

Report to Planning Applications Committee

Item

8 July 2021

Report of Head of planning and regulatory services

Subject Application no 21/00561/F – 90-92 Colman Road

Reason Objections

for referral

4(b)

Ward	Eaton
Case officer	Lara Emerson laraemerson@norwich.gov.uk
Applicant	Mr Ceker

Development proposal		
Installation of new shopfront and kitchen extraction flue.		
Representations		
1 st round of consultation		
Object	Comment	Support
4	0	0
2 nd round of consultation (revised description)		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1. Principle of development	Change of use from retail (Class E) to restaurant with ancillary takeaway (Class E).
2. Design	Appearance of shopfront and kitchen extraction flue.
3. Amenity	Noise and odour from extraction flue.
Expiry date	16 July 2021
Recommendation	Approve

The site, surroundings & constraints

1. The subject site is located in a vacant former double retail unit within a shopping parade on the outer ring road at the junction of Colman Road and North Park Avenue, to the west of the city centre. The main parade of shops is a three-storey building running parallel to Colman Road with retail and other commercial units on the ground floor and flats above which are accessed from the rear above single storey outshoots that service the commercial units. It is a mid-twentieth century development.
2. The site is accessed from North Park Avenue on a small sub-section of Colman Road to the north west or directly from Colman Road to the east. A 10m wide, tree lined grass verge separates the highway access to the parade from Colman Road.
3. To the rear of the parade is North Park Drive, a short cul-de-sac running the length of the parade giving access to the rear of the shops and flats on the north-eastern side and to a number of garages/converted garages/storage units on the opposite (south-western) side.
4. There is a residential chalet bungalow to the rear of the parade located at the corner of North Park Avenue and North Park Drive.
5. To the front of the site is a small forecourt area which slopes down towards the highway. The surrounding area also comprises residential properties to North Park Avenue and on the opposite side of Colman Road.
6. The site is within the Colman Road (The Parade) Local Retail Centre.
7. The application site is within a critical drainage area and there is a risk of surface water flooding along the front of the parade and on North Park Avenue.

Relevant planning history

8. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
09/00429/F	Installation of air conditioning and external condenser at rear of shop.	Approved	13/07/2009
09/00483/A	Installation of: 1) One internally illuminated fascia sign. 2) One internally illuminated projecting sign.	Approved	13/07/2009

The proposal

9. The application was originally submitted and advertised as 'Change of use from retail (Class E) to mixed use restaurant and takeaway (Classes E and Sui Generis) with external alterations'. However, upon a review of the submitted information, the primary use of the unit is to be as a dine-in restaurant (Class E) rather than takeaway (sui generis). As both the existing and proposed used fall within the same use class, the change does not require consent.
10. The changes to the shop front do, however, require consent as does the installation of an extraction system. The description of the proposal was changed to reflect this and re-advertised as 'Installation of new shopfront and kitchen extraction flue'.

11. The proposals would see the installation of a new shopfront with deeper windows on the frontage to match those in adjoining units and a new single glazed door in the centre. The plans also show the location of an extraction system exiting through the flat roof at the rear of the building, similar to those installed in units either side of the application site.
12. The works are to facilitate a change of use from retail (Class E) to restaurant with ancillary takeaway. Given the amount of internal seating indicated on the plans, and the applicant's description of the proposed use, it appears that If the mix of uses were to change in future, consent may be required.

Representations

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below. The description of development was changed during the course of the application (to reflect the fact that the change of use does not require consent) and neighbours were re-consulted. Two letters of representation were subsequently received citing the same issues previously raised.

Issues raised	Response
Parking concerns	The change of use does not require consent. See main issue 1: Principle of development.
Too many food outlets already in the area, the area needs shops	The change of use does not require consent. See main issue 1: Principle of development.
The opening hours are too long, customers would cause noise disturbance	The change of use does not require consent. See main issue 1: Principle of development.
Litter concerns	The change of use does not require consent. See main issue 1: Principle of development.
Illuminated signage would disturb residents opposite	See Main Issue 1: Design.
Odour/noise from the extractor fan	See Main Issue 2: Amenity.

Consultation responses

14. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Environmental protection

15. The information submitted regarding the noise and odour impacts of the proposed extraction equipment is acceptable. I recommend that all equipment is installed with anti-vibration mountings and in maintained in accordance with the manufacturer's specification.

