

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 18 August, 2011  
**Report of** Head of Planning Services  
**Subject** 11/01104/F 18 - 20 Bishop Bridge Road Norwich NR1 4ET

**Item**  
**5(1)**

### SUMMARY

<b>Description:</b>	Subdivision of 18 - 20 Bishop Bridge Road into two independent units; change of use of No. 18 from shop (Class A1) to Fish and chip shop (Class A5) plus installation of associated extraction flue to rear elevation.	
<b>Reason for consideration at Committee:</b>	Objection - Contrary to policy	
<b>Recommendation:</b>	Approve	
<b>Ward:</b>	Thorpe Hamlet	
<b>Contact Officer:</b>	Miss Sarah Platt	Planning Officer - Development Management 01603 212500
<b>Valid Date:</b>	28th July 2011	
<b>Applicant:</b>		
<b>Agent:</b>	Mr Kelvin Harley	

### INTRODUCTION

#### The Site

##### Location and Context

1. The application site can be found on the east side of Bishop Bridge Road and is set within a row of units defined as a Local Centre in the Local Plan. To the west lies the River Wensum and the Riverside Walk. To the east lie allocated housing development sites. These sites are subject to permission for sale, display, repair and storage of cars (Sui Generis) and for the use of the site for the sale of motor vehicles. There is also an Outline application for the erection of 19 residential units (13 three-storey townhouses and 6 apartments). To the north (approximately 50m) lies a busy traffic junction and roundabout forming part of the A147 Inner Ring Road.
2. The building is a two storey building to the street frontage, although given the sloping topography is three storeys to the rear with a stepped garden and access. There are modern UPVC windows and an air conditioning unit at first floor level on the street frontage and predominantly timber windows to the rear elevation with one exception in upvc. This is a red brick building with clay pantiled roof.

3. There were 9 units in the defined local centre, but following sub-division of the application site into 2 units, this number has increased to 10 units.
4. Situated approximately 70m away on Ketts Hill is a small row of units offering local centre services but which are not included within the local centre. It is considered that these services also help to attract footfall to the area and support the local centre.

### **Constraints**

5. The application site is within the City Centre Conservation Area.

### **Topography**

6. The land slopes away from Bishop Bridge Road towards the river quite dramatically by approximately 7m. The properties fronting Bishop Bridge Road all have 3 storeys and stepped rear gardens to the rear but are two storey to the street frontage.

### **Planning History**

7. There is no relevant planning history.

### **Equality and Diversity Issues**

There are no significant equality or diversity issues.

### **The Proposal**

8. The application seeks the change of use of the premises to an A5 hot food takeaway (fish and chip shop) with the associated installation of an extraction flue to the rear elevation.
9. The subdivision of the unit at 18-20 Bishop Bridge Road does not require planning permission and has already been carried out. As a result the defined local centre now has 10 units rather than the previous 9.

### **Representations Received**

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below.

11.

Issues Raised	Response
Increased noise	Paragraphs 33-36
Lack of parking	Paragraph 40
Increased traffic	Paragraph 41
Increased anti-social behaviour	Paragraph 36
Increased competition for the 2 existing A5 uses within the local centre	Paragraph 29
Pedestrian Safety	Paragraph 41
Loss of a retail unit	Paragraphs 16-28

12. In addition, a petition of 285 signatures has been submitted in support of the application.

## **Consultation Responses**

13. Transportation: These premises are located within a small parade of shops which function as a local centre. The limited waiting bay offers 30 minutes maximum parking at any time, the double yellow lines do not have any loading restrictions to help businesses operate. There are no transportation implications for this change of use. Most customers would be on foot or if driving can use the limited waiting bay. Existing commercial refuse collection arrangements could be used. No objections on transportation grounds.

14. Environmental Health: in respect of number 18;

- Details of any extract ventilation or fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, shall be first approved by the Council and installed before the use hereby permitted commences and thereafter retained in full accordance with the approved details.
- The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
- The type and positioning of external lighting, including security lighting, will be such as to not cause nuisance to local residents.

