
F/YR20/0910/F

Applicant: Mr Nilesh Sundavadra

**Agent : Mrs Alex Patrick
Alexandra Design**

1 Main Road, Parson Drove, Wisbech, Cambridgeshire PE13 4JA

Change of use from garage to part takeaway and part storage building for shop involving demolition of single storey building to rear; installation of external flue and retrospective installation of air source heat pumps

Officer recommendation: Grant

Reason for Committee: The number of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1. The application seeks a change of use from garage to a part takeaway and part storage building for shop including the demolition of single storey building to the rear, the installation of an external flue and the retrospective installation of air source heat pumps at 1 Main Road, Parson Drove.
- 1.2. The application originally submitted proposed external roller shutters on the east facing elevation of the takeaway shop. These roller shutters have been omitted from the application due to the harm they would introduce on the character of the Parson Drove Conservation Area.
- 1.3. The external flue will be located on the western elevation of the development. Original concerns raised by FDC Environmental Health have been mitigated by additional details provided by the agent in regard to odour and noise control from the external flue, however there is likely to be some perceived odour and noise nuisance to neighbours as confirmed by the Environmental Health Team.
- 1.4. The site is located within Parson Drove Conservation Area. The external flue will face a Grade II Listed War Memorial and the site itself is within the vicinity of Grade II Listed Buildings. The external flue is to be painted in a colour to match the existing building or encased in a brick surround and a condition will be imposed accordingly. Whilst the flue will have a visual impact on the Conservation Area, these impacts are unlikely to detract from the setting of the Conservation Area as confirmed by the Conservation Officer.
- 1.5. Given the assumed impacts on neighbouring property from the proposed external flue, the recommendation is to grant this application.

2 SITE DESCRIPTION

- 2.1. The application site is located on the northern side of Main Road, approximately 50 metres east of the B1187 and B1166 junction. The change of use is proposed to the garage to the rear of the existing convenience store on site.
- 2.2. The site is located within Parson Drove Conservation Area, the site is situated within the setting of both a Grade II Listed War Memorial and Grade II Listed Buildings.
- 2.3. There are residential properties located directly north and east of the application site. The dwelling to the north sits approximately 17 metres from the building on site. The dwelling to the east sits approximately 13 metres from the building on site.
- 2.4. Alderman Payne Primary School is located within 15 metres to the east of the site.

3 PROPOSAL

- 3.1. The proposal is for the change of use of the existing garage to a part takeaway and part storage building for the existing shop. The takeaway proposed is an Indian takeaway and fish and chips.
- 3.2. An amended plan has been received by the agent confirming that the development will be takeaway only and there is no intention for the development to operate as a restaurant.
- 3.3. The proposed hours of operation 11:30 – 21:00 Monday – Friday and 11:30 – 21:00 on a Saturday.
- 3.4. The proposal will include the demolition of the existing single-storey building to the rear of the site. The proposal also includes the installation of an external flue and the retrospective installation of air source heat pumps.
- 3.5. The development includes the replacement of an existing window on the rear, north facing elevation with a door. The windows on this door will have a frosted glazing adhered to the glass.
- 3.6. The external flue and air source heat pumps will be located on the west facing elevation. Access to the takeaway shop as well as parking provision is located to the east of the building on site. 4 parking spaces are proposed to facilitate the development.
- 3.7. The external flue will be mitigated against by either it being painted in a colour to match the existing brickwork or encased in a brick surround to match the building. This detail will be conditioned.
- 3.8. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR20/0437/A	Display of 1no internally illuminated fascia sign to front, 6no non-illuminated canopy signs, and 7no non-illuminated vinyl signs and 1no menu board	Granted	22.07.2020
F/YR20/0388/F	Installation of external roller shutters to windows and doors on front and side elevations	Refused	29.06.2020

5 CONSULTATIONS

5.1. Parson Drove Parish Council

The Parish Council supports this application and recommends approval subject to the following conditions being added: 1) Appropriate parking is added on site to avoid disruption to the public highway. 2) The applicant to ensure rubbish is regularly picked up. 3) Environmental Health measures are included to mitigate any smell from the business for nearby residents. 4) Any signage associated with the business is agreed with officers to ensure it is sympathetic to the conservation area.

5.2. Parson Drove/Wisbech St Mary Ward Councillor

No comments received.

5.3. Cambridgeshire County Council Senior Archaeologist

Thank you for your consultation. We have reviewed the above referenced planning application and have no objections or requirements for this development.

5.4. Cambridgeshire County Council Highways

The proposal will not result in any material highway impact.

I have no highway objections.

5.5. Designing Out Crime Officers

I can confirm this office has reviewed this Change of Use applications in terms of community safety and vulnerability to crime. Police incidents over the last year for this area have regular reports of anti-social rowdy behaviour. We are supportive of the Change of Use and security measures to be considered. Should the applicant require site specific specialist crime prevention advice please get in touch with this office.

No further comments at this stage.

5.6. Business and Economy Team

No comments received.

5.7. North Level Internal Drainage Board

North Level District IDB has no comment to make with regard to the above application.

5.8. FDC Principal Licensing Officer

No comments received.

5.9. FDC Housing & Neighbourhood Services

No comments received.

5.10. FDC Environmental Health

Ongoing advice has been sought from the FDC Environmental Health team regarding both odour and noise control. The agent has submitted additional details regarding the extraction system and the following comments were made:

This response, follows the interim one, dated 4 March 2021 and takes into consideration additional information submitted by the applicant upon request.

A site visit was made on 27 February 2021 and this response is based on that visit, plus information submitted by the applicant subsequently, which addresses points raised in the interim response.

As indicated in the previous response, this site is conducive for the dispersal of odours from the cooking processes, due to it being some distance from neighbouring properties, which is a critical factor, as with all hot-food production on a commercial basis.

The documentation and information requested and submitted of the applicant, has in the main, addressed these queries I had concerning this proposal and I comment as follows: -

The route to be taken by extraction of the odours from the cooking range to the outlet to atmosphere, will be above ridge height of the pitched roof. The point at which the ducting will travel vertically up the side of the building (western elevation) will be some 2.5 metres above ground level. This ducting will house the filtration system, the noise from which will be attenuated to minimise the impact upon the nearest residential property, which is some 28 metres distant.

The significance of the height of the outlet, being some 1.5 metres above the ridge, is that the odours will less likely be subjected to 'downwash' which could take the odours to ground level in certain meteorological conditions, such as during temperature inversion.

What will be critical in controlling the degree of odours emitted will be the length of the dwell time of the extract gases within the filtration system. This should be short enough for the filters to perform their function of grease removal, moisture absorption and odorant removal. It is proposed that this time will be between 0.2 – 0.8 seconds, which will vary with the nature of the product being cooked, with spicy foods requiring a longer time.

I would point out that the scenario of no odours being extracted and perceived by nearby residents is unrealistic, but the combination of the distance of this site from neighbouring properties, the nature of the roof referred to above, with a high discharge point and the triple filter system will minimise, but not, eradicate them.

