

Report for Resolution

Report to Planning Applications Committee
Date 19th July 2012
Report of Head of Planning Services
Subject 12/00887/F 133 Colman Road Norwich NR4 7HA

Item
5(2)

SUMMARY

Description:	Change of use of ground floor from betting office (Class A2) to hot food takeaway (Class A5).
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	University
Contact Officer:	Jo Hobbs Planner 01603 212526
Valid Date:	24th April 2012
Applicant:	Mr N Baskaran
Agent:	Dadds Solicitors

INTRODUCTION

The Site

Location and Context

1. The site is located within the Colman Road local centre in the University ward to the west of the city. The surrounding area contains a mix of commercial units at ground floor with residential at first and second floor. The wider area is predominantly residential in character.
2. The former use of the site was a betting office. There are a number of other commercial uses within the local centre including retail units and hot food takeaways.
3. The unit faces onto a small waiting area for cars accessed off Colman Road. To the rear of the unit is a further parking area for customers to the supermarket adjacent to 131 Colman Road that has recently been built. Also to the rear of these flats is amenity space to the flats over 131 Colman Road.

Planning History

4. There have been three other applications relating to this site:
 - **4/1992/0160** - Change of use to provide Betting office (Class A2). (Approved - 20/04/1992)
 - **4/1993/0308** - Erection of single storey extension at rear of building. (Approved - 13/09/1993)
 - **4/1994/0135** - Condition 4: details of external advertising for previous permission

Equality and Diversity Issues

5. There are no significant equality or diversity issues.

The Proposal

6. The application is to change the use of the betting office (class A2) to a hot food take away (class A5). There are no changes proposed to the front elevation but an extraction flue is proposed on the rear of the building to vent above residential windows.

Representations Received

7. 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.

8.

Issues Raised	Response
Front window should be retained as it is an attractive feature to the building.	No alterations are proposed to the front window.
A steel security door at the shared entrance to the ground floor and first floor residential units causes difficulties accessing the flat and has lead to lost post.	The door although not granted permission has been in place for a number of years and so Planning can do little to resolve the issue. Access for the residential flat would be a civil matter to resolve outside of the scope of planning law.
Waste bins need to be well sited.	See paragraph 27
Late night noise.	See paragraphs 14-20
Inadequate parking and servicing space.	See paragraphs 25-27
Increase traffic generation and impact on highway safety.	See paragraph 29
Heavier footfall creating potential for more accidents.	See paragraph 30
Loss of privacy for residents from people eating takeaway food outside.	See paragraphs 14-15
Increased litter and food waste leading to environmental health problems including pests.	See paragraph 27
Smell from cooking, and unsightly and noisy ventilation units	See paragraphs 17-18 and 21-24
Increased risk of fire	Fire safety is a matter that is covered by Building Regulations outside of planning law.

Consultation Responses

9. Environmental Health – Acceptable subject to conditions

10. Local Highway Authority – No objections on transport grounds.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 1 – Building a strong, competitive economy
Statement 2 – Ensuring the vitality of town centres
Statement 4 – Promoting sustainable transport
Statement 7 – Requiring good design
Statement 11 – Conserving and enhancing the natural environment

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

WM6 - Waste Management in Development
ENV7 - Quality in the Built Environment

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

Policy 2 – Promoting good design
Policy 6 – Access and transportation
Policy 19 – The hierarchy of centres

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

HBE12 – High quality of design
EP10 – Noise protection between different uses
EP22 – Protection of residential amenity
SHO22 – Food and drink uses in centres
TRA6 – Parking standards
TRA7 – Cycle parking provision
TRA8 – Provision in development for servicing

Other Material considerations

Written Ministerial Statement: Planning for Growth March 2011
The Localism Act 2011 – s143 Local Finance Considerations

Principle of Development

Policy Considerations

11. The change of use raises the key considerations of the mix of uses within the local centre, residential amenity, design and appearance of extraction ventilation, provision for parking and servicing including refuse storage and litter.

Uses within local centre

12. The site is located within the Colman Road/Avenue Road local centre. As such retail uses are protected. The site however at present is in a non-retail use. Therefore there would be no loss of retail from the change of use.

13. Policy SHO15 also requires consideration to be given to permitting uses if they are not well represented in the local centre. There are however already hot food takeaways in the local centre. The location of a hot food takeaway should preferably be located in a place that is accessible and in defined centres. Therefore although there are already hot food takeaways in the centre this would be the preferred location for such a use rather than an out of centre location or for example in a residential area where the use would impact on

more residential units. The use will provide a service to the surrounding residential area and therefore appropriate to the scale of the local centre within the retail hierarchy of Norwich. The location of the proposed use is therefore considered to be acceptable.

Impact on Living Conditions

14. The key considerations in relation to residential amenity would be noise disturbance and smell from the operation and servicing of the proposed use. The matter of privacy has also been raised in a letter of objection.
15. The site is already in use as a commercial use but arguably one that generates less noise than a hot food takeaway. There are however a number of other uses in the surrounding area such as shops and takeaways. Therefore there would already be a significant amount of footfall from people visiting the other units in the local centre. As the proposed use is at ground floor and the residential at first floor the loss of privacy would be minimal.
16. There could potentially be an increase in noise from the use of the unit and if people wait outside for their takeaways. Again as the commercial use already exists it would be reasonable to accept a certain level of noise. Conditions are recommended however to limit the hours of opening and the times that deliveries and servicing can occur to preserve the amenity of adjacent residents. Details of sound proofing between the ground and first floor are also recommended to be conditioned.
17. The extraction flue proposed on the rear of the building could also be a source of noise and smell. The flue is positioned to vent above the highest window on the residential units to ensure adequate dispersal of extraction fumes. The flue should be achievable without noise disturbance to the adjoining residents, provided anti-vibration mountings are used to attached the flue and these and the specification of the flue are agreed through condition. Conditions are recommended as such.
18. A maintenance schedule is also recommended to be conditioned to ensure filters are changed to prevent odour pollution.
19. Should any further plant or machinery or equipment be required in the takeaway a condition is recommended to ensure specifications and hours of use of any machinery are agreed in advance to protect residents from potential noise disturbance.
20. Conditions are also recommended relating to amplified noise and external lighting required to ensure these details are agreed in advance with the Council again to prevent any loss of amenity to adjoining residential dwellings.