If the full details of the extract / flue are available then that would be able to be considered under this application but I would advise that the exit from the flue would need to be above the level of the pitch roof or have an accelerator cone fitted to increase the exit velocity of the extracted gasses/vapour and that AV mounts should be fitted to resist the onward transmission of vibrations. A spec for the fan and any silencers would also be required.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **Relevant National Planning Policies**

PPS1 - Delivering Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPS5 - Planning for the Historic Environment  
PPG24 – Planning and Noise

#### **Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008**

ENV7 - Quality in the Built Environment  
ENV6 - The Historic Environment

## **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

- Policy 2 – Promoting good design
- Policy 12 – Remainder of Norwich area

## **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

- HBE8 - Development in Conservation Areas
- HBE12 - High quality of design in new developments
- EP22 - High standard of amenity for residential occupiers
- SHO15 – Changes of Use within District and Local Centres
- TRA8 - Servicing provision
- TRA14 – Pedestrian Safety

## **Supplementary Planning Documents and Guidance**

- City Centre Conservation Area Appraisal (September 2007)

## **Written Ministerial Statement: 23 March 2011: Planning for Growth**

Support of enterprise and sustainable development.

## **Draft National Planning Policy Framework July 2011**

## **Principle of Development**

### **Policy Considerations**

16. National Policy PPS4: *Planning for Sustainable Economic Growth* states that Local Planning Authorities should adopt a positive approach towards applications for economic development. When assessing planning applications affecting local centres, local planning authorities should;
  - Take into account the importance of the [existing] shop, leisure facility, or service, to the local community or the economic base of the area if the proposal would result in its loss or change of use;
  - Refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs, and;
  - Respond positively to planning applications for the conversion or extension of shops which are designed to improve their viability.
17. Joint Core Strategy policy 12 states that opportunities will be sought to 'protect and enhance local centres' and 'retain and improve local services'.
18. Saved Local Plan policy SHO15 states that 'Within the District and Local Centres, as defined on the Proposals Map, proposals for change of use from class A1 to other uses will only be permitted where;
  - the proportion of class A1 uses in the defined centre would not fall below 60% as a result; or ;
  - the proposed use provides a service appropriate to the centre's position in the hierarchy, which is underrepresented in that centre or is a community use and there are no other units available in or adjacent to the centre, in which such a

use could be accommodated.

20. Prior to the subdivision of unit 18-20 there were 9 units within the local centre. Of those 9 units, 5 had a non-retail use (55.5%). The policy threshold of 40% non-retail was exceeded by 15.5%.
21. It is accepted that the subdivision does not require planning permission and that the local centre now has 10 units. Of those 10 units 5 are operating a non-retail use, therefore resulting in 50% non-retail. 10% over the policy threshold.
22. Number 10 Bishop Bridge Road is operating as a Beauty Salon which is likely to be a D1 use class, albeit no planning permission has been granted for such a use. As such, and for the purposes of determination of this planning application, the lawful A1 use as permitted by application number 4/87/0244/F is taken as the lawful use of the premises.
23. The loss of another A1 retail unit would result in 6 non-retail units (60%) and the policy threshold of 40% non-retail being exceeded by 20%.
24. The applicant has raised issues regarding the addition of 2no residential dwellings within the local centre. These properties were in residential use at the time that the Local Plan was drawn up. It is arguable that they should have been excluded at the time and, it is likely that if the local centre boundary was being drawn up today then they would be excluded..
25. The applicant has asked that these residential units be removed from the calculations, as well as a former public house now converted to residential use. Taking a pragmatic approach, the two residential units at numbers 22 and 24 Bishop Bridge Road have never been, nor have any prospect of being converted to, retail uses. Number 30 was once a public house but has been converted to residential use. It is highly unlikely that the property would be converted back to a public house but it is still necessary to record the loss of the local centre use (i.e. the public house) in order to monitor the success of the policy. These properties do not now make any practical contribution to the function of the local centre. Consequently it is reasonable to disregard them when calculating the proportion of non-retail uses within the centre for the purposes of policy SHO15.
26. This results in the local centre having 8 units, of which 3 units are non-retail (including the former pub). This results in 37.5% non-retail (62.5% retail) and is therefore in accordance with policy. The loss of a further unit away from retail would result in 50% non-retail. 10% over the policy threshold for non-retail uses. Again taking a pragmatic approach, as the unit in question has been subdivided, the A1

use is not technically being lost, just reduced in size. The addition of another unit to the local centre could be argued to add to its vitality and viability and improve the range of services available to the community. This in broad terms accords with the objectives of PPS4 and Policy 12 of the adopted Joint Core Strategy.