There will be certain times when the smell of the odours from the extracted fumes will be perceived by neighbouring properties. These were referred to in the interim response.

However, there is scope with this proposal, for the odours to be minimised to the degree that they will not cause a statutory nuisance which could be actionable by Fenland District Council, under the Environmental Protection Act 1990.

The noise from the extraction fan system, which will be located within the ducting approximately 2-3 metres above ground level, and the air source heat pumps can be attenuated to a level which does not cause a noise nuisance to the occupiers of the nearest residential property, again some 28 metres distant. It is proposed to fit an attenuator to the system which, with the distance involved and scope for shielding if necessary, should not cause a statutory nuisance.

The noise, will be a continuous tone all the time the extraction system is in use, but will not continue after the cooking process has finished.

Another issue which has been clarified by the applicant is the low-level building to the rear of the main building, which has a roof made of corrugated asbestos cement sheeting. It is proposed to remove this building and the removal of this roof will require the services of a licensed asbestos removal contractor. Also, there is an oil tank at the side of this building which is to be removed. There will need to be a walk-over survey to ascertain the presence of any oil spillage, which may have occurred whilst the tank has been in use.

There have been concerns made by the public about litter left by patron of the premises. This can be addressed by a suitably worded condition for the provision of litter bins in front of the premises

Overall, there are no objections to this proposal, but I would recommend the attachment of the following conditions to any consent granted: -

ODOUR CONTROL

The extract point to atmosphere of the flue gases should be a minimum of 1.5 metres above ridge height of the pitched roof of the building, in order to maximise the dispersal of odours and counteract the effects of the roof creating 'downwash' of odours to ground level.

The dwell-time of the extract gases passing through the triple filter system should be appropriate for the nature of the product being cooked and in conjunction with this, the efflux velocity at the point of discharge to, atmosphere, shall be adequate to achieve the optimum dispersal of odours and minimise the impact of cooking odours upon the occupiers of the nearest residential properties.

The filtration system should be operated and maintained in accordance with the manufacturer's recommendations, including those in respect of: -

- A *Removal and cleaning of grease filters*
- B *Replacement of moisture filters*
- C *Maintenance and replacement of activated carbon filters*

NOISE CONTROL

Any noise emanating from the air source heat pumps and the flue gas extraction system, including the induction/extraction fan(s), triple filters and efflux draught at the point of discharge to atmosphere, shall be attenuated to a degree which achieves a level no greater than 35dB(A)Leq, when measured at the boundary of the nearest residential properties, when measured with a Type 1 sound level meter.

In order to achieve this, an attenuator shall be incorporated into the extraction system, which shall be maintained in accordance with the manufacturer's guidance and recommendations, and if necessary, a shield shall be constructed as close to the fan housing as possible.

ASBESTOS REMOVAL

As part of the proposed demolition of the single-storey extension, located to the rear of the main building, the corrugated, cementised asbestos roof shall be removed by a licensed asbestos removal contractor and taken to a household waste facility which is licensed to receive such waste. Details can be obtained from the Cambridgeshire County Council website.

A work plan indicating the method of dismantling, transportation and the location where it is to be disposed of shall be submitted to Fenland District Council and approved, before any work in connection with this proposal is commenced.

UNSUSPECTED GROUND CONTAMINATION

If during the demolition of the single -storey extension to the rear of the main building, including the removal of the dis-used oil tank, contamination not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

LITTER CONTROL

Adequate provision for litter disposed of by patrons should be provided to the front of the premises. Such receptacles provided, should be cleared as and when necessary and always after the shop has closed at the end of each day it is open for business.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

INFORMATIVES

In addition to these conditions, I would recommend the inclusion of the following in any consent, as 'Informatives': -

The compliance with the conditions in this consent concerning odour control or noise control, do not exclude the possibility of enforcement action by Fenland District Council in respect of any statutory nuisances under the Environmental Protection Act 1990.

The use of these premises as a food premise will require registration with Fenland District Council Contact details are available on the Council's website.

5.11. FDC Conservation

The proposal put forward concerns the change of use from a garage/shop to a food takeaway involving the demolition of a single storey element to the rear and installation of roller shutters and air source heat pumps (part retrospective) at a circa 1970s commercial premise which was originally a garage, later used as an off license but now vacant. The premise is located close to the junction of Main Road and The Bank within the Parson Drove Conservation Area (designated in September 1976). Within the immediate vicinity of the building are three grade ii listed buildings) namely War Memorial, The Bank, (listed 31st October 1983, K6 telephone box (listed 16th March 1989) and The Hollies, Main Road (Listed 31st October 1983).

Relevant planning history includes F/YR20/0388 which was for the installation of external roller shutters to front and side elevations. This was refused on grounds that the use of roller shutter is contrary to Policy LP17 (e) and Policy LP 18 which seeks to ensure that development protects, conserves and enhances the historic environment.

A heritage statement has been submitted with the application but no attempt has been made by the applicant to justify this proposal in terms of its impact on the heritage assets. The proposal therefore fails to accord with paragraph 189 NPPF (February 2019).

The comments of the Cambridgeshire Constabulary date 15th May 2020 are noted, specifically the statement "Having spent some time reviewing specific crimes in the immediate area I can't find there is a direct threat against this premises that would require roller shutters to be installed". Also "I believe there would be other measures that the client could consider rather than installing roller shutters". The relevance of these comments is unchanged.

Consideration is given to the impact of the proposed dwelling on the setting of the adjacent listed building (specifically The Hollies) and character and appearance of the conservation area with due regard to the duty in law under S66 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990 respectively. The proposal put forward is supported in principle but requires amendment. The following comments are made:

Parson Drove is an interesting village in that there are two historic nucleuses to the village. Map evidence (OS Map 1888) shows that by the late 19th century part of the village was well established on the banks of the North Level Drain at the west end of Main Road towards the junction with Swan Bridge. In the late Victorian era this part of the village was called Southea. At

this end of town an established settlement had developed with a concentration of houses grouping together, several which line the east side of a recreational green and further dwellings extended back along Main Road. At this end of the town there were a number of public houses (Swan Inn, Star Inn and Butchers Arms). The brick-built Church of Emmanuel was erected at this end of the village in 1872. The earliest surviving property (now listed) at this end of the village appear to date to the mid-18th century (Sycamore House and its barn) with further property (also listed) from the first half of the 19th century (The Hollies, The Chestnuts, Rookery Farm) also surviving today. The village's other nucleus is 1 mile east along Main Road and this was known as Church End where the late 15th century stone Church of St John the Baptist is located. Map evidence (OS Map 1888) shows that by the late 19th century Church End accounted for a small grouping of dwellings and included one pub (Five Bells) and the Woad Mills. In the late 19th century development between the two nuclei of the village comprised of the odd farmhouse with most of the land between the two being farmland. This settlement morphology remained until the 1960's when residential development started to occur between the two nuclei. The village today presents itself predominantly as a linear development comprising of property stretched out for 1.5 miles along Main Road with no longer any distinct separation between Southea and Church End. The Parson Drove Conservation Area covers the historic nucleus of Parson Drove at Southea which is the North Level Drain End of Main Road.