Design

21. There are no alterations proposed to the front of the premises, but an extraction flue is proposed to the rear of the premises that will vent at roof height.
22. The proposed extraction flue pipework will be quite visually obtrusive on the rear of the property. The flue has to vent above the highest residential window to ensure fumes can adequately disperse without entering residential dwelling windows.
23. The flue will only be visible from the rear car park and from residential dwellings to the east of the site however. It will not be visible from Colman Road. This is the only way extraction ventilation can be achieved for this unit without an adverse impact on residential amenity, and so the visual harm must be considered against the benefits the proposed use will provide. The benefits of the proposed use are that a small business will be able to operate providing jobs and the takeaway will provide a service to the local area.
24. The benefits of the proposed takeaway are therefore considered out outweigh the visual impact but only on the basis that the flue is to the rear of the building in a less visible location. A condition is however recommended for the colour of the flue and ductwork to ensure it is sympathetic to the surrounding development.

Transport and Access

25. Car parking for visitors is available in the waiting area outside the existing shop units. The applicant advises that there is staff parking available in the rear car park. Given that there are no parking restrictions in the area such as a controlled parking zone it is considered that adequate parking will be available at this site.
26. Due to its location in a local centre and in a residential area people may also walk or cycle to the takeaway. Adequate cycle parking is provided in the vicinity.
27. The matter of traffic generation and impact on highway safety has been raised. As the unit already exists and is in an established local centre there is space for cars to wait outside the unit. The proposed use is not considered to be large enough in scale to lead concerns over highway safety. The existing traffic movements may increase but not to a level that would lead to concerns over highway safety.
28. Increased footfall leading to the potential for more accidents has also been raised as a concern. As this is a local centre the aim of local and national planning policy is to increase visitors to this location so that people can access many services in one place. Further to this there are good pedestrian crossings over Colman Road and The Avenues which would provide pedestrians with an opportunity to cross roads safely. Therefore there is not considered to be a significant potential for more accidents from the proposed change of use.

Refuse and waste management

29. A space is indicated to be used to the rear of the unit for refuse storage. A private contractor will collect refuse as required. Waste can be adequately stored to avoid vermin being attracted to the site. A condition is recommended to agree the details of the final siting of these bins along with screening required to protect cars in the car park and provide an overall acceptable visual appearance, and surface treatment of this area to enable the bins to be moved easily and as quietly as possible.
30. There are litter bins on the public highway in front of the unit and around the local centre. These provide people with an opportunity to dispose of waste appropriately. Given the seating area inside the building people would also be able to lead any waste inside the building as well for the business to remove. Therefore it is considered litter would not be a significant issue as provision is available for its appropriate disposal.

Local Finance Considerations

31. The proposed takeaway will not generate any direct funding for the Council. Whilst it would generate business rate income this is not directly received by the Council. Therefore there are no local finance considerations relating to this proposed development.

Conclusions

32. It is considered that the takeaway will provide a suitable use within the local centre which has good transport connections and is in an accessible location for the surrounding residential area. Whilst the design and overall appearance of the extraction flue to the rear is visually prominent, the takeaway would provide jobs for a small business and the height of the flue ensures no odour pollution to adjoining residential units. As such on balance with the use of appropriate conditions the proposed development is unlikely to have an adverse impact on the amenities of either the immediate neighbours or the wider area. As such the proposal accords with the criteria set out within policies HBE12, EP10, EP22, SHO22, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan and

policies 2, 6 and 19 of the Joint Core Strategy.

RECOMMENDATIONS

To approve application no 12/00887/F "Change of use of ground floor from betting office (Class A2) to hot food takeaway (Class A5)" and grant planning permission subject to the following conditions:

- 1) Standard time limit
- 2) In accordance with plans
- 3) Hours of use to be agreed
- 4) Hours of deliveries/servicing to be agreed
- 5) Sound proofing between floors
- 6) Use of anti-vibration mountings
- 7) Specification of flue
- 8) Maintenance schedule for flue
- 9) Further plant or machinery to be agreed
- 10) Any amplified noise or amplified sound equipment to be agreed in advance
- 11) Any external lighting to be agreed in advance
- 12) Details of refuse storage area, screening and surface treatment, and provided prior to first use
- 13) Details of colour of flue and ductwork

Reason for approval:

1) The decision is made with regard to policies HBE12, EP10, EP22, SHO22, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, the adopted Joint Core Strategy March 2011 and all material considerations. The takeaway will provide a suitable use within the local centre which has good transport connections and is in an accessible location for the surrounding residential area. Whilst the design and overall appearance of the extraction flue to the rear is visually prominent, the takeaway would provide jobs for a small business and the height of the flue ensures no odour pollution to adjoining residential units. As such on balance with the use of appropriate conditions the proposed development is unlikely to have an adverse impact on the amenities of either the immediate neighbours or the wider area.



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Planning Application No 12/00887/F
Site Address 133 Colman Road
Scale 1:500



NORWICH
City Council

PLANNING SERVICES

