
APPLICATION NO.	P22/V1088/FUL
SITE	Wantage Motorist Centre 1 Hans Avenue Wantage, OX12 7DB
PARISH	WANTAGE
PROPOSAL	Application for planning permission for change of use from shop (Class E) to hot food takeaway (sui generis) and installation of extract and ventilation equipment.
WARD MEMBER(S)	Andy Crawford Patrick O'Leary
APPLICANT OFFICER	Ms Y Wang Martin Deans

RECOMMENDATION

Planning Permission subject to the following conditions:

Standard

- 1. Commencement 3 years**
- 2. Approved plans**

Prior to Use

- 3. Car parking marked out and retained**
- 4. Flue installed as specified and then maintained**

Compliance

- 5. Restriction on opening hours and deliveries**
- 6. New materials to match**

1.0 INTRODUCTION AND PROPOSAL

- 1.1** This application comes to committee at the request of the local Ward Member, Councillor Andrew Crawford.
- 1.2** The application site is a shop and attached bungalow situated at the corner of Hans Avenue and Harcourt Way in Wantage. The whole building has a T-shape, with the shop fronting Hans Avenue. The building has red-brick walls and a plain concrete tiled roof. There are two vehicular accesses to the site from Hans Avenue, one serving an area of hardstanding large enough for one larger vehicle in front of the shop entrance, and one serving a much larger area of hardstanding in front of the garage and store attached to the south end of the shop. The single vehicle space is understood to be used by delivery vehicles.

- 1.3 Directly opposite the site is no.2 Hans Avenue, which is a single storey commercial premises of similar materials that is used for a woodworking business and a motorcycle sales and repairs business, with a forecourt for parking. To the south and east of the site are neighbouring dwellings in Hans Avenue and Courtenay Road. To the north, on the opposite side of Harcourt Way, are dwellings and a funeral directors' premises on the junction with Upthorpe Drive.
- 1.4 The application seeks permission to change the use of the shop to a hot food take-away. The existing shop area would be largely converted to the kitchen for the take-away, leaving a customer waiting area of approximately 4m x 3m in size. A new ventilation and extraction system will be installed with a flue projecting approximately 500m from the east roof slope. Five parking spaces for customers and staff will be marked out on the larger hardstanding. The take-away will be open from 11.00am to 10.30pm Sundays to Thursdays, and from 11.00am to 11.30pm on Fridays and Saturdays.
- 1.5 A site location plan is below and the application drawings are **attached** at Appendix 1.



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Full copies of all received representations can be found on the application pages of the council's website www.whitehorsedc.gov.uk

Wantage Town Council	Objection. This is the wrong location for a takeaway fast-food outlet with the associated long hours, increased traffic, parking congestion and litter and food waste issues. The area is used by employees of the nearby care home to park their vehicles which already adds to the congestion. The residential area is heavily populated by the elderly. It would significantly change the character of the area and although the environmental officer suggests mitigation of smells if it is approved, it is likely that some smell will result locally.
Councillor Crawford	Objection for the following reasons: <ul style="list-style-type: none"> • Risk to highway safety on a junction with late evening vehicle movements • Noise and disturbance to residents • Anti-social behaviour – there is no CCTV
Neighbours	49 representations of objection and 4 representations of support. The grounds for objection can be summarised as follows: <ul style="list-style-type: none"> • Impact of the increased hours of use into the evening and resultant activity on a tranquil neighbourhood with a high proportion of elderly residents • Noise from patrons and the extraction flue motor • Odour from the flue and from waste storage • Insufficient parking and the parking area has not been used by customers in the past due to gradient • Hans Avenue is already congested with parked cars and obstruction of emergency vehicles is more likely • Traffic congestion and disruption near to the Harcourt Way junction with likely danger to residents and schoolchildren using Harcourt Way • Customers' vehicles and delivery vehicles will drive along Hans Avenue and turn in the street, causing danger, noise and light pollution • Anti-social behaviour and littering • The likely increased use of the pedestrian link to Grove Street with associated fear for safety and security

	<ul style="list-style-type: none"> • There is no need for the take-away given the proximity of others (not a material planning consideration) • There are more suitable vacant premises near the town centre (not a material planning consideration)
Environmental Protection Officer	No objection subject to conditions regarding the installation and maintenance of the extraction flue and hours of use
County Highways Officer	No objection subject to conditions. There will be sufficient off-street parking to meet the relevant standard.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P83/V1797](#) - Approved (08/06/1983)

Erection of a conservatory at rear.