The Parson Drove Conservation Area covers the historic nucleus of the village at Southea (as formally known). Its character and appearance are in part derived from the fact it incorporates a grouping of the village's oldest surviving properties and these are predominantly found along Main Road. Along Main Road are seven listed buildings dating from the mid-18th century through to the late 19th century. In addition to this a further five properties were identified in the Parson Drove Conservation Area Appraisal (October 2000) as Buildings of Local Interest because of their heritage interest. The historic properties within the conservation area reinforce the historic qualities of the conservation area. They tend to be present themselves in the vernacular traditions of simple Georgian or Victorian facades often of three bay widths and this is part of the character and appearance of this conservation area. A number of these historic buildings originally served as farmhouses and their scale and simplicities of their appearance is reflective of their building type and their location within the agricultural Cambridgeshire Fens. The Green fronting The Bank contributes significantly to the character and appearance of the conservation area as an area of open space lined with trees and there are strong natural qualities to the entire conservation area as a result from The Green and its mature trees and the mature trees found throughout the conservation area including those fronting Main Road. Hedged boundary treatments to Main Road also contribute significantly to the natural qualities of the conservation area. It is within this context of understanding the Parson Drove Conservation Area's character and appearance that this proposal is considered.

The building to which this application relates is a nondescript commercial premise which was erected around 1970 originally as a garage later serving as an off license and now vacant. The building's provenance is without apology and it does not contribute to the historic character of the Parson Drove Conservation Area but as a single storey commercial premise it does not necessarily excessively draw attention to itself either. It is noted that the

building has black barred grills over the windows and images from Google street view indicate these grills have existed on the exterior since at least 2009. The existing black security grills are modest and on this specific building they may not particularly enhance the aesthetic of the building but they do not detract from the buildings appearance or draw undue attention to it either. The previous application sought to install roller shutters to the south and west elevations which are more visible within the street scene. The current proposal seeks retrospective consent to install roller shutters across the large concertina garage doors to the east elevation.

With the Access Statement no explanation is given as to why roller shutters are required in this location, either on grounds of security or otherwise and within the heritage statement there is no attempt to explain how proposals to install roller shutters would justifiably preserve or enhance the character or appearance of the conservation area or setting of adjacent listed buildings/structures. Roller shutters appear heavy and defensive and due to the scale of the opening would be very conspicuous on the building where they are proposed – and in fact now installed. In this instance it is felt the proposed shutters would be conspicuous, aesthetically displeasing, and would draw greater attention to this 1970s building and that would be to the detriment of the character and appearance of the conservation area and no justification for their installation has been provided. It does not appear from the plans that any access is intended through these former garage doors and it would seem likely that the roller shutters may be closed during the day as well as the night. It would be more in keeping with policy to install an open grill shutter or it may be more appropriate for the openings to be bricked in entirely if no access or use is required.

However, as it stands, the proposal would fail to preserve or enhance the character and appearance of the Parson Drove Conservation Area contrary to S72 Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal may cause less than substantial harm the setting of adjacent listed building given these listed structures are at a little distance from the building in question.

The principle of the application is supported and the change of use would not harm the character or appearance of the conservation area, subject to advertisement consents, but this detail requires amendment.

Following the removal of the roller shutters as well as the confirmation of the flue location/materials, the FDC Conservation Officer had no further objections.

5.12. FDC Arboricultural Officer

The application is for the change of use from an existing garage to a restaurant.

The proposed plans do not include the removal of trees or significant vegetation to achieve the change of use.

Proposed additional parking spaces do not impact on any trees.

I therefore have no objection to the proposal.

Local Residents/Interested Parties

5.13. Objectors

12 Letters of Objection were received by the council stating the following reasons for objection:

- Anti Social Behaviour
- Access
- Density/Overdevelopment
- Design/Appearance
- Devaluing property
- Does not comply with policy
- Environmental Concerns
- Light Pollution
- Local services/schools – unable to cope
- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Parking arrangements
- Proximity to property
- Proximity to school
- Shadowing/loss of light
- Smell
- Traffic or Highways
- Visual Impact
- Waste/Litter
- Wildlife Concerns
- Would set a precedent
- Previous refusals for takeaways in the area
- Location of oil tanks on site

5.14. Supporters

32 Letters of Support were received by the council stating the following reasons for support:

- Increased income to other local businesses within close proximity of the application site
- Parson Drove needs more local services
- Benefit to local residents – no need to travel out of the area
- Boost to the local economy

A signature activity was also carried out by the agent. 96 signatures were received in support of the application.

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The

Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

- 6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 11 – Decisions should accord with the development plan;

Para 14 – Presumption in favour of sustainable development

Para 83(a) – Planning decisions should enable the sustainable growth and expansion of all types of businesses, through conversion of existing buildings or well-designed new buildings

Para 134 – Conserving and Enhancing the Historic Environment

Para 189 – Local planning authorities require an applicant to describe the significance of any heritage assets affected

7.2. National Planning Practice Guidance (NPPG)

7.3. National Design Guide 2019

Context

Identity

Built Form

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP6 – Employment, Tourism, Community Facilities and Retail

LP14 – Responding to Climate Change and Managing the Risk of Flooding in

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Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

### **7.5. Parson Drove Neighbourhood Plan 2020**

There are no specific policies relating to developments such as this, however the visions, aims and objectives of the Plan is that the quality of the built and natural environment is improved.

## **8 KEY ISSUES**

- **Principle of Development**
- **Visual Amenity and Heritage**
- **Residential Amenity**
- **Parking and Highways**
- **Other Issues**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District and as such sets out the scale of development which is deemed appropriate to each level of the hierarchy.
- 9.2. Parson Drove is designated as a Limited Growth Village. A small amount of development and service provision is encouraged and permitted over the plan period in order to support continued sustainability within Parson Drove. The application is for a change of use and therefore will make use of an unused garage to the rear of the existing convenience store. The principle of development is therefore considered to be acceptable subject to the policy considerations set out below.

### **Visual Amenity and Heritage**

- 9.3. The change of use is to half of the building currently located to the rear of the existing convenience store. The majority of works are internal and therefore are unlikely to be visible from the street scene. The development includes the removal of an existing single-storey extension to the rear of the site which will change the outlook of the building; however, this is not considered to be detrimental.
- 9.4. The development includes an external flue located on the west facing elevation of the building. The flue will sit 1.5 metres above the existing ridge height of the roof and will be finished in a paint to match the existing building.
- 9.5. Whilst the location of the external flue is unfortunate in relation to the Grade II Listed War Memorial located to the west of the site, the FDC Conservation Officer has no objections to the flue should it be painted to match the existing building. The flue will still be visible however the painting of such will minimise potential impacts on the Listed Building and therefore a refusal in this instance would not be justified.
- 9.6. The removal of the external roller shutters from this application has also minimised the potential impacts on the Parson Drove Conservation Area. They would have created a feature in the street scene and would have introduced significant harm to the Conservation Area. The removal of such ensures that the development is compliant with Policy LP16 and Policy LP18 of the Fenland Local Plan.

