NPPF.

**The following planning policies have been taken into account:**

**Vale of White Horse Local Plan 2031 Part 1 (LPP1) (Reviewed) Policies:**

CP01 - Presumption in Favour of Sustainable Development  
CP35 - Promoting Public Transport, Cycling and Walking  
CP37 - Design and Local Distinctiveness

**Vale of White Horse Local Plan 2031 Part 2 (LPP2) Policies:**

DP16 - Access  
DP23 - Impact of Development on Amenity  
DP28 - Waste Collection and Recycling

**Neighbourhood plan**

A neighbourhood plan for Abingdon is at an early stage in the process and has little weight at this time.

**Supplementary Planning Guidance/Documents**

Vale of White Horse Design Guide 2015

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

**Equality Act, 2010**

The application has been assessed under Section 149 of the Equality Act. It is considered that no identified group will suffer discrimination as a result of the proposal.

**Human Rights Act, 1998**

The application has been assessed under the Human Rights Act, particularly Schedule 1, Part 1, Article 8 and Schedule 1, Part 2, Article 1. The objections of individuals have been weighed against the public interest and the recommendation made by officers is considered to be proportionate.

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