

PLANNING APPLICATION FOR CHANGE OF USE FROM BANK (CLASS E) TO HOT FOOD TAKEAWAY (SUI GENERIS); ASSOCIATED EXTRACTION/PLANT EQUIPMENT AND EXTERNAL ALTERATIONS

PLANNING AND HERITAGE STATEMENT (INCLUDING FLOOD RISK ASSESSMENT)

6 WEST STREET, LONG SUTTON, PE12 9BN

ON BEHALF OF DOMINO'S PIZZA UK & IRELAND LTD

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: FERGUS SYKES



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Group.

Pegasus Group is a trading name of Pegasus Planning Group Limited [07277000] registered in England and Wales Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited

CONTENTS:

Page No:

1.0	INTRODUCTION	1
2.0	SITE DESCRIPTION	2
3.0	THE PROPOSAL	3
4.0	PLANNING HISTORY	5
5.0	PLANNING POLICY	6
6.0	PLANNING AND HERITAGE ASSESSMENT	10
7.0	FLOOD RISK ASSESSMENT	17
8.0	CONCLUSION	18

1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Domino's Pizza UK & Ireland Ltd in support of a change of use of a former bank (Class E) to a hot food pizza takeaway (Sui Generis).
- 1.2 This Statement sets out the justification for the change of use, firstly by reviewing the site and its surroundings in terms of the relevant planning context as well as summarising the relevant planning history and policy.
- 1.3 It will then deal with the implications of the proposed change of use in terms of its impact on amenity and other considerations. The Statement will also demonstrate how the proposal complies with both national and local planning policies.
- 1.4 This Statement should be read in conjunction with the full planning application, including the full set of plans.

2.0 SITE DESCRIPTION

- 2.1 The site comprises a single storey unit on the northern side of West Street. It is vacant and has been vacant since March 2021. It was previously occupied by a bank branch and is lawfully a Class E use under the Use Classes Schedule 2020.
- 2.2 The site is located within the designated town centre of Long Sutton as well as the primary shopping area, as identified within the adopted Local Plan Proposals Map.
- 2.3 The site is within close proximity to a variety of uses. It is opposite to a Baptist church (Class F1), residential properties (Class C3) and a range of commercial/retail uses (Class E).
- 2.4 There is a vets (Class E); a bookmakers (Sui Generis); a newsagent (Class E); and a hair salon (Class E) within close proximity to the site. There is a large Co-op foodstore (Class E) approximately 65 metres to the south.
- 2.5 The nearest bus stop is located on the High Street approximately 200 metres to the east (as the crow flies). There is a car parking area at the rear of the store which is accessed directly from West Street. There is on-street parking in front of the site and along West Street.
- 2.6 The site is not a Listed Building, but it is within close proximity to the National Westminster Bank and Brenchley House building which is a Grade II Listed Building. The site is within the Long Sutton Conservation Area.
- 2.7 The application site is located within Flood Zone 3, the area most at risk from flooding.

3.0 THE PROPOSAL

Change of Use

- 3.1 This Statement supports an application for planning permission for the change of use of the site from a former bank (Class E) use to a Sui Generis hot food takeaway.
- 3.2 It is understood that the site would be occupied as a pizza takeaway once all necessary consents are in place.
- 3.3 The proposed takeaway will open between 11am and 11pm on a daily basis and will generate a number of full-time and part-time employment opportunities. Employees will be sourced locally.
- 3.4 The submitted plans show the proposed layout for the takeaway. There will be a customer waiting area at the front of the building with a small number of seats for customers waiting to collect their orders. There will also be a food preparation area, a cold room, an office and staff WCs within the ground floor.
- 3.5 There is a rear yard area which is accessed via an existing driveway which runs along the western side elevation of the building. Refuse and recycling will be stored at this area and will be taken to the relevant collection point from where refuse is collected twice a day.
- 3.6 The rear parking area will be used by delivery drivers and members of staff of the proposed takeaway.

Extraction and Ventilation Equipment

- 3.7 In order to facilitate the operation of the unit as a hot food takeaway, it is proposed to install extraction and ventilation equipment.

