

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 18th March 2010  
**Report of** Head of Planning Services  
**Subject** Application 09/01546/F  
13 St Stephens Road Norwich NR1 3SP

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**Item**  
**6(4)**

### SUMMARY

<b>Description:</b>	Change of use from shop (Class A1) to restaurant/cafe (Class A3) including installation of a kitchen extraction vent to rear elevation.	
<b>Reason for consideration at Committee:</b>	Objection	
<b>Recommendation:</b>	Approve	
<b>Ward:</b>	Town Close	
<b>Contact Officer:</b>	Jonathan Bunting	Planner, Development Management 01603 212506
<b>Valid date:</b>	2nd February 2010	
<b>Applicant:</b>	Mr Alex Rose	
<b>Agent:</b>	Mr Harvey Brown, Pelorus Ltd	

### INTRODUCTION

#### The Site

##### Location and Context

1. The application site comprises a three storey early c20th shop premises, most recently used as a coffee shop and sandwich bar. The premises are located on the west side of St Stephens Road (A11) about 50m to the south of the St Stephens roundabout junction with the Inner Ring Road (A147) which marks the southern limit of Norwich central shopping area and is the main entrance into the City centre when approaching from the south.
2. The definition of the City centre for planning purposes includes the premises on the west side of St Stephens Road running from the St Stephens roundabout to its junction with St Stephens Square, in recognition of the mainly commercial character of this frontage, contrasting with the predominantly residential district to the south of St Stephens Square (which falls outside the centre).
3. The frontage within which the site falls includes a retail furniture showroom, two public houses, an Indian takeaway (at number 15), a hairdresser (at number 11) and a laser games centre (Quasar Elite). The rear of the application premises faces toward St Stephens Square but is separated from the road frontage by outbuildings at the rear of the Coachmakers Arms pub, and the substantial intervening buildings of Co-operative Funeral Services. The west and south sides of St Stephen's Square are predominantly residential

and the majority of its houses are listed. There is also a modern development of residential flats (Needham Place) on the east side of St Stephen's Square towards its north end, housed in the converted former Co-op Depository adjoining the funeral directors, and in the upper floors above the furniture showroom at 1-7 St Stephens Road. On the opposite side of St Stephens Road are the extensive offices of Marsh Insurance (Victoria House) and surgeries on the corner of Victoria Street. Further south along St Stephens Road the road frontage becomes largely residential on both sides and includes the extensive former Norfolk and Norwich Hospital buildings which are currently being converted to residential apartments.

4. St Stephens Road is a principal traffic route to and from the city centre and is situated just north of where the Ipswich Road (A140/A1056) and the Newmarket Road (A11) converge. Consequently it is particularly heavily trafficked for the majority of the day and evening. There is an inbound bus lane running on the west side of St Stephens Road which terminates just south of the application site on its approach to St. Stephens roundabout. Pedestrians seeking to access the premises from the direction of the city centre can reach it either via the St. Stephens pedestrian subway under the roundabout, or via a light-controlled surface crossing on Chapel Field Road which also enables a more direct access to the nearby Chapelfield shopping mall from the direction of St Stephens Square and Wessex Street.

## **Constraints**

5. 13 St. Stephens Road is closely built up on all sides except on the road frontage and has no amenity space around it. The site falls within the Newmarket Road Conservation Area and the adjoining premises at number 11 (hairdresser) are locally listed.

## **Planning History**

**09/01070/F** - Change of use from shop (Class A1) to restaurant/cafe (Class A3) and installation of fume extraction system to rear elevation (**application withdrawn**). This was a similar application by the current applicant which was withdrawn to allow time to prepare detailed proposals for the provision for fume extraction and ventilation.