### **Residential Amenity**

- 9.7. The application site has neighbouring properties located directly to the north and to the east. The dwelling to the north of the site is a single-storey detached dwelling located 12 metres approximately from the building on site and the dwelling to the east is a two-storey detached dwelling located approximately 12 metres to the east of the building on site.

- 9.8. Due to the close proximity of neighbouring dwellings there is likely to be some impact from the development on neighbouring property as confirmed by the Environmental Health team. The proposed external flue is located on the western elevation of the building. Upon consultation with FDC Environmental Health, no objections were raised in regard to the proposal, however, point 4 of the above comments states the following:

*I would point out that the scenario of no odours being extracted and perceived by nearby residents is unrealistic, but the combination of the distance of this site from neighbouring properties, the nature of the roof referred to above, with a high discharge point and the triple filter system will minimise, but not, eradicate them.*

*There will be certain times when the smell of the odours from the extracted fumes will be perceived by neighbouring properties.*

- 9.9. The FDC Environmental Health officer then notes that the development itself should not cause a statutory nuisance. Statutory nuisance is classed to have significant impact on the health and wellbeing of anyone affected by the proposed development. Whilst it is noted that there may be some impact on residential amenity from the development, it is unlikely to adversely impact on the health and wellbeing of surrounding residential amenity.
- 9.10. The Environmental Health team have noted that the length of dwell time will be critical in controlling the odours produced by the extraction and filtration system. To ensure that residential amenity is not adversely impacted the Environmental Health team have recommended a condition to be imposed in regard to effective odour control.
- 9.11. Due to the proximity of neighbouring properties to the site, it is likely that there will be some noise impact from the proposed extraction system. The development proposes to fit an attenuator to the system. It is noted from the Environmental Health team that due to the attenuator and the distance of the extraction system from neighbouring property there should be no statutory nuisance. Whilst the extraction system will produce a continuous tone during use, it will not continue after the cooking process and therefore should not introduce adverse noise impacts to surrounding residential amenity. A condition can be secured to ensure the attenuator is fitted and maintained in accordance with manufacturers guidance.
- 9.12. The application form states that the hours of operation will be 11:30 – 21:00 Monday to Friday and Saturday. The takeaway will be closed on Sundays and Bank Holidays. These hours are not considered to be excessive in this location considering the nature of the proposed development and should therefore not adversely impact on residential amenity.
- 9.13. An existing window on the rear elevation is proposed to be replaced with a door. A neighbour objection was received expressing concern in regard to potential overlooking from this door. The agent has confirmed that a frosted glazing will be adhered to this door. The frosted glazing will mitigate any potential overlooking impacts from the development.

## **Parking and Highways**

- 9.14. The development includes the provision of 4 parking spaces for the takeaway to the east of the building on site. The CCC Highways officer has no objections to the arrangements proposed as they will not materially impact upon the highway and therefore are considered to be acceptable in respect to Policy LP15.
- 9.15. Neighbour objections received note the refusal of other takeaways within the area. An application was refused for a change of use for A1 to A5 (Hot Food Takeaway) in 2008 under reference F/YR08/0548/F. The application site is located at 3 The Bank which is approximately 32 metres north of the application site. This application was refused due to the detrimental impacts on the Conservation Area which would lead to increased traffic which would result in conditions detrimental to both highway and pedestrian safety.
- 9.16. An appeal at the site was dismissed under reference APP/D0515/A/08/2091528 due to the impact on the character and appearance of the Conservation Area and the effects on living conditions of neighbouring residents.
- 9.17. Whilst the previous refusal is noted, each application is determined on their own merit. The appeal at 3 The Bank was dismissed due to the disruption to the quiet character of the Conservation Area and the impacts of the proposed development to neighbouring property.
- 9.18. It has been confirmed by FDC Environmental Health that potential impacts from the proposed development would not cause a statutory nuisance and therefore will not be detrimental to neighbouring property.
- 9.19. Whilst the development will be visible to the Conservation Area, the flue will be painted to match the existing building. It has been confirmed by FDC Conservation that the development will not detract from the character of the Conservation Area.
- 9.20. The previous refusal notes traffic movements and the impact these may have on the residential properties along The Bank. This application provides 4 parking spaces and it is unlikely that consumers will travel along The Bank when accessing the takeaway, therefore the properties along the Bank should not be directly impacted by the potential increase in traffic.
- 9.21. The development can therefore not be refused on the grounds of previous refusals in the area as the development will not adversely impact on neighbouring property and the Conservation Area in the same ways as the previous refusal at 3 The Bank.

## **10 CONCLUSIONS**

- 10.1. This application is for the change of use from a garage to a part takeaway and part storage building for the existing shop. The principle of development is acceptable.
- 10.2. There will be minimal impacts on the character of the Conservation Area due to the omission of the roller shutters and the painting of the external flue to match the existing building on site. Whilst the development will have some

visual impacts, it's unlikely that these will be adverse and will therefore not detract from the character of the Conservation Area.

- 10.3. The proposed extraction system and external flue will have some impact on neighbouring property in regard to odour as confirmed by FDC Environmental Health. However, these impacts will not cause a statutory nuisance and therefore will not adversely impact on residential property. Relevant conditions can be imposed to ensure that the extraction system is installed at a height to ensure the impact of cooking odours upon neighbouring dwellings are not adverse.
- 10.4. It is therefore considered that this application is acceptable as it complies with Policy LP1, LP2, LP6, LP14, LP15, LP16 and LP18 of the Fenland Local Plan 2014.