16. The developer should be reminded of their legal obligations with regards to asbestos.

Highways

17. Comments were only received for the change of use as initially advertised and are therefore not material to the planning application before committee. No revised comments were received to the subsequent re-consultation.

Assessment of planning considerations

Relevant development plan policies

18. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS5 The economy
19. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM11 Protecting against environmental hazards
 - DM16 Supporting the needs of business
 - DM17 Supporting small business

Other material considerations

20. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF6 Building a strong, competitive economy
 - NPPF7 Ensuring the vitality of town centres
 - NPPF8 Promoting healthy and safe communities
 - NPPF14 Meeting the challenge of climate change, flooding and coastal change

Case Assessment

21. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

22. Key policies and NPPF paragraphs – DM18, DM20, DM21, NPPF paragraphs 85-90.
23. The application site is currently a vacant retail unit, last used by Boots as a chemist. The proposed use is as a restaurant with ancillary takeaway. It has been confirmed by the applicant that the majority of customers would dine-in, and indeed the site plan submitted shows that there would be approximately 80 seats within the restaurant. Following recent changes made by the government to the Use Classes Order, both the existing and proposed uses are Class E (commercial, business and service) so the change of use can be carried out without the need for planning permission. As such, our local policies relating to the protection of retail uses within defined centres cannot reasonably be applied in this case.

Main issue 2: Design

24. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
25. The proposal does not involve any significant material changes to the exterior of the building, since the building already includes a large glazed shop front to the elevation facing Colman Road.
26. An external flue and extract system will exit the building through its roof and follow the plane of the flat roof to the rear. The properties which form the Colman Road parade already have an assortment of extensions and equipment at the rear. The proposed equipment will mainly be obscured from view by the parapet around the perimeter of the flat roof of the building.
27. Concerns have been raised by neighbours about disturbance from illuminated signage, but any advertisements would be subject to a separate advertisement consent application.

Main issue 3: Amenity

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
29. There are a number of residential properties located in the surrounding area, including flats directly above the premises and further away on North Park Drive to the south-west (rear).
30. The proposal involves the installation of an extraction system and flue exiting through the roof of the building and to the rear away from the direction of residential properties. Details of the extraction system equipment have been submitted and considered by the council's public protection team who raise no objection subject to its installation and maintenance in accordance with the submitted details.

Other matters

31. The site is located within a critical drainage area. However, as there will be no increase in the built form on site, it is not considered necessary to require details of measures to manage the risk of surface water flooding.