27. It is therefore considered that the proposed change of use of number 18 Bishop Bridge Road is acceptable as it will result in an enhanced range of services being made available to the community and it is not considered that any significant harm to the local centre will result from this change of use being permitted. The addition of a further unit to the local centre and indeed the provision of additional services to the community is considered to contribute to the protection and enhancement of the local centre and help to support its continued viability and diversity. In addition, the defined local centre is part of a broader range and choice of shops and services around the Ketts Hill roundabout, notwithstanding that these are not all in the local centre itself. Therefore the impact on the wider area will not be so marked as it would if the local centre was freestanding with no other shops or services around it.
28. This is in accordance with the objectives of PPS4 and Policy 2 of the adopted Joint Core Strategy. Whilst the proposals do not accord with the objectives of saved local plan policy SHO15, it is considered that the public benefits and improved vitality and viability that these proposals will result in for the local centre outweigh the benefits gained through strict adherence to the policy thresholds outlined in SHO15.

### **Other Material Considerations**

29. PPS4 states that local, planning authorities should proactively plan to promote competitive town centre environments and provide consumer choice by supporting shops, services and other important economic uses ... in local centres. Whilst this part of PPS4 is aimed at town centre uses, the principles still apply in local centres. The A5 use must be considered on its own merits, not on the basis of increased competition for other A5 uses within the same local centre.
30. The consultation draft of the National Planning Policy Framework (NPPF) was published on 25 July 2011 and refers to the presumption in favour of sustainable development, and the need to support economic growth through the planning system. This recommendation is therefore consistent with its broad aims of promoting sustainable development although little weight should be attached to it until it is formally adopted.

## **Impact on Living Conditions**

### **Noise and Disturbance**

33. PPG24 states that Local Planning Authorities should guide development to the most appropriate locations and ensure that noise sensitive and noise generating uses are separated insofar as is practical.
34. Saved policy EP22 seeks a high standard of residential amenity in new development for existing and potential residential dwellings in the immediate

vicinity. Consideration should be given to issues of loss of light to neighbouring properties, overlooking, and the likely impacts of noise, air and, light pollution, and odour nuisance.

35. The applicant has stated that the proprietor of the A5 unit would live above the unit. Whilst this may be the intention, any permission granted must ensure that that if this situation were to change and the flat above were to be let or sold to someone not associated with the ground floor business, the living conditions of that resident should not be compromised by the ground floor use. The position of the flue on the rear elevation is considered acceptable in principle subject to compliance with the conditions proposed below. Limited information has been supplied with the application and therefore it is proposed that a condition requiring details of the exact position of the flue and details of the type of filtration shall be approved by the local planning authority prior to installation and first use. This will ensure that appropriate height is achieved in order to minimise odour pollution and appropriate silencers and fans etc are utilised in order to reduce noise pollution to both adjacent residential units and the first floor flat. A further condition requiring details of the installation shall be attached to the permission if granted approval in order to reduce any vibration impact from the plant.
36. Concerns have been raised by tenants/owners of neighbouring properties that the Change of Use of this premise to an A5 unit will cause increased anti-social behaviour and noise disturbance. The issue of anti-social behaviour is difficult to quantify as no evidence of this has been submitted with any objections, it is merely speculated.

## **Design**

37. In addition to national policy (PPS1 and PPS5), saved Local Plan policies HBE8 and HBE12 seek a high quality of design in new development which respects and complements the character of the Conservation Area.

38. Policy 2 of the Joint Core Strategy updates saved policy HBE12 of the Local Plan and states that all development should be designed to the highest possible standard and will respect local distinctiveness including taking account of Conservation Area Appraisals. There is recognition that development at any scale should make a positive contribution to providing better places for people and that good design is a key aspect of successful development.

The position of the flue on the rear elevation is considered acceptable. The rear elevation of the premises is largely hidden from views by large mature trees lining the riverside walk and although there will be some visual impact on the riverside area and the river itself and the Conservation Area. The effects are not thought to be so great as to harm the character the appearance of the Conservation Area and warrant refusal on this ground alone.

## **Transport and Access**

### **Vehicular Access and Servicing**

39. The existing servicing arrangements are considered acceptable, i.e. the existing

bin store to the rear with direct access for collection purposes.