## **The Proposal**

6. The previous operation of 13 St Stephens Road as a coffee shop and sandwich bar fell within use class A1 (shops). The present application seeks permission for a change of use to a restaurant/café (Use class A3) to enable the sale of hot food for consumption on the premises, together with the installation of the associated fume extraction system to the food preparation area on the ground floor.
7. The extraction system is proposed to be ducted up through the first and second floors of the building and would vent through the roof on the rear elevation at its south end, nearest to the Indian takeaway at number 15. Amendments to the scheme have been negotiated to relocate the vent point further away from the rear windows of the hairdressing salon at number 11.
8. The applicant intends to operate the business as a restaurant specialising in good quality hot and cold traditional Turkish cuisine, catering primarily to the daytime and evening (rather than late-night) customer arriving on foot. Proposed opening hours are between 11am and 3pm and between 5pm and 10pm.

## Representations Received

9. Advertised on site from 3rd February 2010 and in the press on 10th February 2010. Adjacent and neighbouring occupiers were notified in writing on 3rd February 2010. Three letters of objection have been received citing the issues as summarised in the table below.

Issues Raised	Response
Likelihood of additional food odour nuisance to adjacent hairdressing salon, exacerbating pre-existing problems of significant smell nuisance from nearby Indian takeaway and adjacent public house. Odour problem tends to be intensified / prolonged by air disturbance from passing traffic and an operational requirement to keep salon windows open at rear.	Environmental Health Officer confirms technical specification of extraction system sufficient to prevent any loss of amenity to adjoining premises. Siting of vent amended to a position further away from salon windows.  See Para. 31-33
Concern at apparent incremental “creep” of late night economy uses beyond City walls with consequent impact on amenity and outlook of residents within what is essentially a much quieter area.	The premises fall within the defined City centre for planning purposes so the principle of a restaurant would be difficult to resist as an appropriate supporting service. The restaurant is not intended to be a late night operation and would be conditioned accordingly.  See para. 1 & 15-17
Query re precise timing of an opening hours restriction and effectiveness of controls over customers parking outside on road/footway for takeaway coffees, etc (problem evident with previous coffee shop use).	Opening hours condition would ensure prompt closure. Unauthorised parking on highway and/or obstructing footway is a traffic offence and a matter for police and parking enforcement. A “No takeaway food” condition is recommended on these grounds (note - previous sales of coffees alone would not have involved a hot food takeaway use within the meaning of use class A5).  See para. 20-21, 24-27
Concern that collection of trade waste should not take place during the early hours of the morning resulting in noise and disturbance to residents.	Waste collection and servicing arrangements to be controlled by condition.  See para. 23

## Consultation Responses

10. The Environmental Health Officer and the Transportation Planner were both consulted on 3rd February 2010. No environmental health objection was raised initially, but in response to the representation from the immediate neighbour re smell nuisance, further advice was sought. The Environmental Health Officer confirms that the specification of the proposed fume extraction/filtration system should be sufficient to prevent any loss of amenity to the surrounding premises.

11. The Transportation Planner comments that since this is a restaurant aimed at extended customer stays there is unlikely to be any issue with short-term parking on-street and in other inappropriate locations. The surrounding area is a fully Controlled Parking Zone (i.e. 24 hour restrictions apply) and consequently there is no objection on traffic and parking grounds.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

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

Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development  
Planning Policy Statement 1 supplement – Planning & Climate Change  
Planning Policy Statement 4 (PPS4) – Planning for Sustainable Economic Growth  
Planning Policy Statement 24 (PPG24) – Planning and Noise

#### **Relevant Strategic Regional Planning Policies**

##### **East of England Plan 2008**

SS6 – City and Town Centres  
ENV6 – The Historic Environment  
ENV7 – Quality in the Built Environment  
WM6 – Waste Management

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

##### **City of Norwich Replacement Local Plan 2004**

SHO22 – Food and Drink uses  
HBE8 – Development in Conservation Areas  
HBE12 – Design  
EP10 – Noise protection between different uses  
EP22 – Residential Amenity  
TRA6 – Parking  
TRA8 – Servicing provision

#### **Supplementary Planning Documents and Guidance**

Not applicable.

