

Planning Applications Committee  
11th December 2008

<b>Agenda Number:</b>	<b>C4</b>
<b>Section/Area:</b>	INNER
<b>Ward:</b>	Mancroft
<b>Officer:</b>	Jo Negus
<b>Valid Date:</b>	28th October 2008
<b>Application Number:</b>	08/01061/F
<b>Site Address :</b>	131 Magdalen Street Norwich NR3 1NF
<b>Proposal:</b>	Change of use from retail shop (Class A1) to hot food take-away (Class A5) including fume extraction system installation.
<b>Applicant:</b>	<b>Mr Sheikh Hossain</b>
<b>Agent:</b>	<b>Mr Brian Haines</b>

## THE SITE

The site is located towards the north end of Magdalen Street on the east side of the street. The site is within a Large District Retail Area but the shop front is not within the defined retail frontage, but identified in the City Centre Proposal Map as 'Frontage for Non-retail Uses'. The site is also within the City Centre Leisure Area, City Centre Conservation Area and the Area of Main Archaeological Interest in the city centre.

## PLANNING HISTORY

The only relevant planning history as shown below is the conversion of the shop to a restaurant with two flats over. The permission was either not implemented or has lapsed as the current use is retail.

**4/1988/1382** - Conversion of shop to restaurant with two flats over. **Approved 2<sup>nd</sup> February 1989**

## **THE PROPOSAL**

The change of use of this unit is proposed from a retail shop (Class A1) to a hot food take-away (Class A5). The proposal also includes the installation of a fume extraction system on the south elevation.

## **CONSULTATIONS**

The application has been advertised in the press, on site and neighbours were notified. One letter of objection was received, which outlined the concerns if the change of use went ahead of:

- The proposed use not adding anything to the street scene
- Amenity value of the area
- Extraction fumes
- Late night noise

## **PLANNING CONSIDERATIONS**

### **Relevant National Planning Guidance:**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Statement 1 – Planning and Climate Change – Supplement to PPS1  
Planning Policy Guidance 15 – Planning and the Historic Environment

### **Relevant Regional Planning Guidance:**

ENV6 – Historic Environment

### **Relevant Local Plan Policies:**

EP22 – High standard of residential amenity  
SHO22 – Food and drink uses and conditions on hot food takeaways  
HBE8 – Development in Conservation Areas

The main issues with regards to the hot food takeaway are the principle of the use, and the associated impact on the residential amenity, Conservation Area and highway safety.

### Principle of Use

The site is located in a Large District Centre on frontage identified for non-retail uses in the City of Norwich Replacement Local Plan. The principle of the change of use from retail to a hot food takeaway is therefore considered acceptable subject to concerns being met over residential amenity, Conservation Area and highway safety.

### Residential Amenity

The site is located on a well-used route out of the city centre by pedestrians, cyclists, cars and buses. The area is not considered to be highly residential in character, although there are residential units above ground floor level on this street. As such the street is considered to be well-used with an existing level of noise from the existing uses. The additional use of the hot food takeaway is therefore not considered to significantly

contribute to noise of the street but to ensure that noise is kept to a minimum late at night a condition is recommended to restrict the hours of use.

The proposed extraction flue has been designed to vent at ridge level to ensure adequate dispersal of any cooking fumes. A condition has been recommended to ensure the regular maintenance of the extraction flue to ensure the removal of odours from the fumes and to ensure that noise levels from the machinery remain low.

### Character of the Conservation Area

The character of the conservation area is considered to not be significantly harmed by the proposed change of use by virtue of the measures that have been taken to reduce the impact. The visual impact of the flue has been reduced as far as possible by siting the flue in between the buildings that form number 131 and no 129, and the flue being painted black. The impact of the use is not considered to significantly adversely affect the character of the conservation area due to the existing use of the surrounding area, including pubs and cafes. Through the condition recommended for the hours of use and the details submitted with the application advising litter bins would be provided inside the takeaway it is not considered there would be a significant adverse affect on the character of the conservation area.

### Highway safety

The unit is located in a highly accessible location, with a high potential for passing trade on foot. Further to this the centrally located site is also well served by public transport and potentially cycling. A lay-by is located opposite the unit, with restrictions on waiting to 60 minutes between Monday to Saturday, 07:30am to 18:30pm, but no other restrictions at any other times. This would allow for deliveries of goods and parking of cars for people to collect food. The proposed change of use is not therefore considered to have an adverse affect on highway safety.

## **RECOMMENDATIONS**

APPROVE PLANNING PERMISSION subject to the following conditions:

- 1) Standard time limit
- 2) Hours of use limited to 07:00am to 23:30pm
- 3) No deliveries or collections, including trade waste, between 19:00pm and 07:00am Monday to Saturday, and no collections on Sundays or Bank Holidays.
- 4) Flue to be installed as per specification on plans received
- 5) The flue ductwork shall be black in colour
- 6) Maintenance schedule of flue to be submitted and agreed
- 7) Details of anti-vibration mountings to attach the flue and ductwork to the building to be submitted and agreed

