

UTT/15/1662/FUL (SAFFRON WALDEN)

Referred to Planning Committee due to commercial interest of District Councillor.

PROPOSAL: Change of use from Class A3/A5 (restaurant/hot food takeaway) to Class A5 (hot food takeaway) including the installation of replacement extraction and ventilation equipment.

LOCATION: 12 Hill Street Saffron Walden

APPLICANT: Mr Joshi

AGENT: Mr Jonathan Rainey

EXPIRY DATE: 28 August 2015

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development. Conservation Area. Within Flood Plain Zone 2. Aerodrome Direction. Archaeological Site. Listed Building. Road Classification Line. Water Authority.

2. DESCRIPTION OF SITE

2.1 The application site is part of an existing two storey building. It is a Listed Building which is located within Saffron Walden Town Centre, along a designated shopping parade.

3. PROPOSAL

3.1 The proposal is a change of use of from Indian restaurant and takeaway (Mixed Use) to a hot food takeaway (Class A5). A new extraction will run from the oven and terminate at the rear elevation. It will run through the new slate roof and terminate approximately 1 metre above the upper floor window. A fresh air intake duct will also rise through the new slate roof at the rear of the site and terminate at a low level.

3.2 The customer service area will be located at the front of the shop, with the main entrance being off Hill Street 9 in the same position as the current entrance (entrance door). The cooking area, including the 'bake and service' area will be in the centre of the shop. A cold room, a washing up area, a WC, and a store room will be located the rear of the store.

3.3 Delivery will be made by car. During the time that delivery drivers are waiting for the food to be made and are back at the site, they will park in the nearby public car parks.

3.4 During the day, one car will be utilised and will, for large parts of the day, be making deliveries. During the evening, which is the busiest time, two cars will be in use.

3.5 The applicant is expecting to purchase from the Council the requisite number of permits to park in the public car parks.

3.6 The proposed takeaway will operate between 11am and 11pm.

4. APPLICANT'S CASE

- 4.1 The applicant supported this proposal with the submission of 'Planning, Design and Access and Heritage Statement.
- 4.2 Applicant argued that it has been demonstrated that the proposed development will be compliant with the relevant and adopted local planning policy. The proposed takeaway would not have adverse impact on the amenity of surrounding occupiers; the character and appearance of the Conservation Area; the special features of the Listed Building or have a detrimental impact on the local highway network.
- 4.3 The proposed change of use will make a positive use on a vacant site and can only enhance the role of Saffron Walden as a retail and service centre. And it will provide approximately 35 No. jobs

5. RELEVANT SITE HISTORY

- 5.1 UTT/0224/05/FUL. Approve with condition. To vary condition C.90B to alter opening hours to 11:30am to 11:00pm Sunday to Thursday and 11:00am to 11:30pm Friday and Sunday.
- 5.2 UTT/0588/91. Approve with condition. Change of use of first floor from offices to beauty salon.
- 5.3 UTT/0726/93. Approve with condition. Change of use of shop to restaurant and hot takeaway and provision of extraction flue.
- 5.4 UTT/0803/90. Approve with condition. Change of use of ground floor from A1 to D2 exercise/toning tables.
- 5.5 UTT/1327/93/FUL. Approve with condition. Change of use of first floor from office to residential accommodation.
- 5.6 UTT/2031/05/FUL. Approve with condition. Proposed part change of use of first floor from staff employed in restaurant accommodation to self- contained flat.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S1 Development Limits for the main Urban Areas
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN3 Flood Protection
- Policy GEN4 Good neighbouring
- Policy GEN8 Vehicle Parking Standards
- Policy ENV1 Design of Development within Conservation Areas
- Policy ENV2 Development affecting Listed Building
- Policy ENV4 Ancient Monuments and Sites of Archaeological Importance
- Policy ENV11 Noise Generators