### **Principle of Development**

#### **Policy Considerations**

12. National policy in PPS1 seeks to ensure that development is located appropriately and accessibly in accordance with sustainable principles. PPS4 encourages appropriate business development to support economic growth, seeking (inter alia) to safeguard retail vitality by focusing accessibly located shopping development and other supporting services and facilities within town centres. Planning Policy Guidance Note 15 requires development to protect and enhance the character and appearance of historic areas, whilst Planning Policy Statement 24 sets out the general planning considerations in relation to uses likely to cause noise.
13. East of England Plan policy SS6 sets out a preferred hierarchy of retail centres, seeking to focus new development and retail and service uses predominantly in defined centres. Policy ENV6 aims to safeguard areas of historic interest and heritage assets within the

region, whilst policy ENV7 requires a high quality of design in all new development. Policy WM6 requires new development to make proper provision for waste management and disposal.

14. City of Norwich Replacement Local Plan SHO22 applies controls over food and drink uses by allowing limits on opening hours and resisting proposals which would have unacceptable effects on neighbourhood amenity or highway safety. Policy EP10 requires development to take account of the likely impacts on adjacent uses from noise, and policy EP22 requires that development should not harm the amenity of residents through noise, odour, light pollution or loss of outlook and daylighting. Policies TRA6 and TRA8 require adequate provision for parking and servicing, whilst Policy HBE12 seeks a high standard of design in all new development.
15. The site is regarded as being within the City centre (as defined in the City of Norwich Replacement Local Plan) where such proposals are encouraged if they have good accessibility. Despite being within the city centre, the site is actually just outside of the defined city centre retail area.
16. As the site is in very close proximity to the City centre retail area (and can be reached on foot from the centre by a safe pedestrian route) the premises have a good standard of pedestrian accessibility and there would be no policy objection in principle to a restaurant in this location, provided that other relevant issues are addressed. The proposed use is in accordance with national policies which seek to encourage a diversity of uses in secondary and fringe areas within town centres.
17. The premises are not situated within a primary or secondary shopping frontage and accordingly there would be no policy objection to the loss of the shop.

## **Impact on Living Conditions**

### **Noise and Disturbance**

18. Whilst the frontage to St Stephens Road and the immediate surroundings are predominantly commercial in nature (as befits this edge-of-city centre location), there are a number of residential occupiers in relatively close proximity to the application site, the nearest concentration being at the rear in Needham Place.
19. The Needham Place residential development is relatively modern and benefits from a high standard of noise insulation in recognition of its location partly overlooking a busy main road. Consequently there is unlikely to be any significant impact from noise from the proposed restaurant over and above the ambient noise levels already apparent from traffic and general evening activity in this location. This is particularly so since the rear windows of the application premises are some distance from the frontage to St Stephens Square and screened by intervening buildings.
20. Objectors have drawn attention to the numerous food and drink outlets already existing in St Stephens Road which are acknowledged to give rise to a certain amount of noise, disturbance and food odour nuisance in the wider area, particularly in the evenings when the Indian takeaway is open. The two pubs and the takeaway already open to 11pm and beyond. However, as there is no opportunity to access the application premises other than from the front, the likelihood is that any potential disturbance from customers entering and leaving the restaurant premises would not impact directly on the residential area behind and further along St Stephens Road, nor would it result in any extension of late night

activity over what exists now.

21. In view of the applicant's intention to trade only up to 10pm it is considered that there would be little additional adverse impact on the amenity of adjoining residents if these opening hours were adhered to. Accordingly it is proposed to condition any permission for a 10pm closure as required by the applicant.

## **Design**

### **Conservation Area – Impact on Setting**

22. The proposals would not have a significant impact on the appearance of the building; the only external alteration being the installation of the cooker extraction vent in the roof at the rear. The rear elevation is not directly visible from the street either from St Stephens Road or St Stephens Square and the vent would be unobtrusively sited. Consequently it is considered that there would be no unacceptable impact on the character and appearance of the street scene, on the neighbouring locally listed building, nor on the character and historic interest of this part of the Newmarket Road Conservation Area.