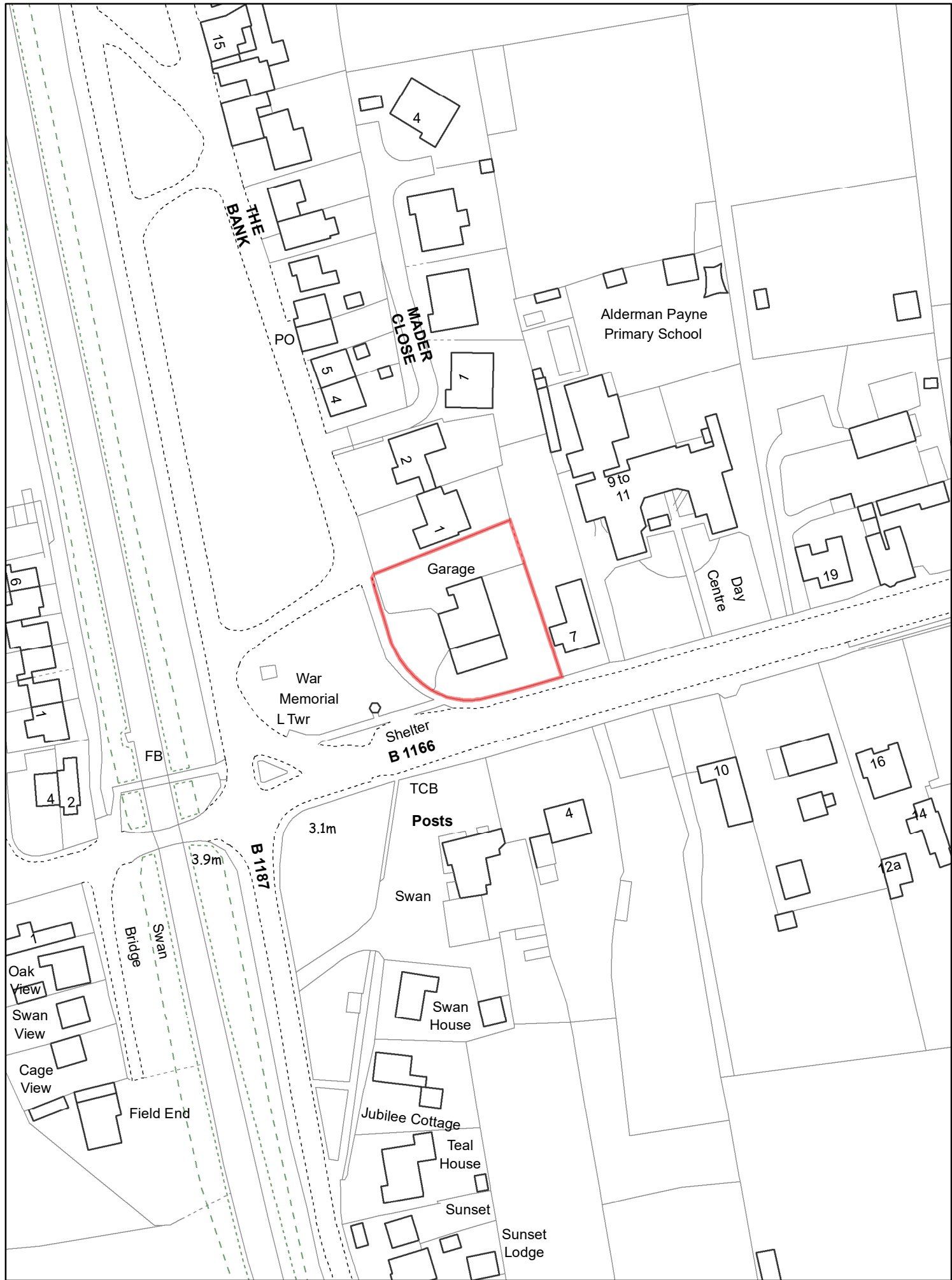
## 10 RECOMMENDATION

### 11.1. Grant subject to the following conditions:

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|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | The development permitted shall be begun before the expiration of 3 years from the date of this permission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2 | <p>The takeaway hereby approved shall only open between the hours of 11.30 to 21.00 Monday to Friday; 11.30 to 21.00 Saturday; and closed on Sunday and Bank Holidays only.</p> <p>Reason- in the interest of residential amenity in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3 | <p>Prior to the commencement of the development hereby approved full details of the colour and finish of the external extractor flue (including a sample) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained as such for the lifetime of the development.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 and LP18 of the Fenland Local Plan, 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4 | <p>The extract point to atmosphere of the flue gases should be a minimum of 1.5 metres above ridge height of the pitched roof of the building, in order to maximise the dispersal of odours and counteract the effects of the roof creating 'downwash' of odours to ground level.</p> <p>The dwell-time of the extract gases passing through the triple filter system should be appropriate for the nature of the product being cooked and in conjunction with this, the efflux velocity at the point of discharge to, atmosphere, shall be adequate to achieve the optimum dispersal of odours and minimise the impact of cooking odours upon the occupiers of the nearest residential properties.</p> <p>The filtration system should be operated and maintained in accordance with the manufacturer's recommendations, including those in respect of: -</p> <ul style="list-style-type: none"> <li>A Removal and cleaning of grease filters</li> <li>B Replacement of moisture filters</li> <li>C Maintenance and replacement of activated carbon filters</li> </ul> |

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <p>Reason - To safeguard the residential amenity of adjoining residential occupiers in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5 | <p>Any noise emanating from the air source heat pumps and the flue gas extraction system, including the induction/extraction fan(s), triple filters and efflux draught at the point of discharge to atmosphere, shall be attenuated to a degree which achieves a level no greater than 35dB(A)Leq, when measured at the boundary of the nearest residential properties, when measured with a Type 1 sound level meter.</p> <p>In order to achieve this, an attenuator shall be incorporated into the extraction system, which shall be maintained in accordance with the manufacturer's guidance and recommendations, and if necessary, a shield shall be constructed as close to the fan housing as possible.</p> <p>Reason - To safeguard the residential amenity of adjoining residential occupiers in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p> |
| 6 | <p>If during the demolition of the single -storey extension to the rear of the main building, including the removal of the dis-used oil tank, contamination not previously identified, is found to be present at the site, then no further development shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP2 and LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                        |
| 7 | <p>Prior to the first use of the takeaway hereby approved, the provision of at least 1 litter bin is to be provided on site and retained in perpetuity thereafter.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP2 and LP16 of the Fenland Local Plan 2014.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 8 | <p>Approved Plans:</p> <p>Location Plan, Site Plan and Elevations<br/>Floor and Roof Plans</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |





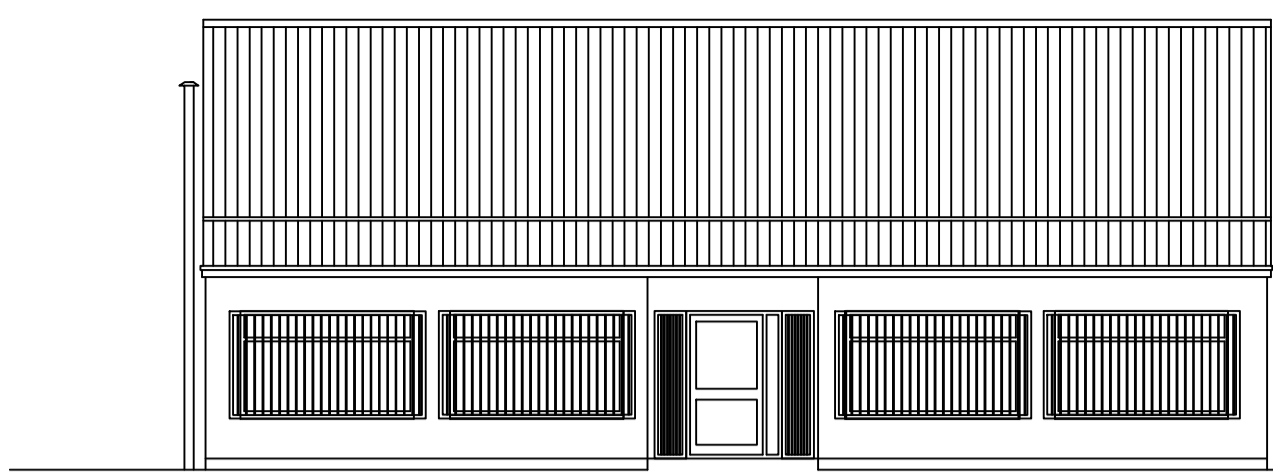
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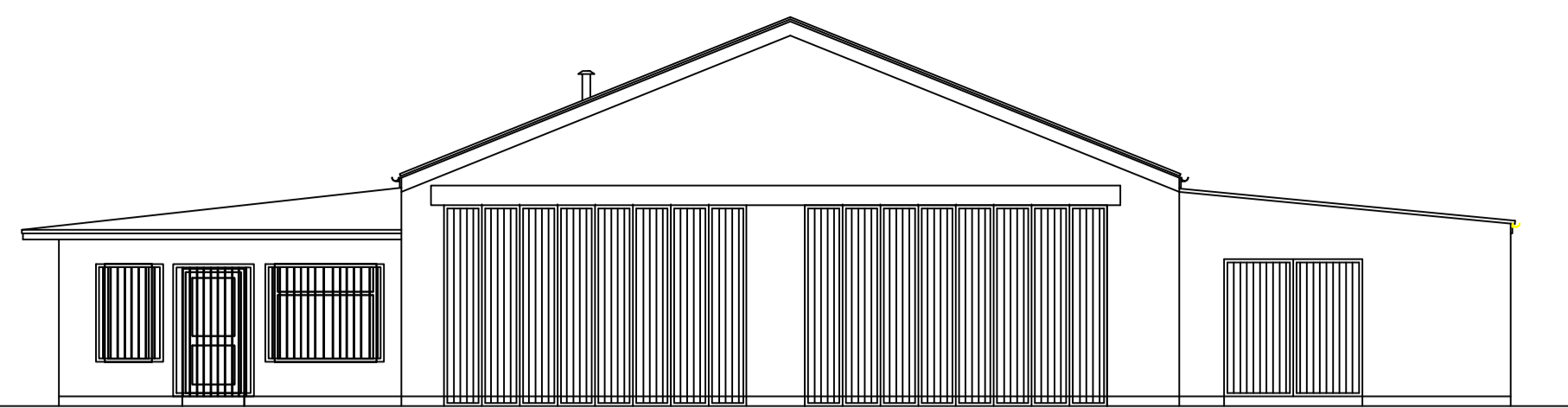
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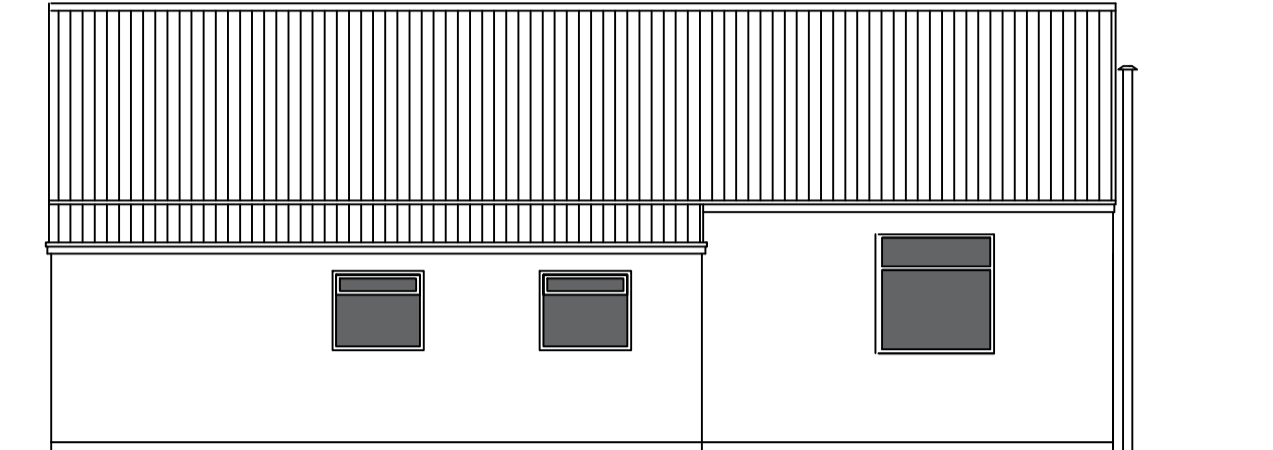




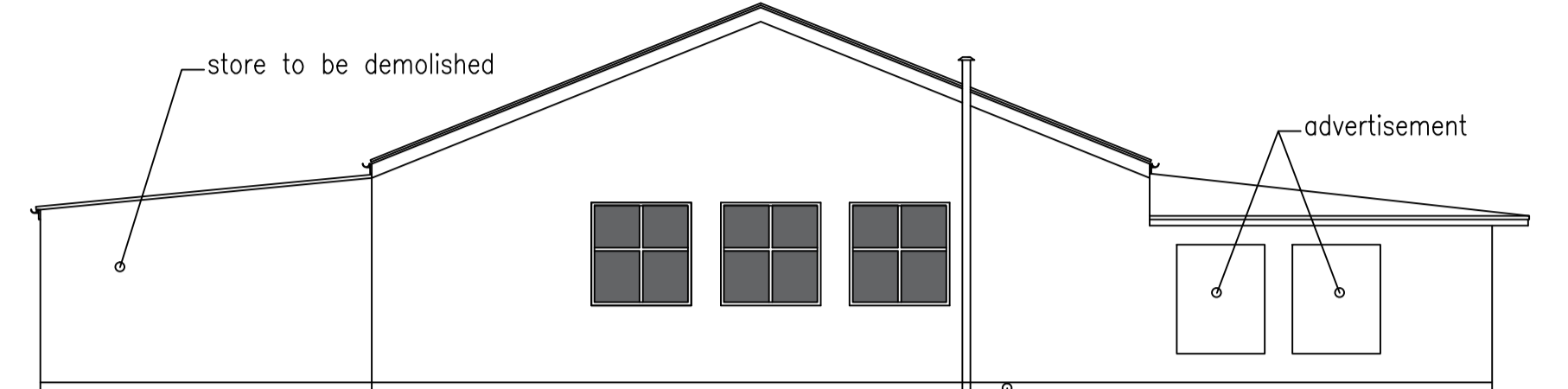
Existing Front (fronting Main Road) Elevation 1:100