- Policy RS2 Town and Local Centres
- Policy SW1 Town Centre

7. TOWN COUNCIL COMMENTS

7.1 No objection.

8. CONSULTATIONS

ECC Highways Authority

8.1 No objection because the proposal is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 adopted (2005).

Environmental Health Officer

8.2 No objection subject to recommended planning conditions.

ECC Suds Team

8.3 Awaiting for comments which will be reported in the Supplementary Planning Committee Report.

9. REPRESENTATIONS

9.1 Five objection letters received for the following reasons:

- The proposal would generate traffic, noise and odour
- The opening hours would cause nuisance to the local surroundings
- Parking problems

9.2 Councillor John Lodge- stated his surprised by the Highways comments here. The reality of this application could be a very large increase in short term parking outside of the premises on a narrow and congested piece of road. Surely it is the role of ECC Highways to take such consideration.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the proposal (ULP Policy S1)
- B Whether the proposed change of use would be in conflict with town centre retail policy (ULP Policies RS2 and SW1)
- C The impact of the proposal on the amenity of the adjoining occupiers (ULP Policies GEN2 and GEN4)
- D The heritage impact (ULP Policies ENV1, ENV2 and ENV4)
- E Impact on flood zone area (ULP Policy GEN3)
- F Traffic impact (ULP Policies GEN1 and GEN8)

A The principle of the proposal (ULP Policy S1)

- 10.1 Policy S1 affirms that the development limits of the existing main urban areas and proposed urban extensions for Great Dunmow, Saffron Walden and Stansted Mountfitchet development will be permitted with the existing built up areas, if compatible with the character of the settlement.
- 10.2 In land use terms the application site is located within development limits which is within a designated shopping parade of Saffron Walden Town Centre which comprised of mixed use such as retail, commercial units, restaurants, offices and residential premises.
- 10.3 Given the mixed use character of this part of Saffron Walden Town Centre the principle of the proposed change of use from a restaurant/takeaway (Class A3/A5) to a hot food takeaway (Class A5); the installation of extract/ventilation ducting equipment; as well as the proposed external alterations to the building can be considered acceptable subject to the evaluation and assessment of its impact on the character and amenity of the area.

B Whether the proposed change of use would be in conflict with town centre retail policy (ULP Policies RS2 and SW1)

- 10.4 Policy RS2 states that retail, commercial and community uses or mixed-use development including a residential element will be permitted in the centres of Saffron Walden if it meets the following criteria:
- It maintains or enhances their role as retail and service centres;
 - It does not harm their historic and architectural character;
 - It contributes to the diversity of retail and other commercial activity;
 - It does not result in significant loss of houses or flats in the centres;
 - It does not prejudice the effective use of upper floors as living or business accommodation.
- 10.5 The application site is currently vacant. The principle of the proposal is compatible with the land use activities in the area as it would enhance the role of this part of the Saffron Walden Town Centre.
- 10.6 The proposed alterations to the façade and internal parts of the building would not harm the setting of the Listed Building or the appearance and character of the Conservation Area.
- 10.7 The proposed change of use from restaurant/hot food takeaway (Class A3/A5) to hot food take away (Class A5) is considered acceptable because it would maintain the diversity of commercial activity within this part of Saffron Walden shopping centres. Given that the application site has been vacant since July 2014 and all efforts done through marketing it for retail use did not attract any potential applicant; and the proposal would not significantly result to loss of flats above the ground floor because this application only relates to the ground floor vacant shop. Hence, the benefit of this application can be seen from bringing the vacant shop to an economic use that would be compatible to the land use activities within this part of Saffron Walden Town Centre area. And as such this proposal is welcome because it would improve the local economic development within this part of the Town Centre.

C. The impact of the proposal on the amenity of the adjoining occupiers (ULP Policies GEN2 and GEN4)

10.9 Part of the proposal involves the installation of replacement extraction ventilation ducting which has attracted some concerns from adjoining occupiers because it might generate nuisance such as cooking odour.

10.10 The planning history of the site revealed that the planning application registered as UTT/0726/93/FUL which was granted planning permission in 1993 for the restaurant and hot food takeaway included a condition which stated that “the premises shall not be open to the public outside the hours 5.30pm - 11.00pm Sunday to Thursday and 5.30pm to 11.30pm Friday and Saturday”.