## **Transport and Access**

### **Vehicular Access and Servicing**

23. The site is almost entirely landlocked and the outbuildings immediately to the rear fall within the control of the Coachmakers Arms (9 St Stephens Road) whose curtilage extends along the rear of numbers 11 and 13. Given the lack of circulation and amenity space around the premises it is therefore considered that servicing arrangements require careful management to ensure this can be achieved satisfactorily, given the highlighted problems of noise and disturbance from waste collection to nearby premises at unsociable hours. Accordingly it is proposed that any permission should be conditional on further information on these matters being submitted within a waste and servicing statement.

### **Car Parking and Public Transport Access**

24. There is no on-site parking available, and the applicant's expectation is that restaurant customers would make use of the public parking facilities in the city centre and reach the premises on foot. The site is on a high frequency bus route close to City centre stops with additional stops in St Stephens Road nearby and the Bus Station less than 200m walk away.
25. The immediate surrounding areas fall within residents-only controlled parking zones S and V which operate 24 hours a day, although areas slightly further afield (south of Kingsley Road) only have such parking restrictions in place between 8.30am and 6.30pm. On balance it is considered that the proposal should not add appreciably to problems of sporadic parking in residential areas and can therefore be accepted.
26. The highway safety problems arising from unauthorised short-term parking on St Stephens Road to use the nearby takeaway (and the previous coffee shop here) are acknowledged. Stopping on the highway on double yellow lines, parking in a bus lane or obstructing the footway are all offences which can be dealt with under police and highways enforcement powers (although it should be noted that the sale of hot *drinks* to take away from a sandwich bar would not in itself constitute a change of use in planning law, only takeaway hot food would).
27. Given the site's situation close to an existing takeaway, the end of a bus lane on a high frequency bus corridor and the immediate approach to the busy roundabout junction with manoeuvring traffic, it is considered that any hot food takeaway use here would be

unacceptable on highway safety grounds, particularly as the St Stephens Road/Newmarket Road route is earmarked for future bus priority measures within the latest Norwich Area Transport Strategy programme. Accordingly a condition expressly preventing the sale of takeaway food from the premises is recommended.

### **Pedestrian Links**

28. As noted above the premises are only 50 metres south of the central shopping area and can be readily accessed on foot from the centre, crossing the Inner Ring Road via safe and convenient pedestrian crossing points. Accordingly the proposal is considered to achieve a satisfactory level of pedestrian accessibility. The lack of any dedicated cycle parking on site (or the opportunity to provide it) is acknowledged but in the circumstances it is considered that customers would not be visiting the site primarily by bike.

## **Environmental Issues**

### **Waste Management**

29. As noted in paragraph 18 above more details are needed on the provisions to be made for waste disposal and servicing and these matters can be reserved by condition.

### **Noise**

30. Substantive issues relating to potential noise and disturbance from customers are dealt with above. Immediate noise to adjoining premises from the fume extraction and filtration system will be addressed by noise limiters within the filtration and extraction system, which the applicant has confirmed could form part of the system to be installed. A condition shall be attached to any permission to require suitable noise limiters to be installed within the ventilation and extraction system, the details for which shall be approved in advance.

### **Air Quality and Odour**

31. The adjoining commercial occupier has referred to particular smell nuisance to customers using the upper floor hair salon at number 11, stating that food odours from the existing Indian takeaway and the Coachmakers Arms public house regularly cause “a miasma of smells” at particular times of the day which are exacerbated by continual airflow disturbance from the passing traffic and could be worsened by this proposal. These issues have been investigated and have resulted in amendments to the scheme as originally submitted in the October application, which would have vented the extraction system through the rear wall immediately next to the upper floor salon windows at number 11.
32. The siting of the fume extraction vent has now been further revised to reposition it on the rear roof of the building furthest away from number 11. The Environmental Health Officer has confirmed that the filtration system proposed (which incorporates carbon filters to the appropriate technical standards) should be adequate to minimise smell nuisance to neighbours.
33. As is usual in these cases a condition is proposed requiring details of a regular maintenance schedule for the extraction system, to ensure that it is kept in good working order.

