

Report to Planning applications committee
Date 7 August 2014
Report of Head of planning services
Subject 14/00719/F 222 Sprowston Road Norwich NR3 4HT

Item
4(5)

SUMMARY

Description:	Change of use from Butchers (Class A1) and flat to hot food take away (Class A5) and flat including the installation of an external extraction flue.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Sewell
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	2nd July 2014
Applicant:	Mr Xun Qiang Zhou
Agent:	Mr Xun Qiang Zhou

INTRODUCTION

The Site

Location and Context

1. The site is located on the corner of Sprowston Road and Tillett Road East, opposite St George's RC Church and neighbouring "Golden Chicken and Fish Bar" hot food takeaway.
2. The application building has most recently operated as a Butchers across part of the ground floor with the remaining floor space at ground and first floor occupied as a single dwelling.

Planning History

3. No relevant planning history

Equality and Diversity Issues

There are no significant equality or diversity issues. Level access is provided to the shop front.

The Proposal

4. The proposal is for a change of use from a Butchers (Class A1) and flat to a hot food takeaway (Class A5) and flat including the installation of an external extraction flue.

Representations Received

5. Adjacent and neighbouring properties have been notified in writing. A total of eight letters of objection have been received from a total of three persons citing the issues as summarised in the table below.

6.

Issues Raised	Response
Noise pollution from extraction	Paras 10-13
Inadequate parking	Paras 19 & 21
Oversupply of food outlets in the area	Para 23
Antisocial behaviour	Para 16
Odour	Paras 14 & 17
Concern over location of refuse	Paras 17 & 20
Unacceptable opening hours	Paras 15 & 16
Various issues with the application form	Para 24

Consultation Responses

7. Environmental Health – No objection subject to the imposition of conditions.

8. Transportation – No objection on transportation grounds subject to condition requiring cycle parking/refuse detail.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Section 1 – Building a strong, competitive economy

Section 4 – Promoting sustainable transport

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 2 – Promoting good design

Policy 5 – The economy

Policy 6 – Access and transportation

Policy 12 – Remainder of Norwich area

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

HBE12 - High quality of design in new developments

EP5 – Air pollution emissions and sensitive uses

EP22 - High standard of amenity for residential occupiers

TRA5 - Approach to design for vehicle movement and special needs

TRA6 - Parking standards - maxima

TRA7 - Cycle parking standards

TRA8 - Servicing provision

Other Material Considerations

Emerging DM Policies (submitted for examination):

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

- DM1 Achieving and delivering sustainable development
- DM2* Ensuring satisfactory living and working conditions
- DM3* Delivering high quality design
- DM11* Protecting against environmental hazards (objection received in relation to noise)
- DM24 Managing the impacts of hot food takeaways
- DM30* Access and highway safety
- DM31* Car parking and servicing

*These policies are currently subject to objections or issues being raised at pre-submission stage. Even where DM policies have been objected to, the objection may concern only one aspect of the policy and significant weight may be applied to that policy depending on what extent the objection relates to this proposal. For clarity, the level of weight that can be attributed to each DM policy has been indicated above.

Principle of Development

Policy Considerations

9. The site is not located within a district or local centre and the loss of the retail unit does not therefore need to be assessed. The proposal would help support the development needs of a small business in line with the objectives of the NPPF and policy 5 of the JCS.

Impact on Living Conditions

Noise, Odour and Disturbance

10. The proposed takeaway use could lead to additional noise and odour disturbances, especially when taking into consideration the extraction associated with the kitchen. The site neighbours residential properties both to the west (number 1 Tillett Road East) and to the north where a flat is located at first floor level above the "Golden Chicken and Fish Bar". In order to prevent noise and odour from harming the amenity of the neighbouring households several conditions are recommended to mitigate against the activities associated with the takeaway use.
11. The operators of the proposed takeaway business will also be the occupant of the flat, much in the same way as the Butchers has operated previously. There is no need for additional noise attenuation measures to be required between the takeaway element and the flat but this would only be the case if the residential space were to remain ancillary to the use of the takeaway business and occupied by persons having a close connection with the takeaway. This will be conditioned as part of any

planning permission therefore.

