

**Report to** Planning applications committee

**Item**

11 August 2016

**Report of** Head of planning services

**Subject** 16/00392/U - St Augustines Gate Waterloo Road Norwich  
NR3 3BE

**4(f)**

**Reason  
for referral** Objection

<b>Ward:</b>	Mile Cross
<b>Case officer</b>	Ms Charlotte Hounsell - charlottehounsell@norwich.gov.uk

<b>Development proposal</b>		
Change of use to hot food takeaway (Class A5).		
<b>Representations</b>		
Object	Comment	Support
2		

<b>Main issues</b>	<b>Key considerations</b>
1	Over provision of takeaways
2	Detrimental impact on neighbouring amenity: noise/vehicle movements
<b>Expiry date</b>	29 June 2016
<b>Recommendation</b>	Approve



## The site and surroundings

1. The subject site is located on the North West side of Waterloo Road, North of the City Centre. The unit is one of eight units in the centre and is located on the North-Easternmost corner of the site. At present there are 4 x A5 uses, 2 x A1 uses, 1 x A2 use and the currently vacant site relating to this application. The application relates to the ground floor unit which has previously been used as a Care UK Ltd office/recruitment centre with residential units above. A large car park is present at the rear of the site that is for use by customers of St Augustines Gate and there is cycle stand provision at the front of the site. There are residential properties opposite on Waterloo Road and Magpie Road and the Anglia Square/St Augustines Street District Retail centre to the South of the site.

## Constraints

2. The site is located within a TPO site
3. The site is located within a local retail centre.

## Relevant planning history

- 4.

Ref	Proposal	Decision	Date
4/2003/0498	Two internally illuminated projecting box signs. Unit 6, Former St. Augustines Swimming Pool Site	ADVCON	06/06/2003
03/00121/F	Installation of ATM.	APPR	23/09/2003
14/00012/TPO	Crown lift 2x Hornbeam to 2.4m and prune back from road;  Fell various Robinia suckers to ground level.	APPR	02/04/2014

## The proposal

5. The proposal is for the change of use of the unit to A5 hot food takeaway with associated extract ventilation installation.

## Summary information

Proposal	Key facts

<b>Scale</b>	
Total floorspace	105m <sup>2</sup>
No. of storeys	Ground floor only
<b>Appearance of Flue</b>	
Materials	No proposed alterations to frontage  Flue – concealed with cement-based back boarding rendered to match the adjacent building.
<b>Operation</b>	
Opening hours	11:30 - 23:00
Ancillary plant and equipment	Extract ventilation flue
<b>Transport matters</b>	
Vehicular access	Existing access at side/rear of site
No of car parking spaces	Existing car park to rear of site
No of cycle parking spaces	Existing cycle parking to the front of site
Servicing arrangements	Existing service area to rear of site

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Over provision of hot food takeaways in the immediate area	See main issue 1
Additional noise from extract ventilation and vehicle movements/deliveries	See main issue 2

## Consultation responses

7. 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

8. As discussed I have looked at the local residential uses and how they will be affected by noise from the extract system. There appears to be openable residential windows very close to the efflux point of the flue the Laeq of the fan would equate to approximately 52dB at 4m. This appears to be very approximately the distance to the windows. I would suggest that either a noise impact assessment is carried out to show that these residential uses will not be affected or alternatively that a silencer is incorporated into the scheme so that the Laeq at 4m is reduced by at least 7dB, if the use is intended to continue after 23:00 then further reduction would be required. The system should be conditioned to not operate 23:00-07:00.

### Highways (local)

9. No objection on highway/transportation grounds. There is an adequate car park and on street waiting restrictions to accommodate this use, also there are cycle stands adjacent to the premises.

## Assessment of planning considerations

### Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS2 Promoting good design
  - JCS6 Access and transportation
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS19 The hierarchy of centres
11. **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
  - DM18 Promoting and supporting centres
  - DM21 Protecting and supporting district and local centres
  - DM24 Managing the impacts of hot food takeaways
  - DM31 Car parking and servicing

## **Other material considerations**

### **12. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF2 Ensuring the vitality of town centres
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF11 Conserving and enhancing the natural environment

## **Case Assessment**

13. 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 Framework (NPPF), the Councils 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**

14. Key policies and NPPF paragraphs – DM18, DM21, DM24, JCS12, NPPF sections 1 and 2.
15. In accordance with Policy DM21, the proportion of A1 units within a local retail centre should not fall below 50%. This unit, from its original consent, was designated to be an A1 unit and no consent can be found to show that this should be otherwise. However, the last use of the unit was as a Care UK Ltd office/recruitment centre, likely an A2 use, which has been operating for a period of approximately 9 years shown from an application for a business parking permit and is therefore likely a non-enforceable use. Considering this, it may be unreasonable to consider the proposal as being contrary to this part of DM21 as it has already been operating for this period of time. However, the consideration of the application should also focus on the remainder of DM21 below.
16. Part a) of the policy states that changes from A1 use will be encouraged and permitted where their scale and function is consistent with the position of the centre in the hierarchy of centres set out in JCS policy 19. In this instance the proposed small A5 use is considered to be of an appropriate scale to the centre for a locally based facility.
17. Part b) of the policy states that changes would be permitted where they would not have a harmful impact on the vitality, viability and diversity of services in the centre, in particular increasing the number of units which would not be available to the public during the normal working day. The approval of this scheme would result in the majority of units being Class A5 (5 units in total) with predominantly night time trade. Objectors have also raised concerns regarding this point. With this number of units being A5 use, there is a clear reduction in the diversity of the centre. As there