- 3.8 The extraction duct will run from the oven to the rear of the property. It will then penetrate through the rear elevation and terminate via a vertical duct above the ridge level.
- 3.9 An air handling unit will be installed at the ground floor of the building and will terminate via a duct that will penetrate through a weathered roof opening in the middle of the store.
- 3.10 Cold room and air conditioning condensers will be installed at the rear elevation wall. While the cold room condenser will operate 24 hours a day to ensure that food is stored at the correct temperature, the air conditioning unit will only operate during the opening hours of the takeaway.
- 3.11 Further details of the extract and ventilation equipment are provided within the Proposed Ventilation System (Annex B) document and specification sheets which support this application.

Other External Alterations

- 3.12 It is proposed to replace the existing aluminium shopfront with a new PPC aluminium shopfront. A new 400mm stallriser will be included at the base of the shopfront.
- 3.13 The entrance door will be relocated from the middle of the shopfront to the right-hand side of the shopfront (when viewing the site from West Street).
- 3.14 There will be a new door with a single white vertical pull bar. The existing disabled ramp and handrails will be retained.
- 3.15 At the side and rear of the building, there will be a number of minor alterations including the installation of new vents.
- 3.16 Any signage would be applied for separately as part of a later application.

4.0 PLANNING HISTORY

- 4.1 Advertisement consent ref: H11-0978-12 for proposed signage, including a non-illuminated fascia and an internally illuminated projecting sign, was approved on 17 January 2012.
- 4.2 Planning permission ref: H11-1075-15 was approved on 14 January 2016 for the installation of ATM machine.
- 4.3 Advertisement consent ref: H11-1076-15 was also approved on 14 January 2016 for the signage associated with the ATM machine.

5.0 PLANNING POLICY

5.1 The following policy is considered relevant to this proposal.

National Planning Policy

National Planning Policy Framework (NPPF)

5.2 The National Planning Policy Framework (NPPF) (published July 2021) sets out the Government's planning policies for England at a national level and how they are expected to be applied. The revised Framework replaces the previous versions of the NPPF published in March 2012 and February 2019.

5.3 **Paragraph 7** of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In terms of what is meant by 'sustainable development', the NPPF states at **Paragraph 8** that there are three dimensions to sustainable development (economic, social and environmental) and three roles that the planning system needs to perform.

"an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

5.4 **Paragraph 11** states that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.5 **Paragraph 38** confirms that “Local planning authorities should approach decisions on proposed development in a positive and creative way” and that “...Decision-makers at every level should seek to approve applications for sustainable development where possible”.

5.6 **Paragraph 86** confirms that planning policies and 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.

- 5.7 **Paragraphs 199 and 200** state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.8 **Paragraph 206** provides specific guidance in relation to Conservation Areas, World Heritage Sites and the 'setting' of heritage assets and identifies that proposals that preserve "*those elements of the setting that make a positive contribution to an asset should be treated favourably.*"
- 5.9 **Paragraph 207** continues by stating that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Where there is, however, loss of an element which makes a positive contribution to the significance of a Conservation Area or World Heritage Site should be considered within the contexts of Paragraphs 199 or 200, as appropriate (see above).

Local Planning Policy

- 5.10 The relevant local policy is contained within the South East Lincolnshire Local Plan (2011-2036) which was adopted in March 2019.

Local Plan (adopted March 2019)

- 5.11 **Policy 24** relates to the retail and local centres and states that town centre uses will be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm on the vitality and viability of that centre.
- 5.12 **Policy 24** highlights that Long Sutton is identified as a local centre and

proposals will be expected to be physically well integrated with pedestrian and cycle links, generate a reasonable level of footfall, contribute to an appropriate balance of uses, achieve an acceptable level of amenity (including provision for refuse and recycling facilities) and achieve an acceptable level of highway access.

