

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 14 January 2010  
**Report of** Head of Planning Services  
**Subject** 09/01083/U - 73 Grove Road Norwich NR1 3RL

**Item**  
**5(1)**

### SUMMARY

<b>Description:</b>	Change of use from launderette (sui generis) to hot food takeaway (Class A5 )
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve with conditions
<b>Ward:</b>	Town Close
<b>Contact Officer:</b>	Jonathan Bunting Planner, Development Management 01603 212506
<b>Valid date:</b>	6th November 2009
<b>Applicant:</b>	D N Grady And Sons Limited
<b>Agent:</b>	Arnolds Chartered Surveyors

### INTRODUCTION

#### The Site

##### Location and Context

1. The application premises are located on the east side of Grove Road between Southwell Road and Trafford Road some 0.4km south of the City Centre. 73 Grove Road is one of seven similarly sized units within a purpose-built 1960s shopping parade which also includes a Tesco Express local foodstore at its north end. This parade, together with adjoining shops and commercial premises nearby in Grove Road, forms the Grove Road local shopping centre as defined in the City of Norwich Replacement Local Plan. The application premises were used as a launderette for very many years until they were vacated in September 2009. 73 Grove Road is one of two vacant units in the parade, the other being a former bookmakers' premises at number 67, for which planning permission was granted for change of use to a hot food takeaway in October 2009 (application 09/00475/F).
2. Adjacent uses include a dry cleaners, hairdresser, mobility equipment shop for disabled persons, a coin and memorabilia shop, a florist, a coffee shop and a speciality butchers. A pub, The Trafford Arms, is located just south of the shopping parade at the junction of Trafford Road. To the rear is a shoppers car park (accessed from Rowington Road) and some outbuildings in the residential gardens of houses in Rowington Road behind. The application premises are some distance away from the nearest housing and back directly onto the shoppers car park. On the opposite side of Grove Road is a recently completed development of seven residential flats (Windham House, 58 Grove Road); adjoining these

are a beauty salon and a residential letting agent (with residential flats over) which also fall within the defined local shopping centre .

3. In addition to the shoppers car park at the rear, there is a short stay (30 minute) car parking bay in front of the shopping parade.
4. Grove Road is a secondary route giving access from the extensive residential areas around Trafford Road and Grove Walk into the City centre (and to the nearby Sainsbury store) and also provides an alternate route to Ipswich Road for outbound traffic from the city. It is generally fairly busy with traffic during the day. This part of Grove Road is also on a bus route (17/17a) with a stop nearby in Trafford Road.

### **Planning History**

5. Although the shopfront to the launderette had been modernised fairly recently, no planning applications have been made on these premises since the completion of the Grove Road shopping parade and the installation of the previous (original) shopfront in the mid-1960s.

### **The Proposal**

6. This is an application for permission in principle to change the use of the premises to a hot food takeaway (use class A5). Members should note that the authorised planning use of this unit as a launderette is a sui generis use in planning law. A launderette is not a shop (use class A1) for planning purposes.
7. No further details have been provided in support of the application aside from a short Design and Access Statement describing the proposal and the context of the site, and confirming that any required alterations in connection with the change of use would be the subject of a separate future application. Proposed hours of opening are not specified.

### **Representations Received**

8. Adjacent and neighbouring occupiers were notified in writing on 17th November 2009 . Two letters of objection have been received (including a representation from a ward councillor) citing the issues as summarised in the table below.

Issues Raised	Response
Launderette was a valued local facility for elderly people and its loss will restrict choice in the area. It should be encouraged to reopen.	Launderette closure and precise use of individual shop units are business decisions outside the control of the City Council and are not material planning considerations. See para 18.
Limited parking to front of shops: proposal likely to escalate existing problems of traffic congestion arising from use of parking bay by foodstore delivery drivers and would create additional hazards for pedestrians.	Not accepted: short stay parking is adequate and peak hours of usage of takeaway are unlikely to coincide with those of adjoining shops or clash with typical foodstore delivery periods. See paras 22, 23
Takeaway will add to litter problems already evident in and around the shopping parade.	Not accepted: these matters can be adequately controlled by a waste management condition. See para 24.

