

<b>Recommendation: Conditional approval</b>	
<b>20192162</b>	<b>68 Queens Road</b>
Proposal:	Change of use from retail premises (Class A1) to hot food takeaway (Class A5); installation of ventilation flue at rear (Amended Plans 06.01.2020)
Applicant:	Mr R Khan
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20192162">https://planning.leicester.gov.uk/Planning/Display/20192162</a>
Expiry Date:	21 January 2020
GB1	WARD: Castle



©Crown Copyright Reserved. Leicester City Council Licence 100019264 (2019). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

## Summary

- Reported to committee as more than 5 objection letters have been received.
- There are 14 objections on the grounds of too many uses in the area, litter, parking, noise and smell.
- The main issues relate to the function of the local centre, noise, residential and visual amenity and the ventilation flue.
- The recommendation is for conditional approval

## Introduction

The site is a mid-terraced unit located within the Queens Road local shopping centre. There is a mix of commercial uses along this part of Queens Road. There are residential units on the upper floors and residential located to the rear of the site.

## **The Proposal**

The application is a change of use of the ground floor from a retail premises (Class A1) to hot food takeaway (Class A5). A flue is also proposed on the rear outrigger and extending 1m higher than the outrigger.

Amended plans include flue ducting and fan situated on the rear most point of building.

The proposed hours of use have been amended from 1100 until midnight weekdays, until 12:30 Saturdays and 2300 Sundays and bank holidays to 2300 every day of the week including public holidays.

## **Policy Considerations**

The National Planning Policy Framework 2019 paragraphs 10-11 makes it clear that the planning system should be genuinely plan led with a presumption for sustainable development.

Paragraph 85 states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 58 describes how in seeking to secure good design planning decisions should focus on, amongst other considerations, the importance of streetscapes in creating attractive places and on the long term impacts of development on the overall design quality of the area.

Development plan policies relevant to this application are listed at the end of this report.

## **Consultations**

Noise and pollution team – Initially concerned with the flue as the flue should have a discharge point which is not less than 1 metre above the highest ridge of the building. In addition had concerns about the proximity of the fan itself to the bedroom window.

## **Representations**

A total of 14 objections have been received making the following points:

- Too many hot food take away premises in the area
- Loss of character of the area with independent stores.
- Impact on the function of the local shopping centre
- Littering
- Dogs eating the bones that are discarded and becoming ill as a result.
- Smell and vermin
- Animal welfare of the chickens that would be consumed
- Noise and general disturbance

.Councillor Kitterick objected to the original proposed hours of use.

## **Consideration**

### Principle of the development

The property is located within an existing local shopping area and therefore the proposed change of use is acceptable in principle. There are other existing hot food uses in the local centre however there is still a good range of other local centre uses.

I consider that the use will not have a detrimental impact on the retail viability or vitality of the local shopping centre.

### Visual amenity

Located on the main road through the district centre, the ventilation flue which is towards the rear will be hidden from the main street scene. No other external alterations are proposed. Overall, I consider that the proposal will not have an adverse visual impact on the character and appearance of the building and the street scene.

### Residential Amenity

Saved policies PS10 and PS11 seek to protect residential amenity by resisting development that would result in unacceptable levels of pollution, including noise, air and smell pollution and resisting development that would result in an unacceptable impact on the visual quality of an area, including the impact of litter.

The applicant has amended the prescribed hours to close at 23.00. I recommend a condition restricting hours of use to between 0730 and 2300 daily to comply with policy R05.

### Ventilation flue

Following concerns over the flue design, the applicant has provided evidence of where a flue installed not 1m above the ridge was considered acceptable. This is because it included a Carbon Filter, inline fan and two silencers with a jet cowl.

The ducting has also been extended where it comes out of the wall and stretches across more towards the main property.

With a jet cowl installed, odour is unlikely to cause detriment to amenity. However, the fan itself being in such close proximity to the bedroom window of the first floor flat windows could remain an issue. Further information has been requested on this.

As a result of these unresolved issues, I consider imposing a condition that the flue details should be submitted and approved before the commencement of the use.

### Other issues

Comments relating to how the new use would create the loss of character by not being an independent use, animal welfare issues are not material planning considerations.

## **Conclusion**

I do not consider that the proposal will have an adverse impact on the function of the local shopping centre. With conditions relating to the flue and suitable hours of use the proposed change of use would have a limited impact upon the amenity of those living nearby in compliance with relevant policies.

I therefore recommend **APPROVAL** subject to the following conditions:

## CONDITIONS

### 1. START WITHIN THREE YEARS

2. The use shall not be carried on outside the hours of 07:30-23:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

3. Before the use has commenced and notwithstanding the submitted plans, the ventilation system and flue shall have been installed in accordance with details approved by the local planning authority. It shall be maintained and operated in accordance with the manufacturer's specifications. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

5. This consent shall relate to the submitted plans as amended by plan ref. no. UBD531-BR-01C received by the City Council as local planning authority on 6th January 2020. (For the avoidance of doubt.)

### **Policies relating to this recommendation**

2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_BE10	In developments involving a new shopfront, the design should be an integral part of the whole building and should be in proportion to the lines of the facade of which it forms a part.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_R05	Proposals for the use of premises within existing shopping centres for food and drink purposes (Use Classes A3, A4 and A5) will be permitted subject to criteria.