[P83/V1786](#) - Approved (13/04/1983)

Erection of a new shop front. Erection of a garage.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The scale and impact of the development are too small to require an EIA under Schedule 2 of the Environmental Impact Regulations 2017.

5.0 **MAIN ISSUES**

5.1 **Impact on Highway Safety**

Policies CP33, CP35 and CP37 of LPP1 and policy DP16 of LPP2 requires a new development proposal to provide safe and convenient access, and adequate parking and manoeuvring, to ensure no detriment to highway safety. The proposal includes a customer waiting area that is approximately 12 sq.m in size. The parking standard applied to take-aways is one parking space per 5 sq.m of customer area. Therefore, the proposal requires three parking spaces to meet this standard. The application plans show five parking spaces to be marked out on the existing hardstanding. The size of the spaces and the manoeuvring space between them all meet adopted standards and allow for vehicles to turn and leave in forward gear. These spaces are in addition to the single space in front of the premises that can accommodate a delivery vehicle. The County Highways Officer has carefully assessed the proposal and compared it to standards. As the proposal does meet the necessary parking standard, he has no objection subject to conditions.

5.2 Objectors are concerned that the parking area is inclined and has not been used by customers of the shop. As with any planning application, officers' aim in this case is to ensure sufficient space is provided for parking that is convenient and safe to use. It is not possible to force customers to use parking that is provided for them, only to ensure it is available for use. There is a gradient on the hardstanding but it is relatively gentle and it is not considered sufficient to discourage its use. Although there is a telegraph pole adjacent to the access to the hardstanding the position of the pole does not inhibit use of

the proposed parking area. There is adequate visibility from the access to ensure it is safe.

- 5.3 The objections include the concern that there will be parking congestion close to the junction of Hans Avenue and Harcourt Way, which will lead to danger for other drivers, cyclists and pedestrians. There is also concern that the proposal will add to existing on-street parking congestion, and that customers and delivery vehicles that do not use the off-street parking will have to turn further along Hans Avenue at its junction with Maria Crescent and Suzan Crescent, to the detriment of safety. Officers consider there is sufficient off-street parking and manoeuvring space in the proposal to minimise the likelihood of these concerns being realised. This is all that can be reasonably required from the application.

- 5.4 In conclusion, officers consider the proposal will not adversely affect highway safety and complies with relevant development plan policies.

5.5 **Impact on Residential Amenity**

Policy DP23 of LPP2 aims to protect the amenity of neighbours from new development proposals. Neighbours are concerned that the proposal will inevitably generate odour from the flue, and that the seven-day operation, with customers arriving and departing as well as deliveries, will generate harmful levels of noise and disturbance, including anti-social behaviour, and will cause fears around safety and security.

- 5.6 The proposed flue has been carefully assessed by the Environmental Protection Officer. He is well aware of the proximity of residences to the site. He considers that the specification includes adequate filtration to meet expected standards of odour control, and adequate safeguards to ensure the motor does not cause harmful levels of noise. A maintenance schedule has been included in the flue specification, including the regular cleaning of filters to ensure continued efficiency, and this can be the subject of a condition. On this basis, officers consider that refusal on the grounds of harmful odour or noise from the flue would not be reasonable.

- 5.7 There are also concerns regarding odour from commercial waste. The collection of commercial waste is not managed by the council but is dealt with by commercial contractors. There is an existing relatively large, enclosed bin store on the larger hardstanding which caters for both domestic and commercial waste. Details submitted with the application show the store is capable of easily accommodating recycling and refuse bins associated with the domestic and commercial operation. There is no evidence to suggest that, with suitable management, the waste store is likely to give rise to harm for neighbours.

- 5.8 With regard to the impact of customers arriving and departing, the Environmental Protection Officer has recommended control over hours of opening, with an earlier closing time of 10.30pm on Sundays to Thursdays, and a closing time of 11.30pm on Friday and Saturday. He considers this represents a suitable compromise to protect residents from noise at unsociable

hours. With regard to deliveries, the applicant has confirmed that these will not take place outside the hours of 8.00am and 10.00pm on any day, again to minimise harm to neighbour amenity. Hours of opening and of deliveries can be the subject of condition.