### **Car Parking**

40. The unit has 2no car parking spaces provided to the rear of the premises accessed via Waterside at Patchey's Corner off Barrack Street. There is a 30 minute waiting bay directly outside the application premises which is considered acceptable for use by customers. Concerns have been raised by objectors with regards to parking. The informal access to the development site across the road is often used as a parking area by either delivery vehicles or customers of other units in the local centre. This is not a formally recognised parking area and as such is subject to traffic/parking enforcement. It is considered that there is sufficient parking provision in this area to support a use such as this and no objections have been raised by Transportation.

41. Concern has also been raised with regard to increased traffic and pedestrian safety. This is a busy road at peak times and is situated within 50m of a major roundabout forming part of the inner ring road. However it is assumed that this premises would serve the local community and that most customers would be on foot. There is a pedestrian crossing island situated immediately opposite the application site and a further pedestrian island situated at the roundabout junction. There is also a Toucan crossing situated approximately 140m south of the application site. Whilst it is accepted that there may be increased traffic levels to this site as a result of the change of use, this is not expected to occur at peak times and as such is not considered to give rise to unacceptable detrimental impacts on pedestrian safety. The proposals are therefore considered to be in accordance with the objectives of TRA14.

### **Conclusions**

42. The proposed change of use is considered acceptable. The premises at 18-20 Bishop Bridge Road has been subdivided under permitted development rights, so the A1 use is not technically being lost, just reduced in size. The addition of another unit to the local, centre is considered to add to the vitality and viability of the local centre and improve the range of services available to the community. Further, the addition of another unit to the local centre and indeed the provision of additional services to the community is considered to ensure the protection and enhancement of the local centre and improve the viability of the unit. The proposed change of use of number 18 Bishop Bridge Road to an A5 (hot food takeaway) is considered acceptable as it will result in a range of services being made available to the community, for which there is evidently a demand. It is not considered that any significant harm to the local centre will be borne as a result of this change of use being accepted. Therefore the proposals are considered to be in accordance with the objectives of PPS4 and Policy 2 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011). Whilst the proposals do not accord with the objectives of saved local plan policy SHO15, it is considered that the public benefits and improved vitality and viability that these proposals will result in for the local centre outweigh the benefits gained through strict adherence to the policy thresholds outlined in SHO15.

43. Subject to compliance with the conditions attached to this permission it is not considered that there will be any detrimental impact on the amenity of adjacent or surrounding residential units as a result of the change of use or installation of associated extraction flues. Therefore the proposals are considered to be in accordance with the objectives of PPG24 and saved policy EP22 of the City of Norwich replacement Local Plan (Adopted Version November 2004).



44. The principle of the position of the flue is considered acceptable and there is not considered to be any detrimental visual impact on the character or appearance of the City Centre Conservation Area. Therefore the proposals are considered to be in accordance with the objectives of PPS1, policies ENV6 and ENV7 of the East of England Plan (May 2008), policy 2 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies HBE8 and HBE12 of the City of Norwich replacement Local Plan (Adopted Version November 2004).

## **RECOMMENDATIONS**

To approve Application No 11/01104/F (18-20 Bishop Bridge Road, Norwich) and grant planning permission, subject to the following conditions:-