10.11 Given the history of the site in order to protect and safeguard the amenity of the adjoining occupiers to the proposed change of use from restaurant/hot food takeaway to Class A5 (hot food takeaway including the installation of replacement extraction and ventilation equipment; it is your Planning Officer’s opinion that the same open hours should be imposed to the current application. And this would be secured through planning condition.

D. The heritage impact (ULP Policies ENV1, ENV2 and ENV4)

10.12 The application site is a Grade II Listed Building which located within a designated Conservation Area which makes a positive contribution to its character and appearance by reason of its siting, materials, form and detailing. .

10.13 Despite the proposed extraction ventilation ducting or flue would be taller than the existing, and proposed intake duct with ‘mushroom cowl’ the Conservation Officer advised that it would cause less than substantial harm to the heritage asset. And the opportunity to improve the existing appearance from the elevation would be by painting the new flues in a matt black coating, in order to reduce their visual impact from the street scene or public realm. Overall, the Conservation Officer agreed to the proposed flues and recommended appropriate planning conditions in order to ensure the proposed flues are sympathetic to the setting of the Listed Building, the character and appearance of the Conservation Area.

E. Impact on flood zone area (ULP Policy GEN3)

10.14 The application site is located within functional flood zone 2; hence the proposal would be subject to the outcome of flood risk assessment.

10.15 At the time of assessing this proposal the Essex County Council Drainage Team are have not forwarded their comment or advice for consideration. Any comment received at a later date will be reported in the Supplementary Planning Committee Report (Addendum)

F. Traffic impact (ULP Policies GEN1 and GEN8)

10.16 The application site is located very close to a road junction and it is anticipated that those visiting the restaurant might decide to park very close to the road junction. This could affect road safety. It is equally noted the immediate vicinity is within a restrictive parking zone area which also prevent unauthorised parking.

10.17 In consultation with Essex County Council Highways Authority they advised they have no objection to the proposal because it is not in conflict with the Highway Authority’s

Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the Uttlesford Local Plan Policy GEN1 adopted (2005).

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The principle of the proposal is acceptable because the development is compatible with the land use activities within this part of Saffron Walden Town Centre.
- B The proposal would not be prejudicial to retail outlet in the Town Centre, instead it would bring back a vacant ground floor shop that was last in use as a restaurant and hot food takeaway (Class A3 and/A5) to a hot food takeaway (Class A5) which help to generate the local economic development.
- C With appropriate planning conditions in place the proposed replacement extraction and ventilation equipment and controlled opening hours would not adversely harm the amenity of the adjoining occupiers.
- D The proposal would not adversely harm the traffic in the area.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Act 2004.

2. The development hereby permitted shall not be open to the public outside the hours 11.00am to 11.00pm Monday to Sunday.

REASON: In order to protect and safeguard the amenity of the area in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

3. All equipment detailed in the application, Proforma Annex B Document Rev B (dated 13 August 2015) & Phillips Acoustic report (ref 15001-002) to reduce the impact of noise and odours from the building shall be installed prior to the use of the premises and shall remain fully operational during all times when the premises is operational.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

4. The extraction equipment filters and odour abatement equipment installed in pursuance to Condition 3 above shall be maintained in accordance with S. 5.8 & Appendix 3 of document Proforma Annex B Document Reb B (dated 13th August 2015) to ensure its continued satisfactory operation.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

5. The cooking process shall cease to be operated if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

6. The combined rating level of all plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission, when assessed in accordance with BS:4142: 2014 shall not exceed the background noise level of 39dB L90 (1 hr) between 22:00 – 23:00 and 35dB L90 (1 hr) at night between 02:00 – 03:00

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

7. All plant machinery and equipment (including fans, ducting and external openings) shall be so installed, maintained and operated so as to prevent the transmission of vibration into any premises either attached to, or in the vicinity of the premises to which the application refers.