Takeaway will give rise to increased problems of noise and anti-social behaviour.	Accepted in part (although anti-social behaviour is not considered to be a serious problem here); opening hours condition recommended. See paras 20, 24.
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## Consultation Responses

9. Environmental Health have responded requesting a condition restricting opening hours to between 0700 and 0000 hours to reduce potential late night noise nuisance, together with a condition requiring full details of the ventilation/fume extraction system to minimise potential smell nuisance to neighbours.
10. Planning policy officers have raised no objections to the principle of the change of use, as no loss of retail is involved; however opening hours should be limited in line with Environmental Health recommendations to protect residential amenity.
11. In response to the specific traffic concerns raised, the Council's Transportation Planner has also been consulted. He considers that in view of the likely peak hours of operation of the proposed takeaway, an objection on the grounds of worsened traffic and parking problems or risks relating to pedestrian safety could not be sustained. Additionally, takeaways are regarded in national planning policy as appropriate supporting services in local shopping centres such as this.

## 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 6 (PPS6) – Planning for Town Centres  
 Planning Policy Statement 24 (PPG24) – Planning and Noise

#### Relevant East of England Plan Policies

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

#### Relevant Saved City of Norwich Replacement Local Plan Policies

SHO15 – Changes of Use within District and Local Centres  
 SHO22 – Food and Drink uses and conditions on hot food takeaways  
 HBE12 – Design  
 EP22 – Residential Amenity  
 AEC3 – Resistance to loss of buildings in community use  
 TRA6 – Parking  
 TRA8 – Servicing provision

## **Principle of Development**

### **Policy Considerations**

12. National policy in PPS1 seeks to ensure that development is appropriately and accessibly located in accordance with sustainable principles. Planning Policy Statement 6 seeks to safeguard the vitality and viability of town centres (as well as smaller local centres) by encouraging accessibly located shopping development and other supporting services and facilities. 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 ENV7 requires a high quality of design in all new development, whilst Policy WM6 requires new development to make proper provision for waste management and disposal.
14. City of Norwich Replacement Local Plan Policy SHO15 aims to protect the retail function of district and local centres by encouraging development and facilities contributing to their vitality and viability and requiring at least 60% of the units in those centres to be in retail use. Policy SHO22 applies controls over food and drink uses (including hot food takeaways) by allowing limits on opening hours and resisting proposals which would have unacceptable effects on neighbourhood amenity or highway safety. Policy EP22 requires that development should not harm the amenity of residents through noise, odour, light pollution or loss of outlook and daylighting. Policy AEC3 aims to resist the loss of buildings in community use; Policies TRA6 and TRA8 require adequate provision for parking and servicing whilst Policy HBE12 seeks a high standard of design in all new development.

### **Other Material Considerations**

15. In view of the recent grant of permission for a similar takeaway at 67 Grove Road (which has not yet been implemented) it is relevant to consider the cumulative effect of both proposals.

### **Retail Implications**

16. Launderettes are not shops in planning law and (as was the case with 67 Grove Road) no loss of retail use is involved: this proposal would merely result in the substitution of one non-retail use for another and the proportion of shops in the local centre would therefore remain unchanged. 5 out of 15 units in this centre are currently in non-retail use (66.6% in retail use). The main consideration in relation to local plan policy SHO15 is the overall impact of the change of use on retail vitality and viability compared with the retention of the launderette.
17. The Grove Road local centre is rare in not offering any hot food takeaways at all: most centres of comparable size in Norwich now have at least two. The nearest takeaways are some distance away in Southwell Road and in local centres at St John's Close and Hall Road/Queens Road (the latter centre also includes a launderette). The proposal would therefore introduce a facility not currently represented in the Grove Road centre (a relevant consideration under policy SHO15); one which is appropriately situated in terms of national and local planning policy and one which is more accessible to its likely catchment than any reasonable local alternatives. It is considered therefore that the centre would continue to offer a satisfactory range and diversity of shopping and would maintain its vitality and

viability even if both this and the proposed takeaway at No. 67 were to proceed. Although it would be desirable to secure a retail use in this unit, there is no policy basis for insisting on the introduction of a shop where none exists at present, and well over 60% of the units in the centre remain in retail use. Consequently, refusal of permission on retail policy grounds could not be supported by planning officers.