12. The most significant aspect of the proposal in terms of raising potential for noise and odour disturbance to the surrounding environment comes from the extract plant. The extraction system is proposed to extend up the north elevation of the building facing the neighbouring "Golden Chicken and Fish Bar". The neighbouring premises also has residential occupants living at first floor but it is understood that they are not associated with the takeaway business at ground floor level. There are two windows at first floor level facing onto the application building which would also be adjacent to the proposed extraction system. Whilst there are already two extraction flues positioned between the two windows on the wall of the neighbouring premises (pertaining to "Golden Chicken and Fish Bar"), it will be important to ensure that the additional flue does not increase background noise levels to an unacceptable level with reference to the noise policy statement for England and WHO guidelines for internal noise levels.
13. Planning permission will be conditions would prevent the use of any extraction plant/machinery until it has been enclosed with sound insulating material and installed in such a way to ensure that noise levels emanating from the premises are of an acceptable level. This will require a noise assessment to be undertaken and scheme to be submitted to the local planning authority for approval before any extract ventilation can be used.
14. A condition shall also be added to any permission requiring a scheme to be submitted for the position of the ventilation flue and type of filtration or other fume treatment to be used in pursuance of this permission, together with a schedule of maintenance. This will ensure that the extract ventilation does not cause any odour disturbance to the neighbouring residential premises.
15. In the absence of a noise impact assessment to demonstrate that later opening hours would not result in harm to the residential amenity of neighbouring properties it is considered necessary to restrict operational opening hours to no later than 23:00 hours on any day, which would then not permit the takeaway to open into "night-time" hours as defined by the WHO. Sprowston Road is a busy road creating a fairly significant background noise and it is possible that later opening hours (in line with that proposed by the applicant) would be acceptable but without any supporting evidence to demonstrate otherwise, the earlier opening hour restriction is appropriate. If later opening hours were desired by the applicant then it would be necessary to apply to vary the opening hour condition with a supporting noise impact assessment to demonstrate no unacceptable increase in background noise would ensue.
16. There is no reason to suggest that the takeaway business will result in an increase in anti-social behaviour that could harm the amenities of neighbouring properties. Opening hour restrictions will ensure that people do not visit the site during later hours.
17. An objection has been received relating to the potential for odour from refuse storage. The applicant has now proposed to store refuse away from any neighbouring property although further details of refuse storage will need to be agreed by condition to ensure sufficient storage capacity and suitable location.
18. With the imposition of conditions the takeaway will not give rise to any unacceptable environmental impacts and the proposal is therefore considered in accordance with

policy DM24 of the emerging development management plan which can be attributed significant weight in the absence of any objections having been received prior to submission to the Secretary of State for inspection.

Design

19. The only element of the proposal in need of assessment in design terms is the extraction flue. Details of the flue, including position, will be agreed by condition but the proposed location on the north elevation of the premises is discreetly located in terms of minimising any impact on the street scene.

Transport and Access

Vehicular Access and Servicing

20. There is adequate parking both on site and on the street to enable deliveries to be made to the business, which are unlikely to be significant in scale or frequency given the relatively small scale of the business.

21. Policy DM24 of the emerging development management plan only permits hot food takeaways if the proposal has safe and convenient access and would not be detrimental to highway or pedestrian safety. The site benefits from adequate on-site parking for staff with a small capacity for on-site customer parking. Unrestricted on-street parking exists in the vicinity of the site which customers would be able to benefit from. The use of the on-street parking spaces by customers will not have a significant impact on local parking provision due to the small scale of the business proposed. The site benefits from adequate pedestrian access.

22. Details of refuse storage will be conditioned to ensure sufficient storage capacity and acceptable location.

Car Parking

23. A total of five car parking spaces are located on site and there is also parking available on the street. These parking spaces are available for both business and residential use. The business is likely to benefit from passing trade and is unlikely to be a major destination that could otherwise place too much strain upon parking provision in the surrounding area.

Cycling Parking

24. Both the proposed takeaway and existing residential use require cycle parking provision for visitors and occupants of the flat. Details of cycle parking will be conditioned upon any planning permission.

Other issues

25. Concern has been raised that there is an oversupply of food outlets in the surrounding area. Competition and supply of similar businesses are not reasons to restrict granting of consent, indeed the NPPF promotes such competition.

26. Various issues have been raised with the application form. The applicant has submitted a revised copy of the application form and sufficient information has been submitted to enable an assessment to be made of the proposal.

Conclusions

27. The proposal would help support the development needs of a small business and will avoid any harm to the amenities of the surrounding area subject to conditions controlling extract ventilation, occupation of the associated flat and opening hours. The proposed takeaway business is relatively small in scale and parking provision is sufficient to meet likely demand and delivery requirements. Subject to conditions therefore the proposal is acceptable and in accordance with the objectives of Sections 1, 4, 7 and 11 of the National Planning Policy Framework (2012), policies 2, 5, 6 and 12 of the Joint Core Strategy for Broadland, Norwich or South Norfolk (2014), saved policies HBE12, EP5, EP22, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations.