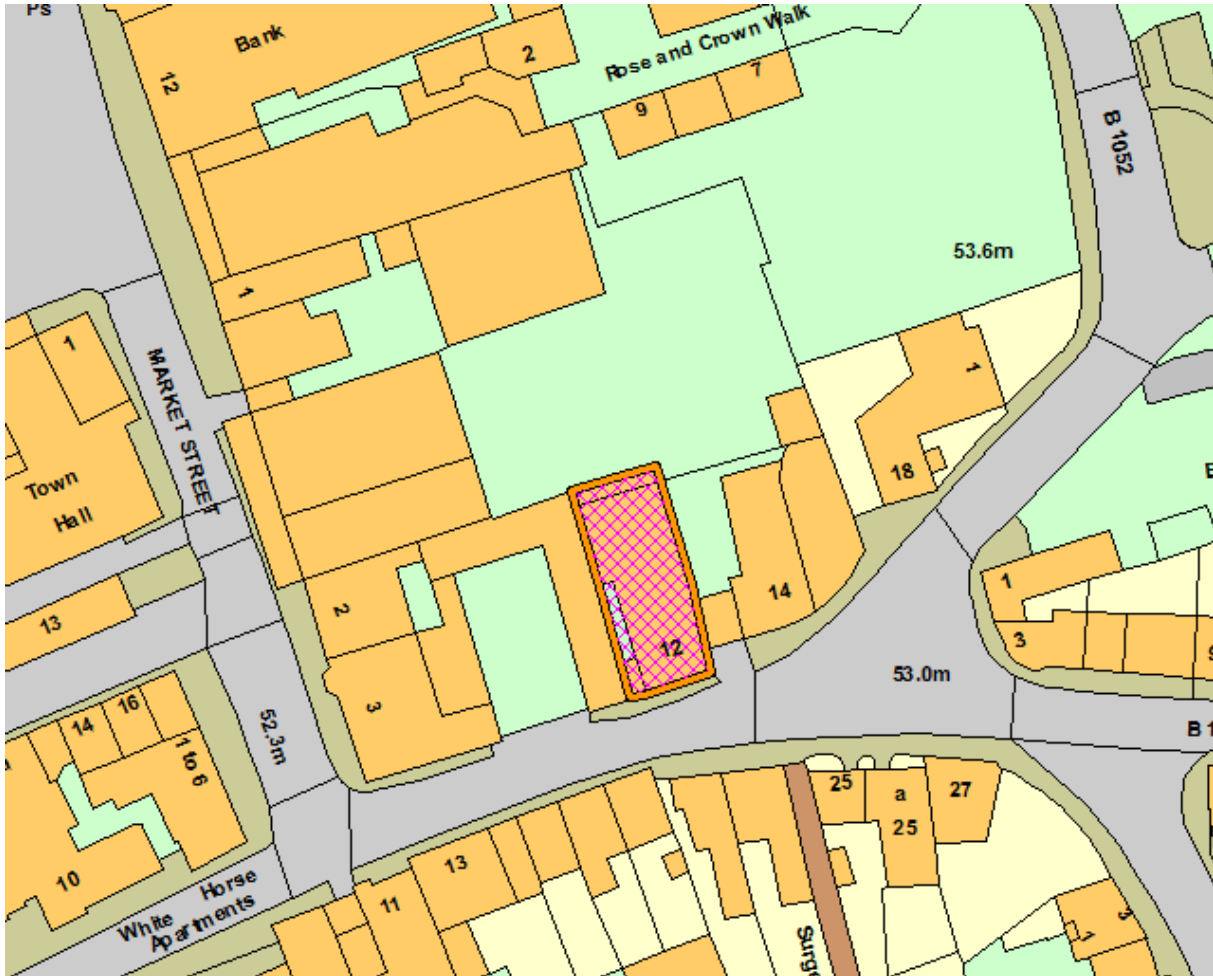
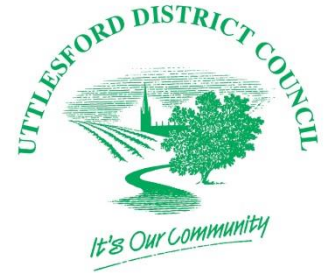
REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policy GEN4 of the adopted Local Plan (2005).

8. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to and from the site outside the hours of 11.00 am to 11.00pm on Monday – Sundays

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN2 of the adopted Local Plan.

Application no.: UTT/15/1662/FUL

Address: 12 Hill Street, Saffron Walden



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Organisation: Uttlesford District Council

Department: Planning

Date: 1 September 2015

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