- 5.13 **Policy 29** states that developments within Conservation Areas should contribute positively to the area's character including removing features which are incompatible with the Conservation Area. Developments must also aim to mitigate against negative impacts they might have on the townscape, roofscape and skyline.
- 5.14 **Policy 30** also states that development will not be permitted if they would lead to unacceptable adverse impacts upon the amenities of the area, air quality (including fumes and odour) light levels.
- 5.15 **Policy 36** states that all developments, including change of use should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authority.
- 5.16 Appendix 6 sets out the Council's minimum parking standards. However, no specific standards are provided for hot food takeaway uses and therefore such proposals are to be treated on a site-by-site basis.
- 5.17 However, it is worth noting that restaurants and cafes (Class E) require 1 car parking space per 5m² public dining area and no required cycle parking.

6.0 PLANNING AND HERITAGE ASSESSMENT

6.1 This section of the Statement sets out the justification for the proposed change of use and extraction/ventilation equipment when considered against the relevant planning policies and other material considerations.

6.2 The key issues arising from this proposal, which this section will cover are as follows:

- a) Principle of Development;
- b) Impact on Heritage Assets;
- c) Impact on Residential Amenity; and
- d) Highways and Parking Considerations.

6.3 Each of these issues is discussed in turn below:

a) Principle of Development

6.4 The application site comprises a former bank (Class E) which is understood to have been vacant since March 2021 (according to internet sources). The site is located within the Long Sutton Local Centre and is within the Primary Shopping Area.

6.5 National and local policy seek to steer new retail development and main town centre uses (such as retail units and hot food takeaways) towards defined town centres. The site is therefore an appropriate location for a hot food takeaway use in general.

6.6 Policy 24 confirms that within Long Sutton Local Centre town centre uses will

be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm upon the vitality and viability of that centre or any other centre within the hierarchy, particularly with regard to their role for food shopping.

- 6.7 Policy 24 also confirms that new development within the Local Centres will be expected to (inter alia) generate a reasonable level of footfall and be open to the public and contribute to an appropriate balance of uses.
- 6.8 The site is currently vacant and is therefore creating a dead frontage and does not generate any activity or footfall at the site. The proposal would result in the reoccupation of the unit and reactivate the frontage as well as improving the footfall at the site and providing new job opportunities. As such, it would enhance the vitality and viability of the area.
- 6.9 The proposal will be open to the public and would generate a reasonable level of footfall during the day and evening. Furthermore, there is no policy protection for banks and the unit could lawfully convert to a number of other type of operations (restaurant, nursery, office) under the Use Classes Schedule 2020.
- 6.10 The supporting text to policy 24 confirms that poorly placed non-retail uses and an over-proliferation of similar uses such as hot-food takeaways and betting shops, particularly within the Primary Shopping Area, can negatively impact on the local amenity and activity within a centre and, therefore, will be resisted.
- 6.11 No guidance is provided in relation to what would constitute a harmful concentration of hot-food takeaway uses. According to Google Maps, the nearest takeaway Propa Burger Takeaway, 50 Market Place which is separated by 4 no. existing commercial units and is 45 metres to the east of the application site.
- 6.12 Henry's fish and chips (19 Market Place) is approximately 110 metres to the

north east and Chilli Hut (12-14 Market Place) is approximately 125 metres to the north east. There are also a further 3 takeaways approximately 150 metres to the north on High Street.

- 6.13 Therefore, the site is not immediately adjacent to any existing takeaways and is well separated from other takeaways within the centre. Furthermore, it is not considered the proposal would result in a harmful number of takeaways in the centre to the detriment of the vitality and viability.
- 6.14 A Town Centre and Retail Capacity Study was undertaken in December 2013 which concludes that in Long Sutton the current retail offer is sufficient to meet the essential retail needs of the local population commensurate with its position in the retail hierarchy without the need to allocate additional sites for retail development.
- 6.15 Furthermore, the SWOT analysis of the centre does not raise any issues or concerns with a concentration of non-retail uses such as takeaways and confirm the centre includes an attractive retail area with all the basic services.
- 6.16 Overall, it is therefore considered that the principle of the development is acceptable, and the proposal is in accordance with Policy 24 of the Local Plan.