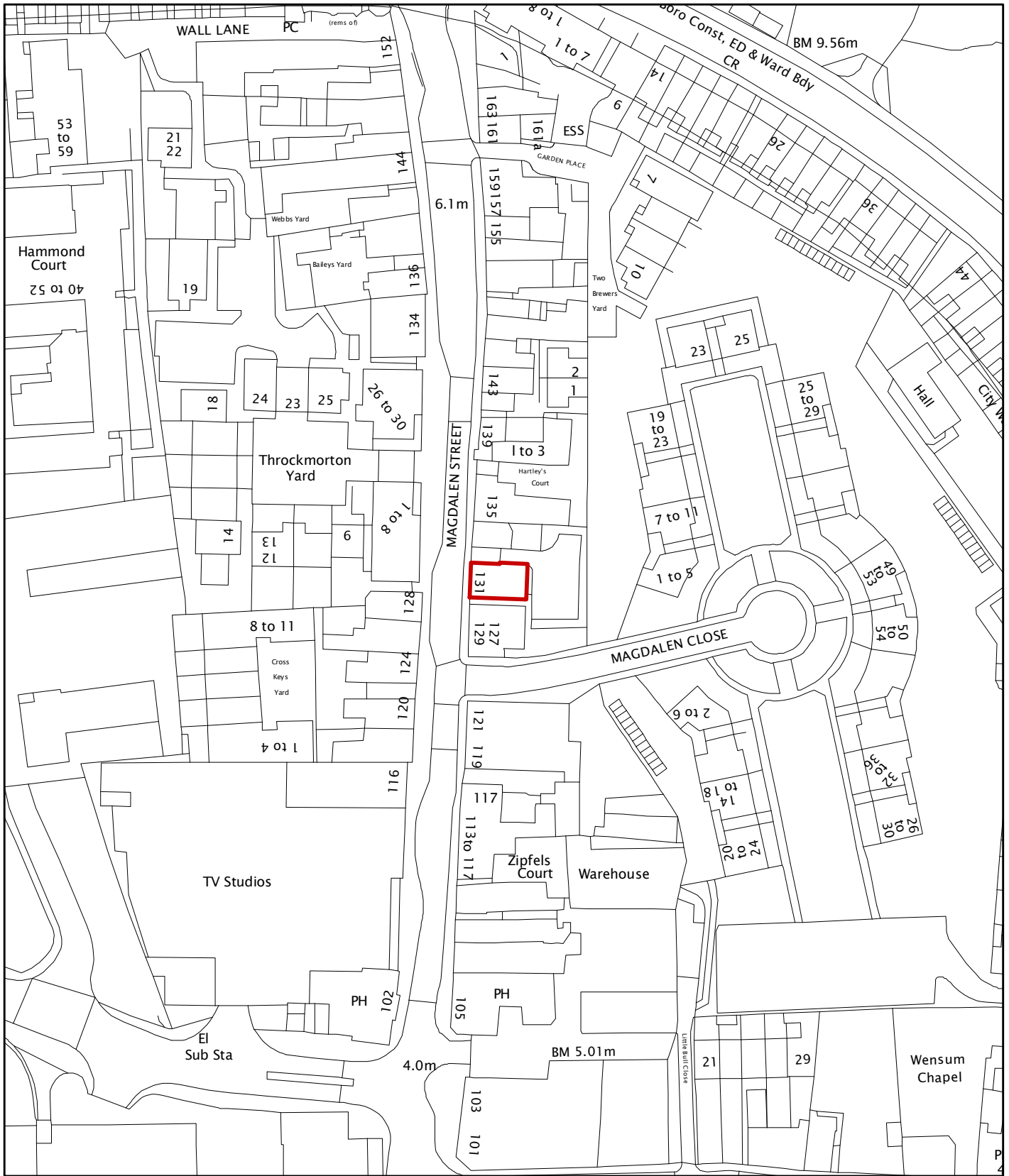
Approve on the following grounds:

- 1) The proposed hot food takeaway is not considered to lead to an adverse impact on adjacent residential amenity, by virtue of the fact the site is located in an existing busy street and the extraction flue venting at ridge level to ensure the dispersal of cooking fumes. The proposed change of use is therefore considered

- to be in accordance with saved policies EP22 and SHO22 of the City of Norwich Replacement Plan, Adopted Version (November 2004).
- 2) The proposed hot food takeaway is not considered to lead to an adverse impact on highway safety, by virtue of the likelihood of customers visiting the unit on foot as it is located in a highly accessible, sustainable location and by virtue of the fact there is a lay-by to enable short stay parking opposite the site. The proposed change of use is therefore considered to be in accordance with saved policy SHO22 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004) and Planning Policy Statement 1.
  - 3) The proposed hot food takeaway use is not considered to have a significantly adverse affect on the character and setting of the Conservation Area, by virtue of the small amount of the extraction flue that will be visible to the surrounding Conservation Area and by virtue of the existing character and use of this area of the Conservation Area. The proposed change of use is therefore considered to be in accordance with saved policy HBE8 of the City of Norwich Replacement Local Plan, Adopted Version (November 2004), ENV6 of the East of England Plan (May 2008) and Planning Policy Statement 15.

**Informative Note:**

- 1) The hours of use may require a separate license application if the unit is to operate outside the existing retail hours of 08:00 to 18:00.



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 Site Address - 131 Magdalen Street  
 Scale - 1:1000



**NORWICH**  
 City Council

DIRECTORATE OF REGENERATION  
 AND DEVELOPMENT