18. In response to the points made by an objector, the launderette closure was a business decision outside the Council's control and the circumstances of the closure suggest that the business may no longer have been viable. The Council has no specific planning policies relating to launderettes or requiring that they are kept open and, whilst the loss of the facility is regrettable, the Council cannot insist that a particular business must be retained or that empty shops must be used for particular purposes. Launderettes might be argued to be "local community facilities" for the purposes of Policy AEC3, although this policy relates more to protecting essential services such as surgeries, meeting halls and places of worship. Launderettes, though acknowledged to be useful for some sections of the community, are not essential services and could not, therefore, be protected by that policy. It is considered that since the possibility of the launderette reopening is remote; the shop unit would most likely remain empty for a long period if a viable use cannot be found, which would not be desirable. Rather, the additional pedestrian footfall attracted into the area by the proposed takeaway use would offer benefits to established retailers and would thus support the overall vitality and viability of the local centre, as encouraged by PPS6.

## **Impact on Living Conditions**

### **Noise and Disturbance**

19. There is no residential accommodation within the parade itself, although there are new residential flats opposite the parade at number 58, and over the property agency at numbers 64-66 Grove Road (opposite the pub). The proposed takeaway would back onto a shoppers car park and garages which have a good degree of surveillance and contract security at night.
20. The introduction of a takeaway in addition to the one already approved would inevitably extend late evening activity within this parade, although it should be noted that the nearby Tesco Express foodstore and the Trafford Arms pub already open until 11pm and the pub operates later closures at weekends. The pub has an outdoor smoking shelter and a front forecourt area with tables and seating, which is well-used by pub patrons in the evening. Accordingly there is already a degree of ambient noise from pub customers and shoppers coming and going well into the evenings and it is debatable whether the introduction of a takeaway would add appreciably to the level of noise and disturbance for residents: indeed there is an argument that more late-opening businesses could actually improve neighbourhood surveillance and security. It is considered however that opening hours should be limited to ensure an 11pm closure on Monday to Thursday and on Sundays and a midnight closure on Fridays and Saturdays. These opening hours would be consistent with those of the public house and the opening hours condition imposed on the October permission for the takeaway at No. 67, thus protecting residential amenity and complying with Local Plan policies SHO22 and EP22.

## **Design Issues**

21. A standard condition is proposed requiring full details to be submitted of any fume extraction or ventilation system, in order to minimise smell nuisance and ensure that any extraction plant is appropriately designed and has no detrimental impact on the appearance of the building.

## **Transport and Access**

### **Car Parking, Vehicular Access and Servicing**

22. There is adequate off-street parking space to serve the shopping centre in a dedicated shoppers car park at the rear and a short term parking bay in front of the parade. Whilst there are issues around the alleged improper use of this bay (and the adjacent public highway and paved forecourt) by large vehicles delivering to Tesco Express in the mornings, this is primarily an issue of parking enforcement, traffic policing and proper management by the store operator and is not a material planning consideration which can be taken into account in determining this application.
23. Given the likely peak hours of operation of the takeaway (lunchtimes, early and late evening) it is not considered that there would be a conflict between customer parking and delivery vehicles serving Tesco or any of the neighbouring shops, and there would be adequate provision for takeaway customers to park safely off street. Additionally, a high proportion of visits to takeaways in this area could be expected to be made on foot or by cycle. A refusal of permission could not therefore be supported on the grounds of highway safety or hazards to pedestrians.