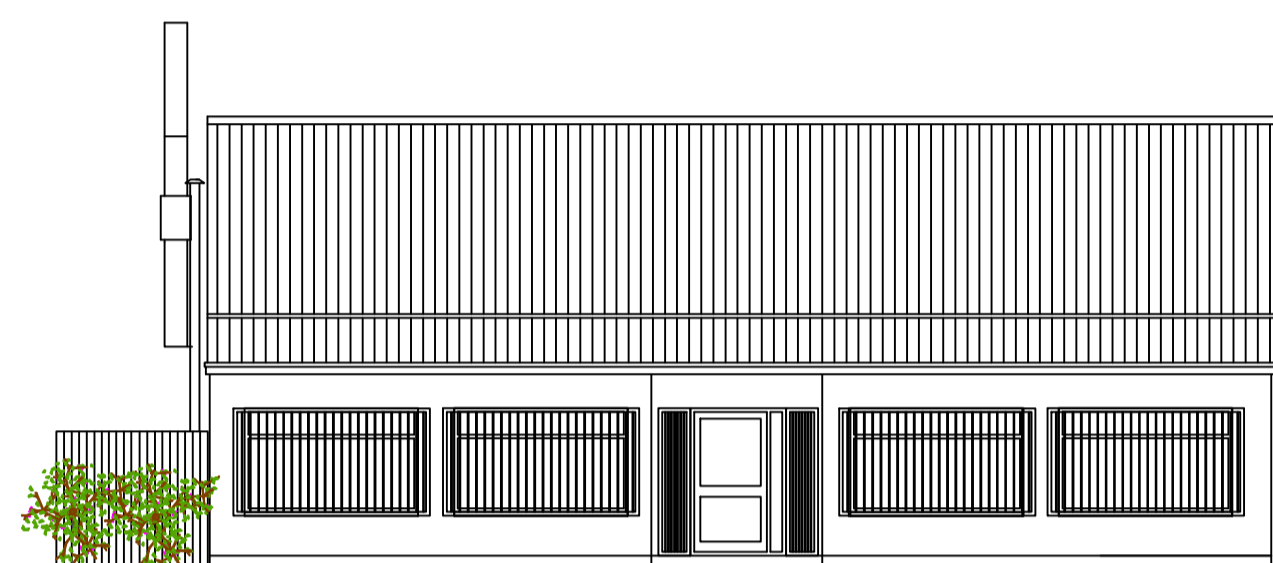
Existing Side Elevation 1:100



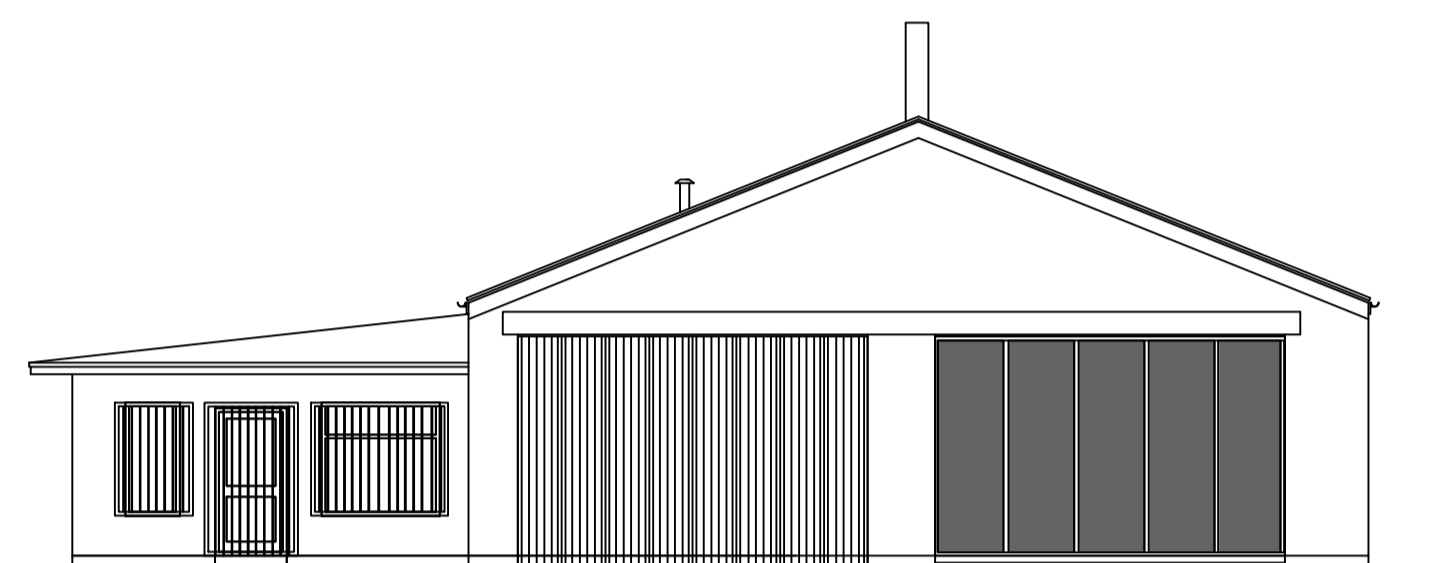
Existing Rear Elevation 1:100



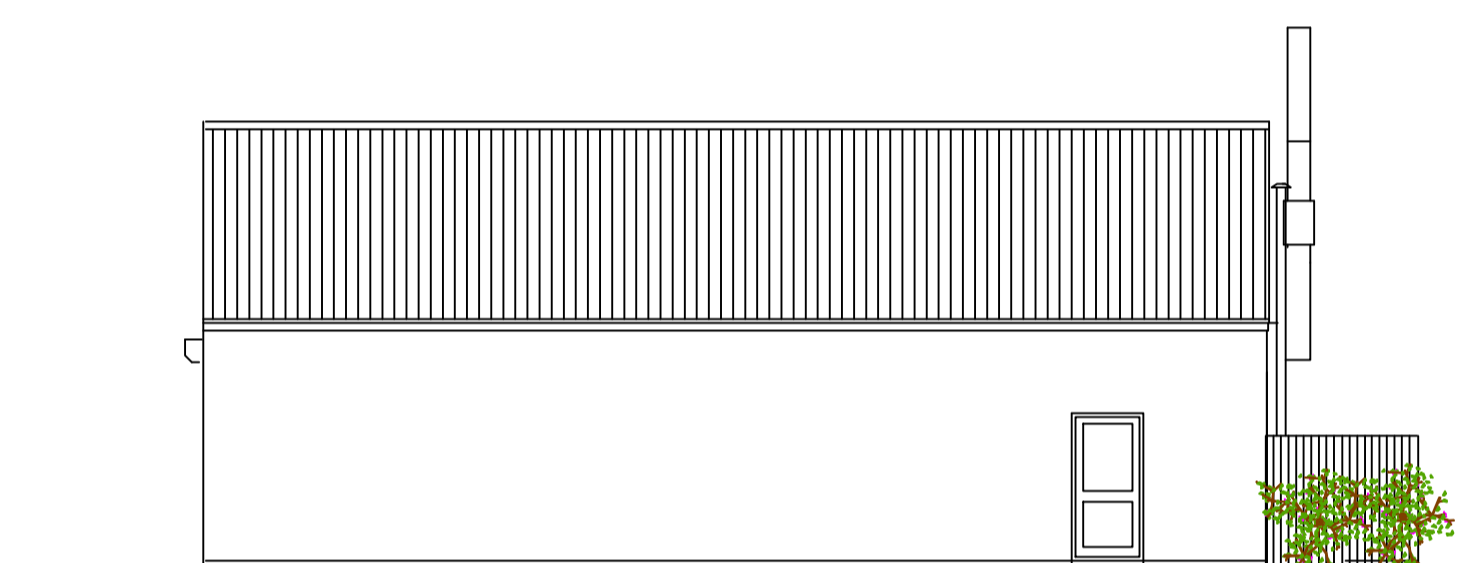