- 5.9 Neighbours have referred to the number of elderly residents who live on Hans Avenue, Maria Crescent and Suzan Crescent. Potential sensitivity to the possible impacts arising from a planning application can vary across any neighbourhood due to the individual circumstances of each neighbour. The recognised approach is to assess the impact in terms of the reasonable expectations of those living in the type of area surrounding the site. For this reason, the framework for assessing what is acceptable to residents in a town centre will be different than for residents in a suburban area. Officers are not aware of any policy or guidance that requires a more detailed assessment of the particular demographic composition of each neighbourhood to inform the assessment of the impact of a planning proposal.
- 5.10 Neighbours are concerned that the seven-day nature of the business, and later closing time, represents a significant departure from the historic impact of the shop, which operated on five days a week with earlier closing. The concern is that the change will be detrimental to the prevailing character of the area. Recent trends have been for retail businesses to stay open for longer and later, in response to changes in consumer expectations and demand, and many neighbourhood “seven-eleven” shops follow this practise. There are no opening hours restrictions on the existing shop. In addition, the Government has recently encouraged local planning authorities to be more flexible in terms of understanding the different expectations being placed upon retail business in general. In this overall context, with the adherence shown in the application for parking standards, and the hours of use that have been recommended, officers consider the impact of the proposal on the character of the area is acceptable.
- 5.11 With respect to concerns over anti-social behaviour, safety and security, these are material planning considerations to which weight can be attached. The concerns expressed are based on assumptions about the likely behaviour of customers. In this regard, officers note that, even by using the pedestrian link between Grove Street and Maria Crescent, the site is some distance from the town centre, where there are a number of take-aways that exist in close proximity to entertainment premises, and which can meet demand. In light of this, officers consider it is reasonable to conclude that the likelihood of anti-social behaviour at a site so far from the focus of town-centre take-aways and entertainment premises is correspondingly reduced, and that fears around safety and security should also be weighed accordingly. The applicant states that the proposal is for a local, neighbourhood facility, whose appeal will be to nearby residents and not to people visiting the town centre. Taking into account the circumstances of the case, officers agree with this assessment. The fears over behaviour, safety and security are understood, but officers consider the weight to be attached to them in the planning balance should be limited.
- 5.12 In conclusion, officers consider the proposal will not cause harm to neighbours’ amenity and accords with policy DP23.

5.13 Impact on the Character and Appearance of the Area

Policy CP37 of LPP1 seeks to control the quality of the design and appearance of development, and how it relates to its surroundings. Externally the main change will be the addition of a small flue on the rear, east facing roof. The new flue will finish just above the roof ridge and will be approximately 250mm in diameter and 500mm tall. Given its small size, officers consider it will not cause visual harm to the area. In addition, the existing up-and-over store door on the front will be replaced by a small pair of doors, with matching infill brickwork, and there will be a new door on the south elevation. The proposal will not significantly alter the appearance of the building.

5.14 Overall, officers consider the proposal will not harm the visual appearance of the area and will comply with policy CP37 of LPP1.

6.0 CONCLUSION

6.1 The proposal complies with relevant parking standards, and with the controls proposed on hours of operation and the specification of the extraction flue, is unlikely to cause harm to neighbours' amenity. Concerns over the behaviour of customers and over safety and security are understood, but on the circumstances of the case are not considered sufficient to warrant refusal of the application. The impact on the character and appearance of the area is considered to be acceptable. Consequently, the proposal is considered to be in accord with the 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)

CP35 - Promoting Public Transport, Cycling and Walking

CP37 - Design and Local Distinctiveness

DP16 - Access

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

DP23 - Impact of Development on Amenity

South Oxfordshire and Vale of White Horse Joint Design Guide, 2022

National Planning Policy Framework, 2021

Planning Practise Guidance

Equalities Act 2010

The proposal has been assessed against section 149 of the Equalities Act. It is considered that no identified group will suffer discrimination as a result of this proposal.

Human Rights Act, 1998

The application has been assessed against Schedule 1, Part 1, Article 8, and against Schedule 1, Part 2, Article 1 of the Human Rights Act, 1998. The harm to individuals has been balanced against the public interest and the officer recommendation is considered to be proportionate.

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