## **Environmental Issues**

### **Waste Management, noise and litter**

24. Objectors have raised the issue of potential anti-social behaviour, noise and litter problems from takeaway users. On the first two points, the Transportation Planner advises that there have been few significant problems with antisocial behaviour or crime and disorder from customers congregating outside similarly located local takeaways elsewhere in the city. An opening hours condition would also limit the potential for late night disturbance. Whilst it is acknowledged that the nearby Tesco is a meeting point for (sometimes boisterous) local schoolchildren, this has been the case in this established local shopping parade for many years and does not constitute antisocial behaviour under the meaning of the applicable Act. In relation to litter, waste bins are already provided at either end of the parade outside Tesco and the butchers at 63 Grove Road, and additional litter bin provision would be required as part of a waste management statement to be agreed by condition.

## **Conclusions**

25. The proposed change of use from a launderette to an A5 hot food takeaway does not involve any loss of retail use. The proportion of A1 shops in this local centre would remain above the applicable minimum policy threshold of 60%, and this proposal - both in isolation and in combination with the recently approved takeaway at 67 Grove Road - would thus be unlikely to result in any detrimental impact on the retail vitality and viability of this established local centre. Additionally, national policy advises that takeaways are appropriate supporting services in such centres. Accordingly the principle of the change of use is considered acceptable in terms of saved Replacement Local Plan policy SHO15 and national shopping policies in

PPS6. The takeaway would be located so as to be highly accessible to non-car users and walk-in customers and accords with the sustainable development principles in PPS1.

26. Officers have assessed the issues raised by objectors in terms of potential hazards to traffic and pedestrians, noise and antisocial behaviour. It is considered that (appropriately conditioned to restrict opening hours as detailed above), the takeaway would not result in any detrimental impact on the amenity of neighbouring residents or commercial occupiers. Parking and servicing arrangements are considered adequate and an objection on highway safety or pedestrian safety grounds could not be sustained. The proposal is therefore acceptable in terms of saved Replacement Local Plan policies SHO22, TRA6 and TRA8.
27. Appropriate conditions are proposed requiring full details of any fume extraction/ventilation system and waste management arrangements including litter bins. These should ensure that there is no detrimental impact on the appearance of the building or on residential amenity, and that the proposal accords with saved policies HBE12 and EP22 of the Replacement Local Plan.

## **RECOMMENDATIONS**

To approve Application No 09/01083/U, 73 Grove Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. Submission of details of:
  - a) extract ventilation or fume extraction system;
  - b) regular schedule of maintenance for the extraction system
3. Details of the provisions to be made for the storage and collection of waste (to include public litter bins);
4. Opening hours restriction – not open to the public before 7am (0700 hours) on any day and after 11pm (2300 hours) Monday-Thursday and Sunday or after midnight (0000 hours) Friday and Saturday;
5. Development in accordance with submitted plans.

### **Reasons for recommendation**

1. The decision to recommend approval has been made having regard to national policy as set out in Planning Policy Statement 1 (PPS1) and Planning Policy Statement 6 (PPS6); policies SS6, ENV7 and WM6 of the East of England Plan (adopted May 2008) and saved policies SHO15, SHO22, AEC3, EP22, TRA6 and TRA8 of the City of Norwich Replacement Local Plan (adopted November 2004).
2. The proposed hot food takeaway is considered to be an acceptable and appropriate supporting service for this well-established and well-used local shopping centre and accords with the policies of the adopted development plan. The change of use would not result in the loss of a community use (as defined by saved Replacement Local Plan policy AE3) nor in the loss of a retail use contrary to saved local plan policy SHO15. The proposal would therefore be unlikely to harm the overall vitality, viability or retail function of the local retail centre or undermine the City Council's retail strategy as a whole. Adequate provision has been made for off-street parking and servicing for the

takeaway and, subject to the conditions listed, the proposal would not have a detrimental impact on the appearance of the parade or result in any significant loss of amenity or outlook for neighbouring residents and commercial occupiers in Grove Road by reason of noise or smell nuisance or visual amenity.