Equalities and diversity issues

32. There are no equality or diversity issues.

Local finance considerations

33. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

Conclusion

34. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

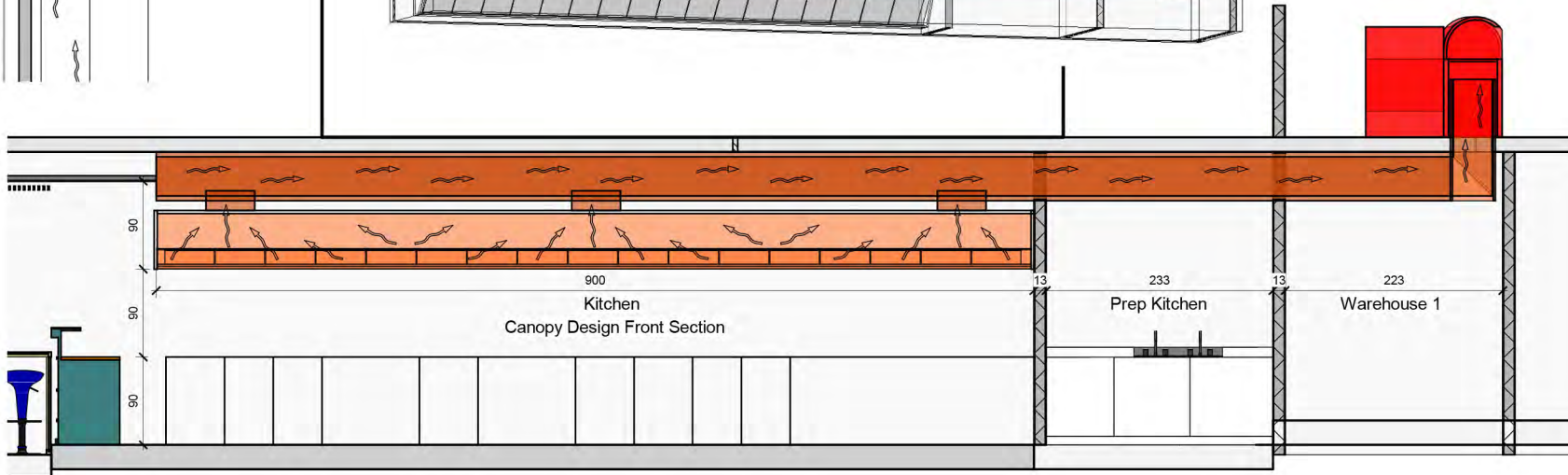
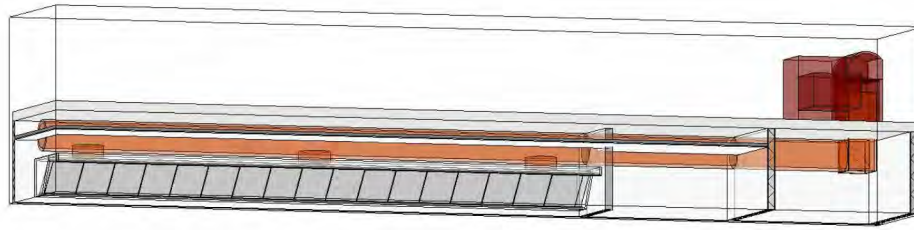
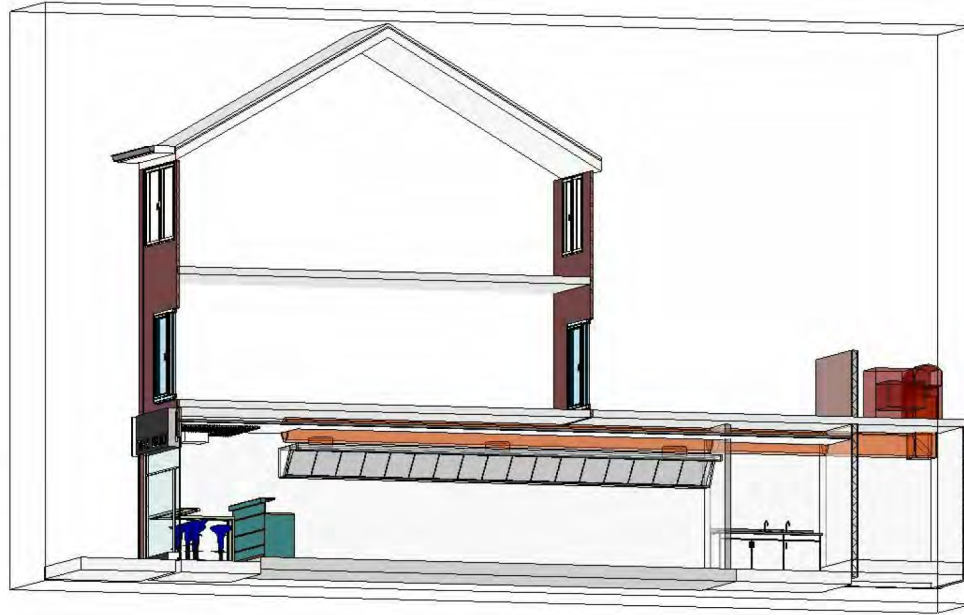
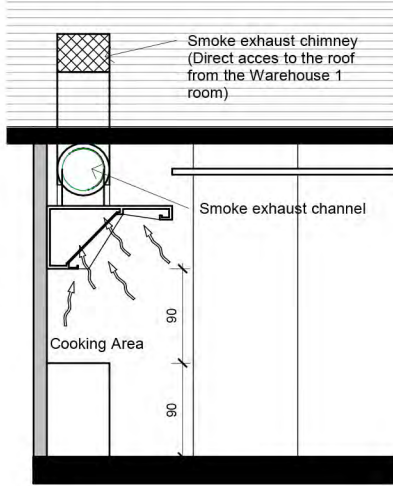
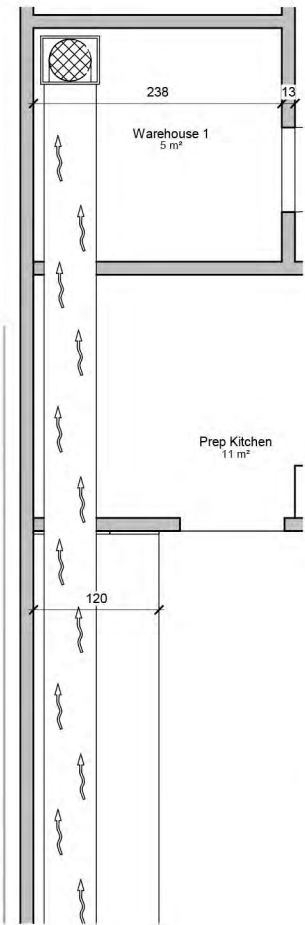
Recommendation