## **Conclusions**

34. Subject to appropriate conditions, a restaurant use within this fringe of centre location is considered acceptable in principle and accords with national advice in PPS4 to encourage a mix of supporting uses and services in such locations. The premises are highly accessible by a range of modes of transport and can be reached on foot from the city centre safely and conveniently. The lack of vehicle and cycle parking on site is

acknowledged but is considered acceptable in this central location which is close to ample public parking. 24-hour residents-only parking controls apply in the immediate surrounding area which should be adequate to prevent indiscriminate customer parking on street. However, there would be legitimate highway safety concerns with the principle of allowing any takeaway hot food element so close to a busy junction and a bus lane which is likely to be more heavily used in future. Accordingly a “no takeaway hot food” condition is recommended.

35. The premises are situated on a main road in a predominantly commercial area and are well screened and oriented away from the nearest residential properties. An opening hours condition to maintain the intended focus of the business on the daytime and early evening trade should ensure that there is no intensification of late night opening uses to the possible detriment of residential amenity. The technical specification of the proposed filtration system has been confirmed as adequate to prevent excessive noise and smell nuisance and the extraction vent has been re-sited to reduce the impact on immediate neighbours so far as is practicable. The external alterations would have a minimal effect on the appearance of the building and are acceptable within the Conservation Area.

## **RECOMMENDATIONS**

To approve Application No 09/01546/F, 13 St Stephens Road and GRANT PLANNING PERMISSION, subject to the following conditions:-

1. Standard time limit.
2. Opening hours restriction: premises open to the public only between the hours of 11am and 10pm (1100 hours-2200 hours) on any day.
3. No takeaway hot food sales from the premises at any time.
4. Prior to the installation of the extract and ventilation system, details of noise limiters to be included in the system shall to be agreed.
5. Prior to commencement of use, a refuse and servicing statement shall be submitted and approved detailing the arrangements for on-site refuse storage, servicing, deliveries and waste collection/disposal times.
6. Prior to commencement of use, details to be submitted of a regular schedule of maintenance for the fume extraction/filtration system.
7. Development to be carried out in accordance with submitted plans.

Reasons for approval:

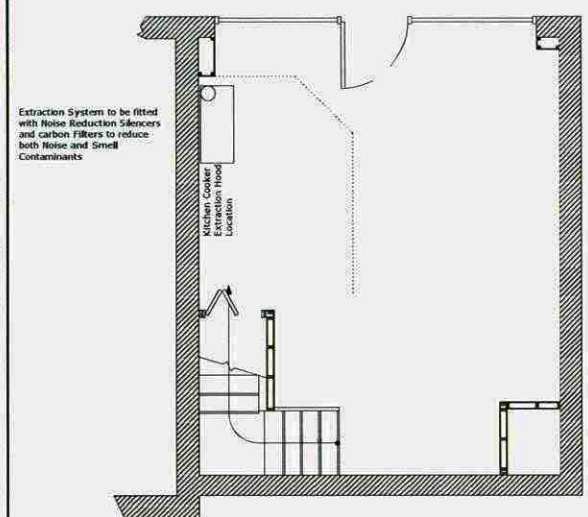
The decision to approve this application and grant planning permission has been made having regard to national policy as set out in Planning Policy Statement 1 (PPS1), Planning Policy Statement 4 (PPS4) and Planning Policy Guidance Note 15 (PPG15); policies SS6, ENV6, ENV7 and WM6 of the East of England Plan (adopted May 2008) and saved policies HBE8, HBE12, EP10, EP22, SHO22, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (adopted November 2004). The proposed restaurant is considered to be an acceptable and appropriate supporting service in this commercial frontage which is on the fringe of the City Centre for planning purposes and which has convenient pedestrian access to the main focus of commercial and retail activity within the primary shopping core only 50m away. The proposal is considered unlikely to harm the overall vitality, viability or retail function of this part of the centre or undermine the City Council's retail strategy as a whole. Off-street parking is available in the vicinity and appropriate provision has been made for fume extraction and ventilation. Subject to conditions preventing takeaway food sales, appropriate restrictions on opening hours, refuse management and the other conditions listed, the proposal would not have a detrimental impact on the appearance of the street frontage or on