are already 4 A5 units within the centre, a large proportion of business takes place into the evening hours. This proposal would also seek to do this and therefore does not demonstrate variety in the type and availability of businesses. However, the subject unit is located at the opposite end of the centre, around the corner on Waterloo Road. It could be argued that this location is separated from the other A5 units and therefore the cumulative impacts are considered to be reduced. In addition, the unit is located opposite the St Augustines/Anglia Square large district centre which offers a greater variety of services. Therefore whilst the diversity of this particular centre is reduced, there are other alternative businesses/services provided in close proximity.

18. Part c) of the policy states changes should not have a harmful impact on residential amenity, traffic or the environment which could not be overcome by the imposition of conditions. Please see main issue 2 for the assessment of this part.
19. Part d) of the policy states changes would be permitted where they would provide a community benefit or address an identified deficiency in provision in the area which can be shown to outweigh the loss of a retail use. The previous use, whilst not retail use, arguably provided community benefit through recruitment/office for Care UK Ltd. However, this proposal does not demonstrate any community benefit that might outweigh the change to A5.

### **Main issue 2: Amenity**

20. Key policies and NPPF paragraphs – DM2, DM11, DM21, DM24 NPPF paragraphs 9 and 17.
21. Concerns were raised regarding increased noise from vehicle movements/deliveries. This site has existing service arrangements to the rear and an existing car park for customers. Whilst it is noted that there may be an increase in movements due to the nature of A5 use, this area is not purely residential and therefore vehicle movements of this type are expected in the area. In addition, an approval will contain a condition that deliveries should not be made between the hours of 22:00 and 06:00 on any day, to be consistent with the conditions imposed on the other A5 units in the centre as part of the original consent for St Augustines Gate.
22. Concerns were also raised by objectors and environmental protection that the associated extract ventilation could be detrimental to residential amenity in terms of noise generation. Comments from environmental protection show that the current ventilation system would exceed noise levels appropriate for the residential premises, however this could be remediated. An approval will be conditioned that a noise impact assessment or details of silencers/anti-vibration mounting/insulation must be submitted to show that the noise levels are acceptable or that sufficient measures can be undertaken to reduce the impacts so they are acceptable.
23. Therefore this proposal is not considered to have a harmful impact on residential amenity, traffic or the environment that cannot be overcome by the imposition of conditions, in accordance with Part c) of DM21.

### Main issue 3: Design

24. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
25. The extract flue has the potential to be prominent in the streetscene. However, adequate cladding has been agreed to minimise this impact.

### Compliance with other relevant development plan policies

26. A number of development plan policies include key targets for matters such as parking provision. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	<b>Yes – existing cycle storage is provided at the front of the site for use by customers/staff.</b>
Car parking provision	DM31	<b>Yes – existing car parking provision is provided at the rear of the site for use of customers of any St Augustines Gate unit.</b>
Refuse Storage/servicing	DM31	<b>Yes – existing service area is present at the rear of the site for bin storage etc.</b>

### Other material considerations

27. The unit has been vacant since January 2014 despite attempts to re-let the unit. Evidence has been provided to show that the unit has been actively marketed, however this information was not received with sufficient time to ascertain whether this was marketed at a reasonable price. However, it could be argued that having a vacant unit for a prolonged period of time also detrimentally affects the vitality and diversity of the centre and that the approval of this scheme may improve upon the current situation by encouraging customers to the area.

### Equalities and diversity issues

28. There are no significant equality or diversity issues.

### Local finance considerations

29. 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.



30. 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.
31. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

32. The acceptability of this proposal is very finely balanced. The approval of this scheme would result in the proportion of A1 units being below the 50% threshold for the retail centre and 5 out of 8 units as A5 uses. The proposal would also operate largely later on in the day and into the evening, reducing the variety of businesses available during the day and potentially resulting in cumulative impacts on amenity and diversity. In addition, this proposal does not demonstrate any community benefit that would outweigh the change of use.
33. However, the location of the unit results in a degree of separation to the other A5 units which contributes towards reducing any cumulative impacts from this intensity of use. Arguably the A5 unit would be situated in a suitable location, as this is not purely residential and there are existing servicing and parking/cycle arrangements for use by staff and customers. The unit has been vacant for a number of years, which in itself could be detrimental to the vitality of the centre and therefore the A5 use class may improve upon the current situation. In addition, the location of the unit is beneficial as it is opposite the St Augustines/Anglia Square large district centre where a greater variety of businesses is already present.
34. Based on this balance of arguments the recommendation is for approval, however this balance is for the decision maker and if members reach the view that the benefits of an additional A5 unit do not outweigh the impacts then this may justify an alternative decision.

