
Parish:	SUDBURY	
Location:	26 North Street	
Proposal:	Change of use from Class A1 to Class A5 (take-away food and drink). Installation of new shop front and extraction equipment	
Applicant:	Dominos Pizza UK Limited	
Case Officer:	Elizabeth Truscott	Date for Determination: 26 October 2009

This application is referred to Development Committee at the request of Councillor Booth.

THE SITE

1. The application site comprises a modern terraced, two storey retail unit, with a shop to the ground floor and storage and office to the upper floor. The site is adjacent to 25 North Street, a two storey listed building, comprising a retail unit at ground floor and a self contained flat on the first floor. The first floor flat includes a roof terrace adjacent to the rear of 26 North Street. To the rear of the site is a yard and parking area and then North Street Car Park.

THE PROPOSAL

2. The proposed development involves the change of use from Class A1 (retail) to Class A5 (take-away food and drink). The current use of the unit is an electrical retailer and the proposed use is a Dominos Pizza take away. As part of the application is it proposed to install a new shop front and extraction equipment to the rear.

RELEVANT HISTORY

3. B/71/1057 – 4 shop units and supermarket – granted.
4. B/85/1047 – Change of use from retail shop premises to restaurant – refused, delegated decision.

NATIONAL GUIDANCE

5. **PPS 6** (Town Centres)

PLANNING POLICIES

6. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan - 2008

- **E5** (Regional Structure of Town Centres)

Babergh Local Plan (Alteration No. 2) 2006

- **EM01** (General employment)
- **CN01** (Design standards)
- **SD01** (Principal Shopping Area)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

7. TC - Recommend approval.
8. LHA – No objection but offer advisory comments in relation to the use of the highway.
9. Suffolk County Council (Archaeology) – No objection.
10. Suffolk Police – Would not support further takeaway food establishments in the Town Centre as these become flash points for anti social behaviour. The highest volume of anti-social behaviour occurs around the town centre between 9pm and 3am predominantly on weekend evenings.
11. Community Safety Officer – No objection provided a condition restricting the hours of opening to 11 pm is included.
12. Environmental Health – Recommends conditions.

REPRESENTATIONS

13. Sudbury Society: We are in principle opposed to the loss of a socially usefully electrical shop within the town centre and its replacement by a pizza outlet and wonder whether Babergh has a policy on the loss of such valuable shops from the town centre with the consequent need to travel outside it.
14. If Change of Use permission is to be granted we would urge that an application for Advertisement Consent is insisted on and that the impact of extract ventilation on the terrace to the adjoining first floor flat (to no 25) is carefully considered. The waiting space inside for customers is too small and the step at the entrance should be eliminated.
15. Neighbouring properties: Object due to smells, noise and disturbance especially to the rear roof terrace at 25A North Street.

PLANNING CONSIDERATIONS

Principle of development

16. The application site is within the predominantly retail area of Sudbury Town Centre, but outside the primary shopping area, where loss of retail units is restricted in land use policy terms. As such the principle of a change of use from A1 to A5 is acceptable subject to compliance with relevant planning policies.

Impact on residential amenity

17. Policy EM01 states (inter alia) that employment related development proposals will be judged against the potential effect on residential amenity. The proposed change of use will involve the installation of extractor units to the rear of the property which has the potential to cause a detrimental impact on the adjoining properties, in particular the adjacent first floor flat. Environmental Health has assessed the information provided by the applicant relating to noise and fumes and has concluded that the noise produced by the equipment will be of a tonal nature, and if the noise emission limits as set out in the assessment are adhered to, the development is unlikely to give rise to noise complaints. A condition to ensure this has been recommended.

18. With regards to fumes Environmental Health has stated that they do not consider that the proposed odour filtration system would be sufficient to suppress odour from most 'take-away' type premises. Therefore they recommend that a planning condition be added that states that suitable ventilation and filtration equipment shall be installed to suppress and disperse odour created from cooking operations on the premises. It is also proposed to condition the takeaway to be a Pizza takeaway only, for which the odour filtration system has been designed for.
19. Subject to the two conditions recommended by Environmental Health it is considered that the application would not be detrimental to the amenity of the neighbouring properties.

Potential anti-social behaviour

20. Section 17 of the Crime and Disorder Act places a statutory duty on local authorities to consider the impact on their decisions on future crime or anti-social behaviour. Concern has been raised by the police, Ward Councillor, and the Community Safety Officer regarding the potential for a further take away unit in North Street to increase anti-social behaviour within Sudbury town centre.
21. The agent has stated that in their experience the majority of customers would use the delivery facility rather than visit the premises in person, decreasing the impact of the take away. The agent has also provided a previous appeal decision for a Dominos Pizza take away, in which the inspector stated that:

'The appellant has similar stores across the country. There is no evidence that other places have experienced disturbance or litter. I attach some weight to the appellant's argument that pizza is not usually consumed on the street but is more likely to be eaten at home. In addition, as customers have to wait about 15 minutes for the product to be prepared it is not favoured by boisterous pub-goers'

22. The applicants are also proposing hours of opening between 9 am and 11 pm, which will mean the take away will be shut before local drinking establishments. It is proposed to condition both the hours of opening and the use of the premises as a Pizza take away only, to prevent a more undesirable take away from being established. The Community Safety Officer has confirmed that the implementation of these conditions would mitigate his objections, as such is it considered that the proposal will not increase anti-social behaviour in the area.

Highway Issues

23. Policy EM01 states that employment related development proposals shall be judged in terms of traffic generation, road safety, and site accessibility by a range of transport modes. The site is within the Town Centre of Sudbury and, therefore, easily accessed by public transport. There is some on street parking on North Street, although this is restricted. However, to the rear of the site is the short stay North Street car park. It is, therefore, considered that the proposal will not have a detrimental affect on road safety. There are two staff parking spaces to the rear of the property. The Local Highway Authority have not objected to the proposal.

REASON FOR DECISION

23. The proposed development is considered to be in accordance with Policy EN5 of the East of England Plan, in addition to saved Policies EN01 and CN01 of the Babergh Local Plan Alteration No.2, by reason of this scheme constituting a development that is acceptable in terms of neighbour amenity and character of the area and will not adversely affect road safety.

RECOMMENDATION

That the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:

- Conditions relating to ventilation and extraction equipment
- Opening hours 9am – 11pm Mon – Sat, 10am – 11 pm Sunday
- Premises to be used for Pizza take away only