To approve application no 21/00561/F for 90-92 Colman Road and grant planning permission subject to the following conditions:

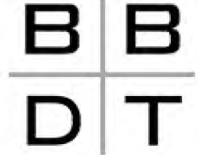
1. Standard time limit;
2. In accordance with plans;
3. Extraction equipment to be installed in accordance with submitted details and fixed using anti-vibration mountings.

Informatives:

1. Asbestos;
2. Adverts may require consent.



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PROJECT: The Sultan Restaurant and
Coffee Shop

LOCATION: 90-92 colman road
Norwich NR47EH

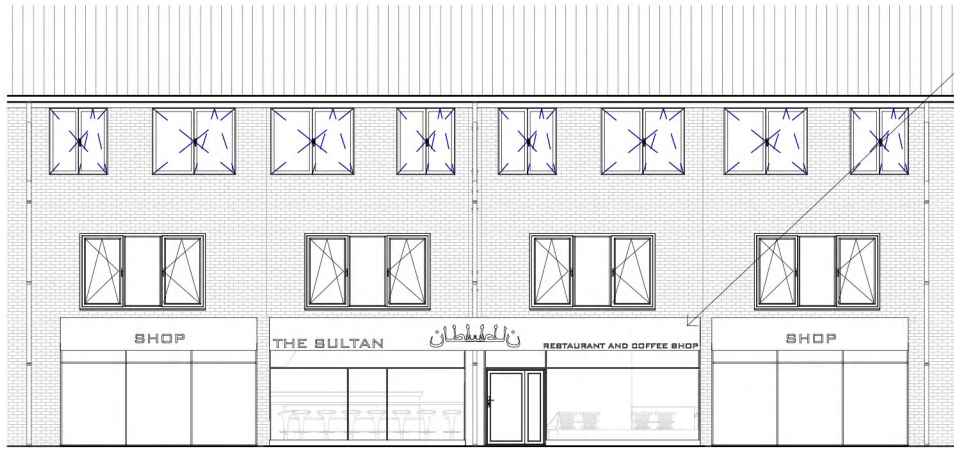
CLIENT: Mr Cengiz Ceker

DRAWING
TITLE: Canopy Design Sheet

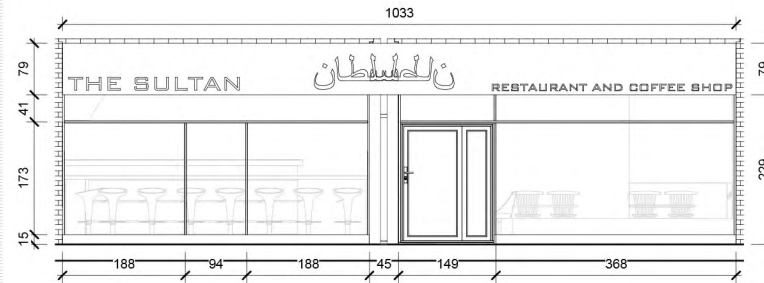
DRAWING
NUMBER:

DATE: 04.03.2021 PHASE:

SCALE: 1/50 AUTHOR: BB



New signage will be mounted in the same place with the same dimensions. The shopfront and the window profiles will be fixed and painted.



While designing the sign, a design suitable for the current view will be applied by taking the lighting and color choices of the adjacent shops into consideration.

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PROJECT: The Sultan Restaurant and Coffee Shop

LOCATION: 90-92 Colman Road Norwich, NR47EH

CLIENT: Mr Cengiz Ceker

DRAWING TITLE: Shopfront Design

DRAWING NUMBER:

DATE: 04.03.2021 PHASE:

SCALE: Various AUTHOR: BB