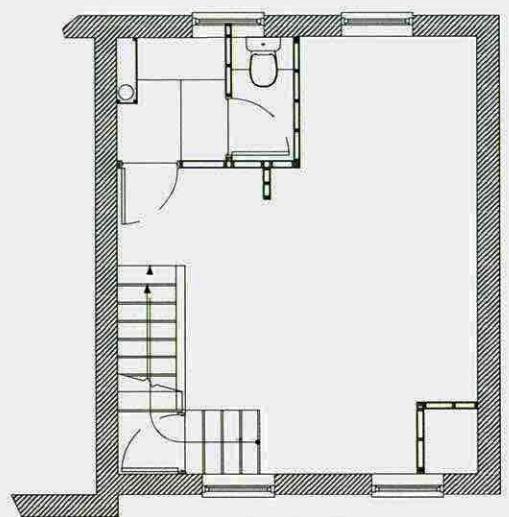
the character and historic interest of this part of the Newmarket Road Conservation Area, nor result in any significant loss of amenity or outlook for neighbouring residents and commercial occupiers in St Stephens Road by reason of noise or smell nuisance or visual amenity.

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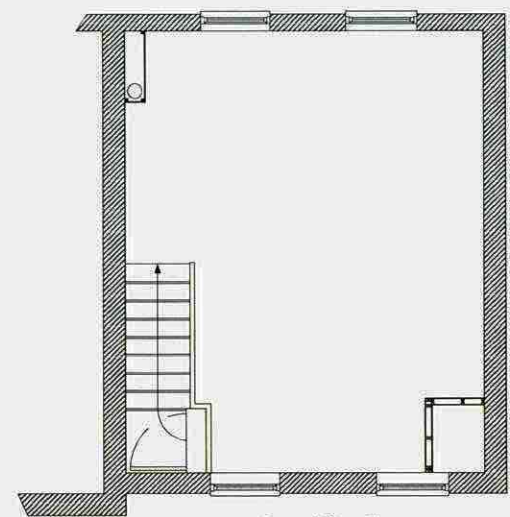
REVISED



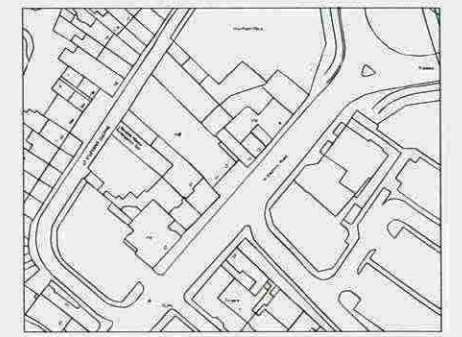
**Ground Floor Plan**  
Scale 1:50  
Dotted line indicates existing kitchen/preparation Area