b) Impact on Heritage Assets

- 6.17 The built form within the site is not Listed; however, it is located within the bounds of the Long Sutton Conservation Area.
- 6.18 There is also a Grade II Listed Building within close proximity to the site (National Westminster Bank and Branchley House). The site is approximately 35 metres to the west of the Grade II Listed National Westminster and Branchley House. The listing description for the building is as follows:

"Flat, bank and house. Mid C18, remodelled early C19. Stucco and red brick. Slate roof. Single red brick ridge stack. Gables coped with

blue brick. Moulded eaves. Chamfered plinth with chamfered rustication to the ground floor. The top 2 storeys with bays defined by fluted giant order pilasters. First floor band. Two and a half storeys, 8 bays, each property being 4 bays, the right 4 bays being set at a slight oblique angle and with basement. Basement opening to left of far right doorway. Doorway with C20 door and overlight. Either side are single tripartite sashes each sash divided by a band of rustication and topped with a single keystone, some now obliterated by C20 sign. Further left is a single similar doorway and door with keystone. To the right are 2 glazing bar sashes, further right is a doorway with panelled door and overlight and on the far right a single similar sash. All openings with keystones. Above are 4 glazing bar sashes with 4 smaller glazing bar sashes to the right. On the top floor are 4 smaller glazing bar sashes, to the right is a single blind window opening, a single smaller glazing bar sash, a single similar blind opening and on the far right a single similar small sash. All first and second floor sashes with moulded architraves."

- 6.19 When assessing the Conservation Area and its heritage significance, it is important to recognise that the asset cover a large area and includes a wide variety of areas of differing characters. The manner to which it interacts with the surrounding areas also differs across its extent.
- 6.20 As noted in the NPPF at Paragraph 207, it is necessary to consider the relevant significance of the element which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?
- 6.21 The site itself is a single storey, former bank with glazing and brickwork at the front elevation. It is not considered to make any contribution to the general townscape, and the overall character and appearance of the Conservation Area in this location.
- 6.22 The rear of the building is not readily experienced from the surrounding

townscape, and this element of the building is not considered to make any contribution to the overall character and appearance of the Conservation Area.

6.23 As such, the proposed shopfront alterations which will introduce a new PPC aluminium framed shopfront and stallriser and relocate the entrance door will cause no harm to the character and appearance of the Long Sutton Conservation Area of the nearby Grade II Listed Building.

6.24 In addition, the plant equipment at the rear of the building will not be visible from the streetscene and therefore will have no harmful impact on the surrounding Conservation Area or Listed Building.

6.25 If the Council felt it would be necessary or beneficial, the extract duct could be finished in a certain colour such as a matt black or grey and a suitably worded planning condition could be added to any decision to secure this.

6.26 The proposals are thus in accordance with the obligations of the Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and National and Local Policy pertaining to the historic environment.

c) Impact on Residential Amenity

6.27 The site is located within a Primary Shopping Area and is within close proximity to a variety of uses. However, there are residential uses immediately adjacent to the site.

6.28 Therefore, the extraction and ventilation equipment has been designed sensitively to ensure that odours are sufficiently dispersed and noise levels are not at an unacceptable level.

6.29 An extract duct will run from the oven in the 'bake and serve' and will be taken through the rear wall. It will terminate vertically above the eaves level of the rear of the building.

- 6.30 A high level of odour control will be required to ensure that odour discharge from the takeaway will be successfully managed and not have an adverse impact on residential amenity. As such, additional filtration will be installed as part of the extraction system.
- 6.31 Given the high level of filtration proposed, it is considered that odour issues can satisfactorily be mitigated and ensure that the amenity of neighbouring properties is protected.
- 6.32 In addition to this, the proposal is for a pizza takeaway and there will be no frying or deep fat frying taking place on the site. Therefore, the odour levels produced from a pizza operator will be low in comparison to some food and drink uses e.g. Indian restaurants. If the Local Planning Authority considered it necessary, a condition could be added onto any decision preventing frying or deep fat frying to ensure residential amenity is protected.
- 6.33 2 no. compressors will be installed to the rear of the site, and these will serve the cold room and the internal A/C.
- 6.34 A noise report has been prepared and is submitted in support of this application. This demonstrates that the noise levels from the proposed plant equipment will be kept to an acceptable level with the inclusion of noise mitigation measures and will not cause any significant adverse impact to the nearest occupiers.
- 6.35 The site is surrounded by a mixture of uses. There are numerous commercial operators within the vicinity of the site which have associated plant equipment similar to the plant proposed at the application site. In this context, the introduction of a hot food takeaway and associated extraction/ventilation equipment will have no significant impact on the amenity of nearby residents in terms of noise.
- 6.36 Further details of the ventilation equipment and extraction system proposed are provided on the Proforma Annex B document and the specification sheets.