## **Recommendation**

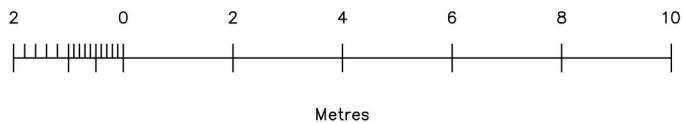
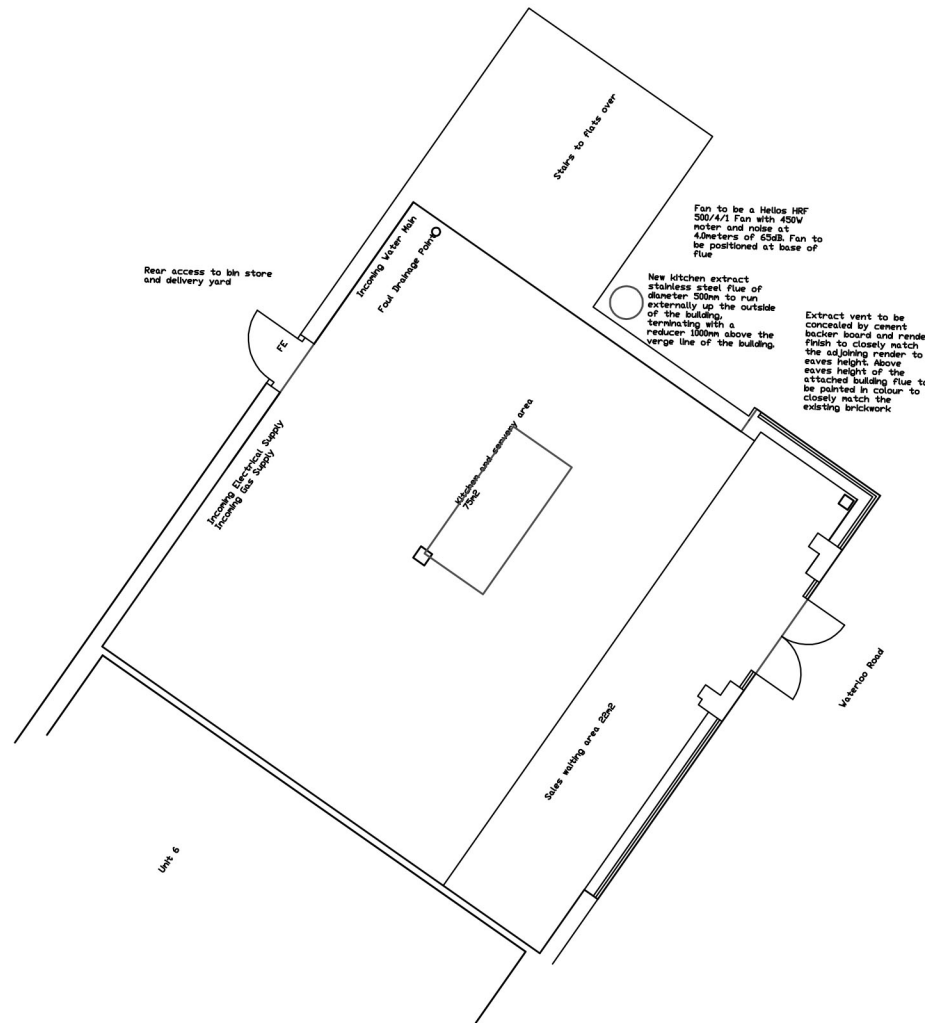
To approve application no. 16/00392/U - St Augustines Gate Waterloo Road Norwich NR3 3BE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The unit shall not be open between the hours of 11:30pm and 7:00am on any day
4. There will be no deliveries to the unit between the hours of 10:00pm and 6:00am on any day.
5. Prior to any occupation as an A5 use a noise impact assessment or details of silencers/anti-vibration mounting/insulation that can demonstrate operation at acceptable noise levels must be submitted.

## **Article 32(5) statement**

Checked MB 01 Aug 2016

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments [at the pre-application stage insert if necessary] the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



Scale: for the plan to be scaled this scale bar must measure correctly, e.g 10 centimeters when printed.

2:200cm

Date	Revisions
26.06.2016	Notes added
03.05.2016	Fan and extract details amended
21.04.2016	Indicative kitchen and extract shown

© Copyright  
**DANIEL CONNAL PARTNERSHIP**  
Chartered Surveyors  
The Glasshouse,  
Kings Lane  
Norwich, NR1 3PS  
Tel: 01603 629421  
Fax: 01603 620181  
Email: norwich@danielconnal.co.uk

Client: The Englander Group

Job Title  
Unit 7  
St Agustines Gate,  
Waterloo Road,  
Norwich

Drawing Title  
Ground Floor Only

Scale: 1:100 @ A3

Date: March 2016 Drawn By: AL

Dwg. No.	Rev.
00720.02.01	C