**First Floor Plan**  
Scale 1:50  
Floor plan showing existing cloakroom and WC



**Second Floor Plan**  
Scale 1:50



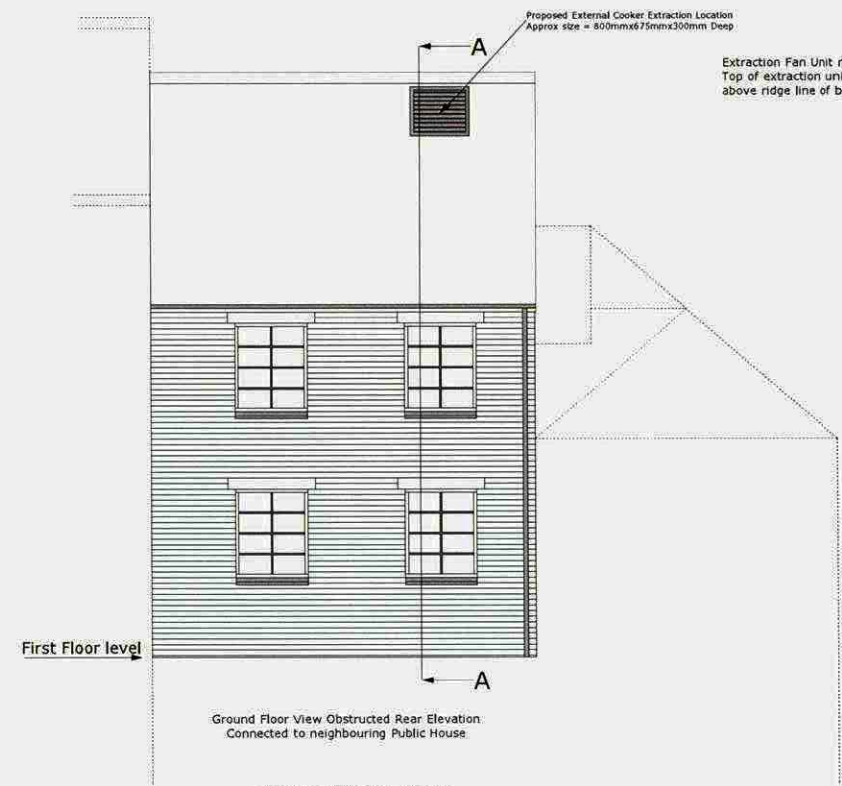
**Location Map**  
Scale 1:1250



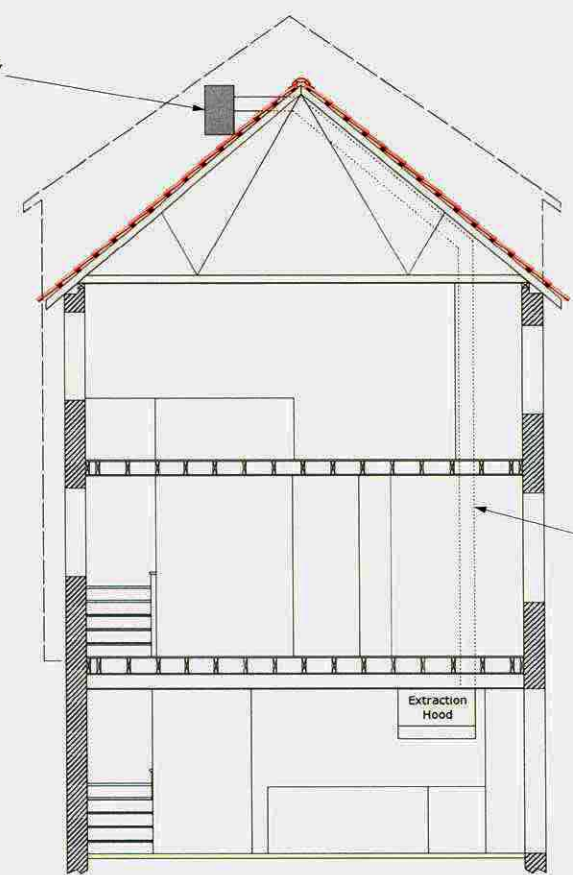
**Site Plan**  
Scale 1:500



**Existing Rear Elevation**  
Scale 1:50



**Proposed Rear Elevation**  
Scale 1:50

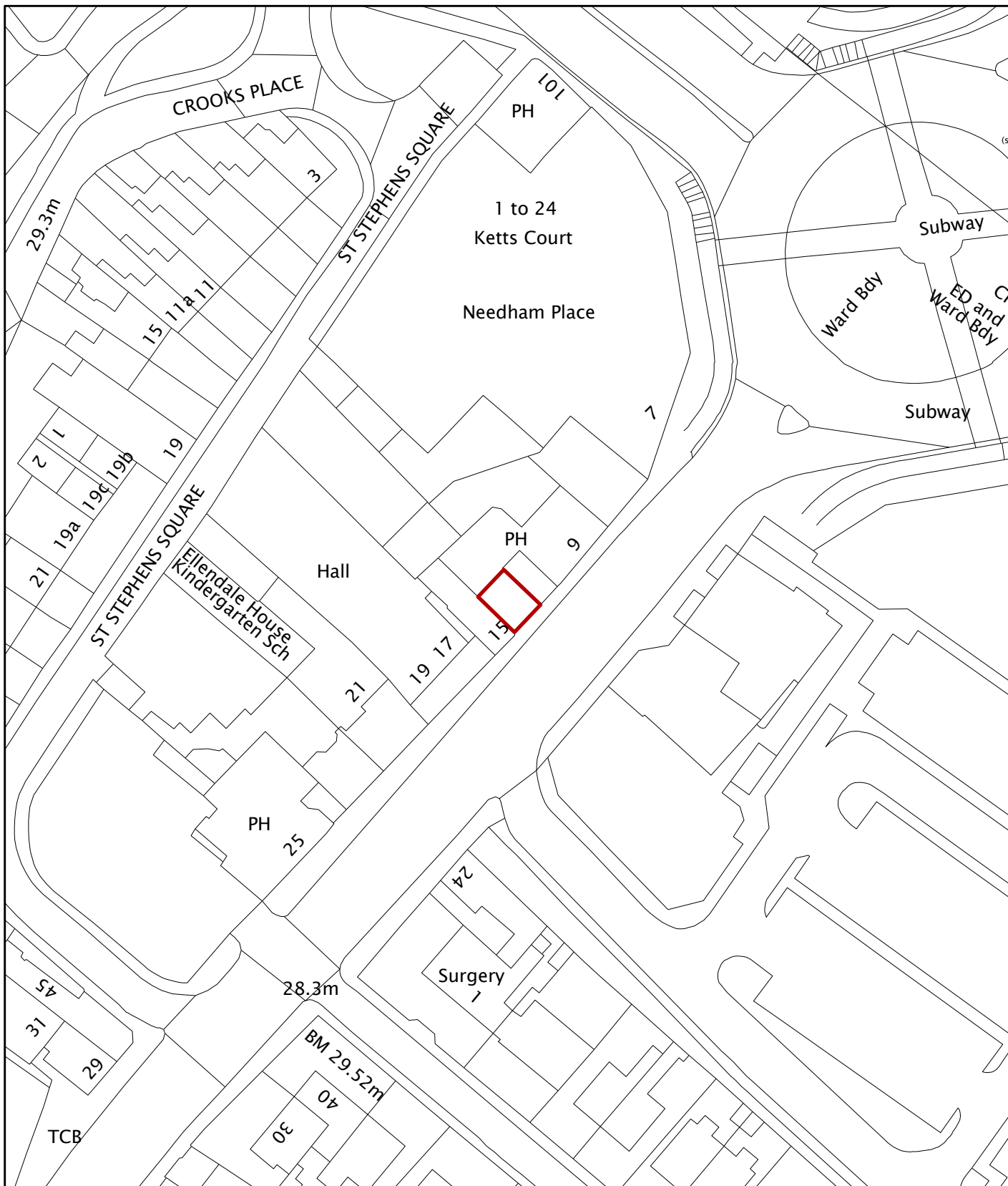


**Proposed Section A-A**  
Scale 1:50

C	Extraction Unit moved along H.J.B road away from 11 St Stephens Road	24/02/10			
B	Extraction now positioned on H.J.B rear roof of building and ducting route amended	14/12/09			
A	Extraction ducting and plan view of rear extraction unit added	30/10/09			
Revision	Description	Drawn	Date		
Job Ref	Org Ref	Date	Scale	Drawn	Paper Size
PD1-91	P001	08/10/09	1:50	H.J.B	A1
Title Maps, Plans and Existing and Proposed Elevations					
Project 13 St Stephens Road Norwich NORFOLK NR1 3SP					
Client Mr A Rose					

Organisational Development  
24 FEB 2010  
Planning Reception

**Pelorus**  
PLANNING • LAND • SALES • LETTINGS  
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Planning Application No - 09/01546/F  
 Site Address - 13 St Stephens Road, Norwich  
 Scale - 1:750



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PLANNING SERVICES