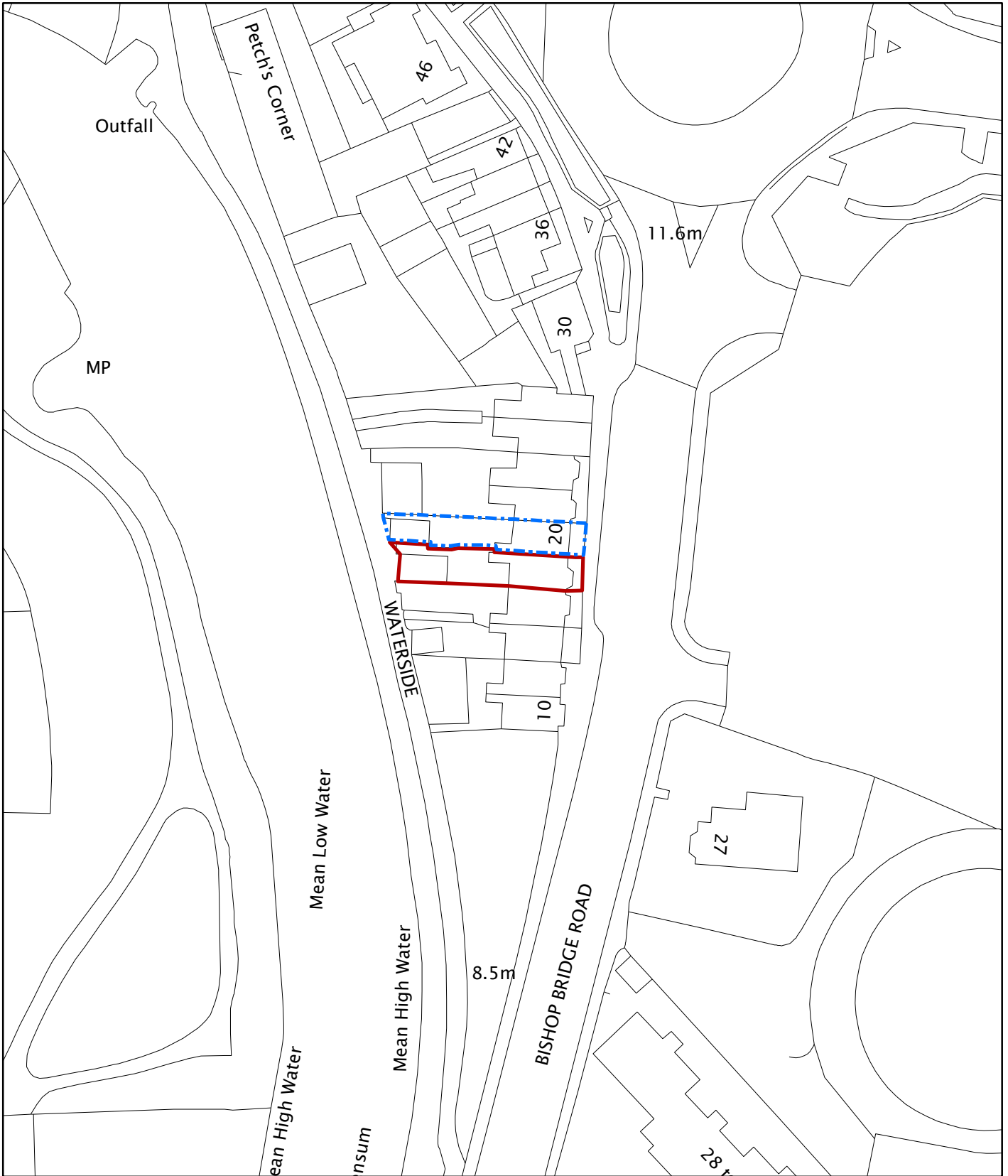
- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
- 3) Details of any extract ventilation or fume extraction system, including its materials and colour of any flue, the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, shall be first approved by the Council and installed before the use hereby permitted commences and thereafter retained in full accordance with the approved details.
- 4) The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
- 5) The type and positioning of external lighting, including security lighting, will be such as to not cause nuisance to local residents.

Reasons for Approval:

- 1) The proposed change of use is considered acceptable. The premises at 18-20 Bishop Bridge Road has been subdivided under permitted development rights, so the A1 use is not technically being lost, just reduced in size. The addition of another unit to the local, centre is considered to add to the vitality and viability of the local centre and improve the range of services available to the community. Further, the addition of another unit to the local centre and indeed the provision of additional services to the community is considered to ensure the protection and enhancement of the local centre and improve the viability of the unit. The proposed change of use of number 18 Bishop Bridge Road to an A5 (hot food takeaway) is considered acceptable as it will result in a range of services being made available to the community, for which there is evidently a demand. It is not considered that any significant harm to the local centre will be borne as a result of this change of use being accepted. Therefore the proposals are considered to be in accordance with the objectives of PPS4 and Policy 2 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011). Whilst the proposals do not accord with the objectives of saved local plan policy SHO15, it is considered that the public benefits and improved vitality and viability that these proposals will result in for the local centre outweigh the benefits gained through strict adherence to the policy thresholds outlined in SHO15.
- 2) Subject to compliance with the conditions attached to this permission it is not considered that there will be any detrimental impact on the amenity of

adjacent or surrounding residential units as a result of the change of use or installation of associated extraction flues. Therefore the proposals are considered to be in accordance with the objectives of PPG24 and saved policy EP22 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