These documents provide more specific details of the noise emissions of the proposed equipment and demonstrate that they will not cause any unacceptable impacts to the amenity of nearby occupiers.

- 6.37 The proposed opening hours of the new hot food takeaway are between 11am and 11pm.
- 6.38 Given the site's location within a busy mixed use area and the fact that other operators in the vicinity of the site operate during these times, it is not considered that these hours would cause any unacceptable late night disturbance or harm to amenity.

d) Highways and Parking Considerations

- 6.39 The site is located within a sustainable town centre location with public transport facilities within easy walking distance from the site. Furthermore, a number of customers would access the site as part of a linked trip to the town centre or may walk from nearby residential properties.
- 6.40 There are a number of on-street spaces within the vicinity of the site. Those closest are unrestricted but there are also restricted on-street spaces on Market Place (which allow 2 hours free parking between 8am and 6pm Monday to Friday).
- 6.41 The site a Domino's would have use of 3 no. parking spaces for delivery drivers. This would be sufficient to serve the delivery drivers given that they would be out delivering orders for the majority of the time and would only need to park at the store to collect orders for short periods.
- 6.42 Overall, it is considered that there is suitable parking within the vicinity of the site and the change of use would not lead to any harmful impact on highway safety.

7.0 FLOOD RISK ASSESSMENT

- 7.1 The application site is located within Flood Zone 3. As such, a Flood Risk Assessment is required to demonstrate that the proposal is appropriate in this location and that it will not increase the risk of flooding at the site or at nearby properties.
- 7.2 Paragraph 066 (ID: 7-066-20140306 revision date 06.03.2014) of the NPPG sets out the table of Flood Risk Vulnerability Classification and confirms hot food takeaways are classed as 'Less Vulnerable' developments. Retail uses are also classed as 'Less Vulnerable' developments. Paragraph 067 (ID: 7-067-20140306 revision date 06.03.2014) confirms that such uses are appropriate within Flood Zones 2 and 3a.
- 7.3 The proposal therefore seeks permission to change the use of the building from one 'Less Vulnerable' use to another (Class E bank to a Sui Generis hot food takeaway). Therefore, the change of use will not increase the risk of any vulnerable uses being subject to flooding.
- 7.4 The notes associated with the table of Flood Risk Vulnerability Classification in the NPPG confirm that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site. As the proposal is for a change of use only with the inclusion of associated plant equipment, the Sequential and Exception Tests are not required.
- 7.5 Overall, it is clear that the application will not increase the flood risk at the application site or at any of the surrounding properties.

8.0 CONCLUSION

- 8.1 This Statement has been prepared in support of a resubmission application for a change of use from a bank unit (Class E) to a hot food takeaway (Sui Generis) at 6 West Street, Long Sutton.
- 8.2 It has been demonstrated that the proposed development would be compliant with both local and national planning policies.
- 8.3 Furthermore, it has been demonstrated that the hot food takeaway will not have an adverse impact on vitality and viability, residential amenity, or the local highway network.
- 8.4 The proposed change of use will make positive use of a commercial unit within a town centre and support the vitality and viability of the area by reintroducing an active use at the site generating a good level of footfall and providing job opportunities for the local residents.
- 8.5 It is for the reasons set out in this Statement that planning permission should be granted for this application subject to any necessary conditions.