RECOMMENDATIONS

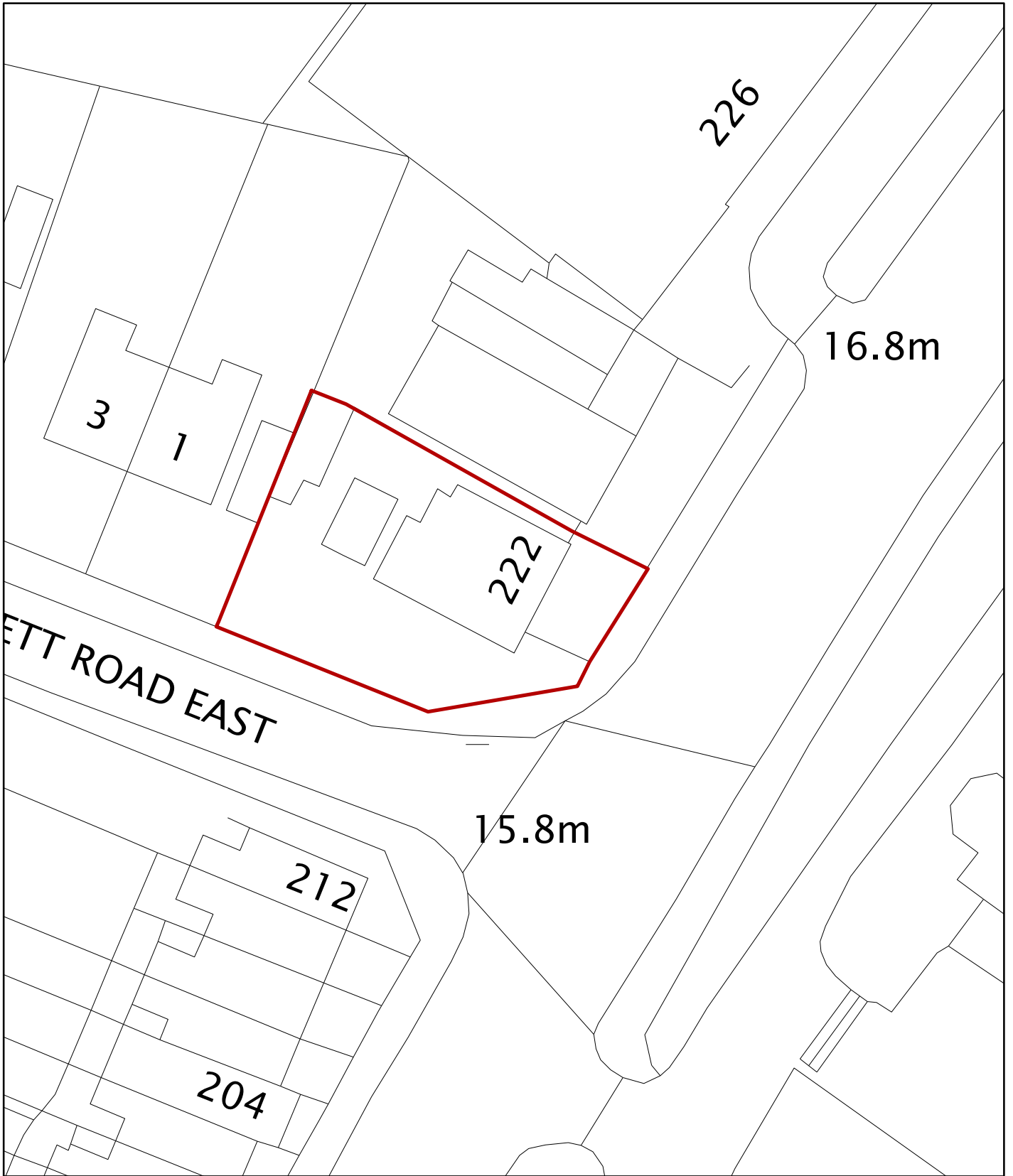
Approve application ref.14/00719/F subject to the following conditions:

- 1) Standard time limit
- 2) Development in accordance with plans
- 3) Details of refuse storage and cycle parking
- 4) Use of the residential space contained within the premises to remain ancillary to the use as a takeaway and shall only be occupied by those persons having a close connection with the takeaway within this address
- 5) No use of extract ventilation plant and/or machinery shall take place on the premises unless and until it has been enclosed with sound insulating/absorbing material and mounted in such a way which will minimise transmission of structure borne sound and will ensure that noise levels emanating from the application premises shall not exceed 45dB at 63Hz C.B.F., 40dB at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises and shall not exceed 37 Db AT 63Hz C.B.F., 30dB at 125Hz C.B.F and NR20 over the frequency range from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises, in accordance with a scheme to be first approved in writing by the local planning authority and once enclosed, it shall be retained as such thereafter.
- 6) No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include 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, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place until the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the system, including any flue, shall be carried out in accordance with the scheme as agreed.

- 7) No operational use of the premises which form the subject of this permission and outlined in red on the approved location plan shall take place other than between the hours of 07:00 and 23:00 on any day.

Informatives:

- 1) Refuse and recycling bins for residential development: All bins to be purchased by the applicant prior to occupation, in agreement with Norwich City Council city wide services department. Customer Contact Team: 0344 980 3333, info@norwich.gov.uk Contact transport@norwich.gov.uk for the refuse guide for developers.
- 2) Street naming and numbering: Contact Kay Baxter at Norwich City Council, tel 01603 21 2468 (Mons & Tuesdays only)
- 3) Cycle stands: covered and secure or freestanding stands ii) Sheffield Stand: Brushed stainless steel.



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Planning Application No 14/00719/F
 Site Address 222 Sprowston Road

Scale 1:348



NORWICH
 City Council
 PLANNING SERVICES