- 3) The principle of the position of the flue is considered acceptable and there is not considered to be any detrimental visual impact on the character or appearance of the City Centre Conservation Area. Therefore the proposals are considered to be in accordance with the objectives of PPS1, policies ENV6 and ENV7 of the East of England Plan (May 2008), policy 2 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan (Adopted Version November 2004)



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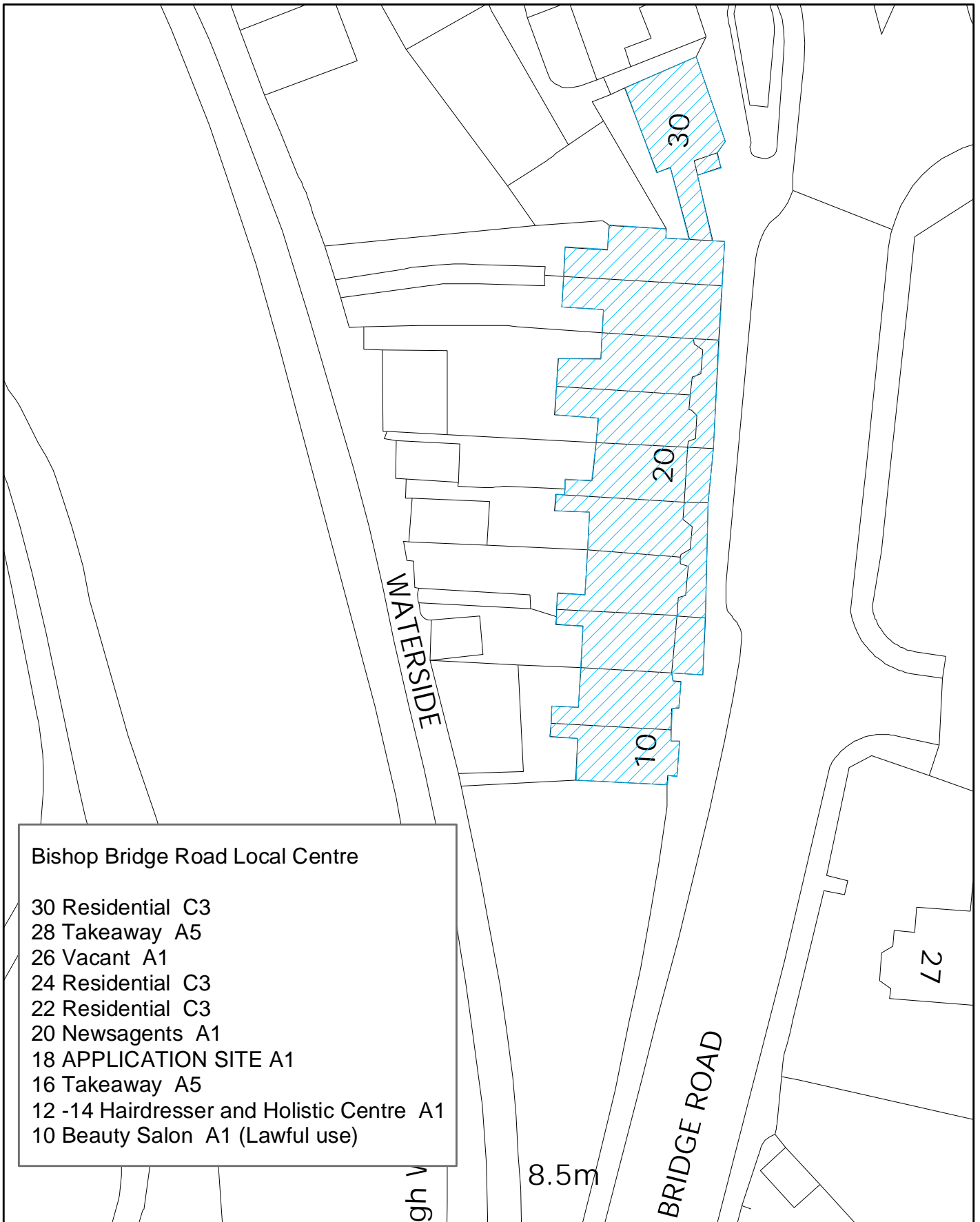
Planning Application No 11/01104/F  
 Site Address 18-20 Bishop Bridge Road, Norwich NR1 4ET  
 Scale 1:750



**NORWICH**  
City Council

PLANNING SERVICES





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Date : 08 July 2011

Scale : 1:450

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