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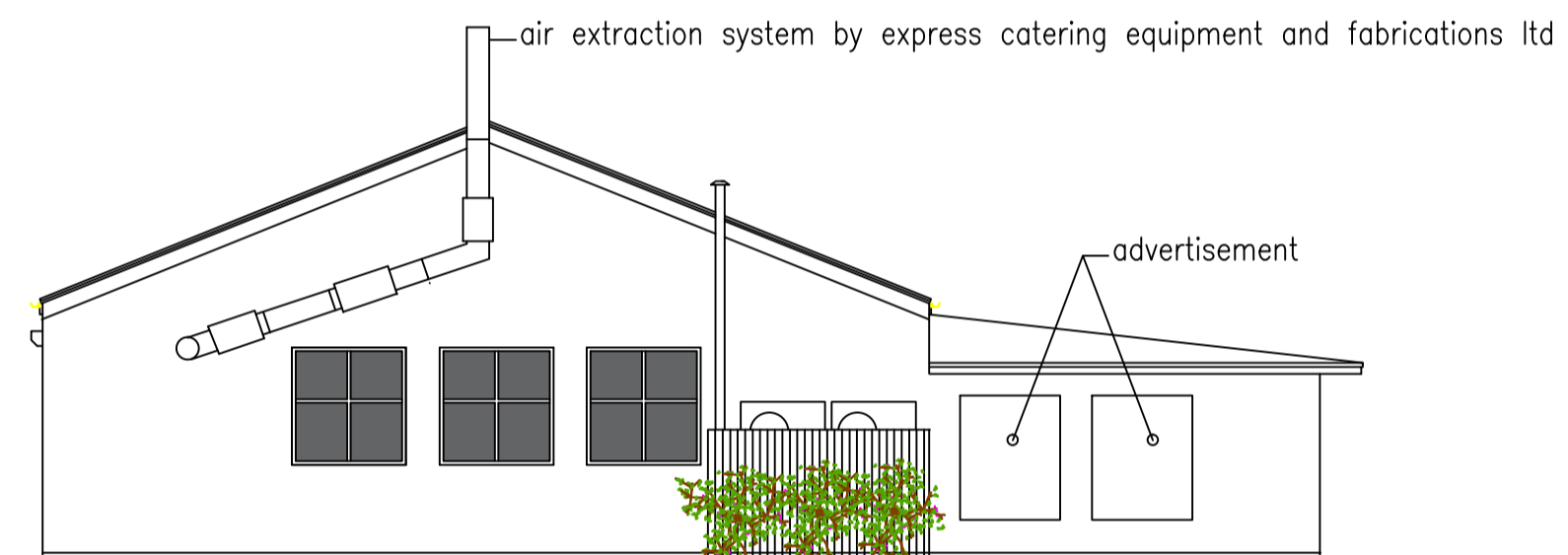
Proposed Front (fronting Main Road) Elevation 1:100



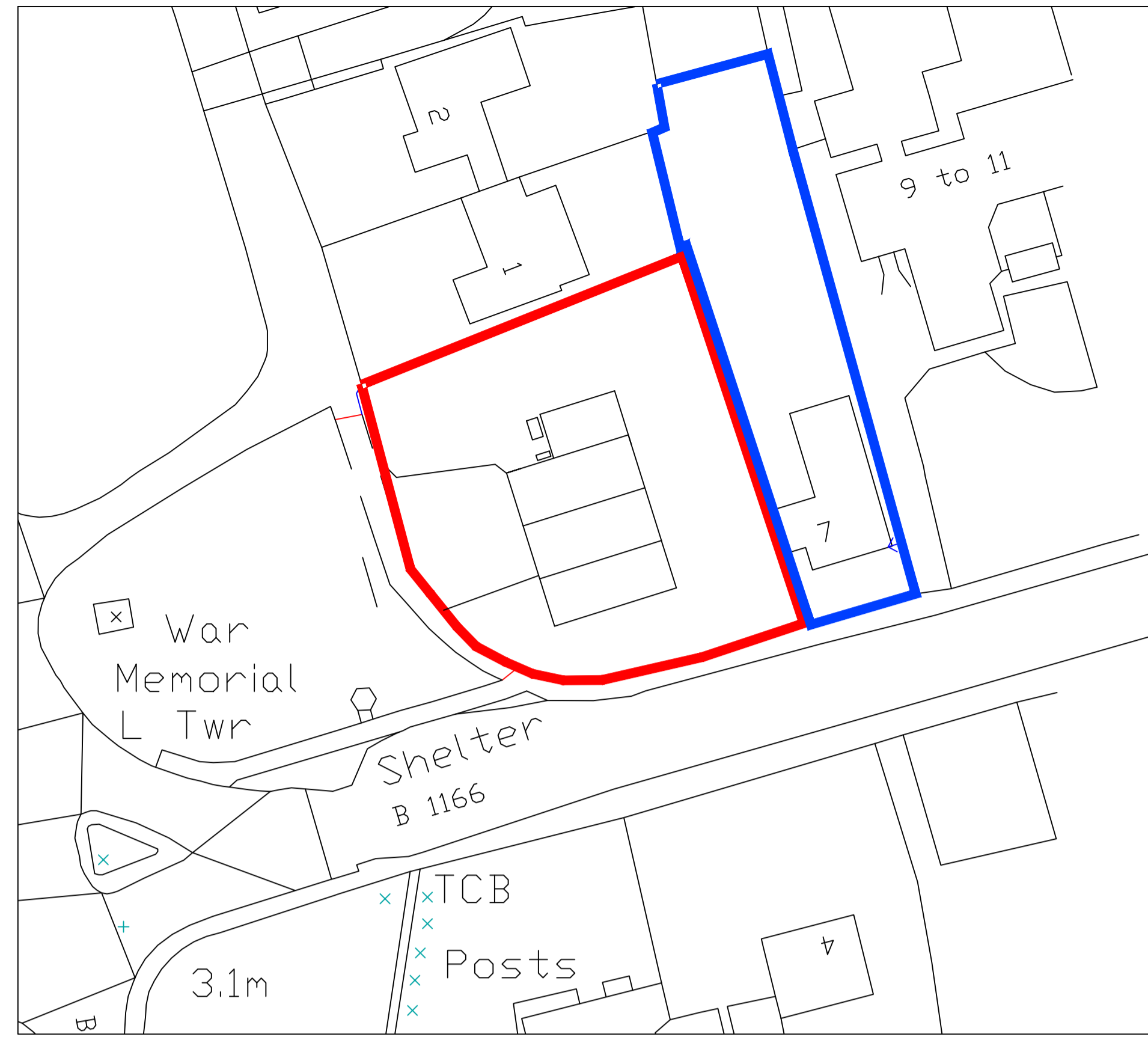
Proposed Side Elevation 1:100



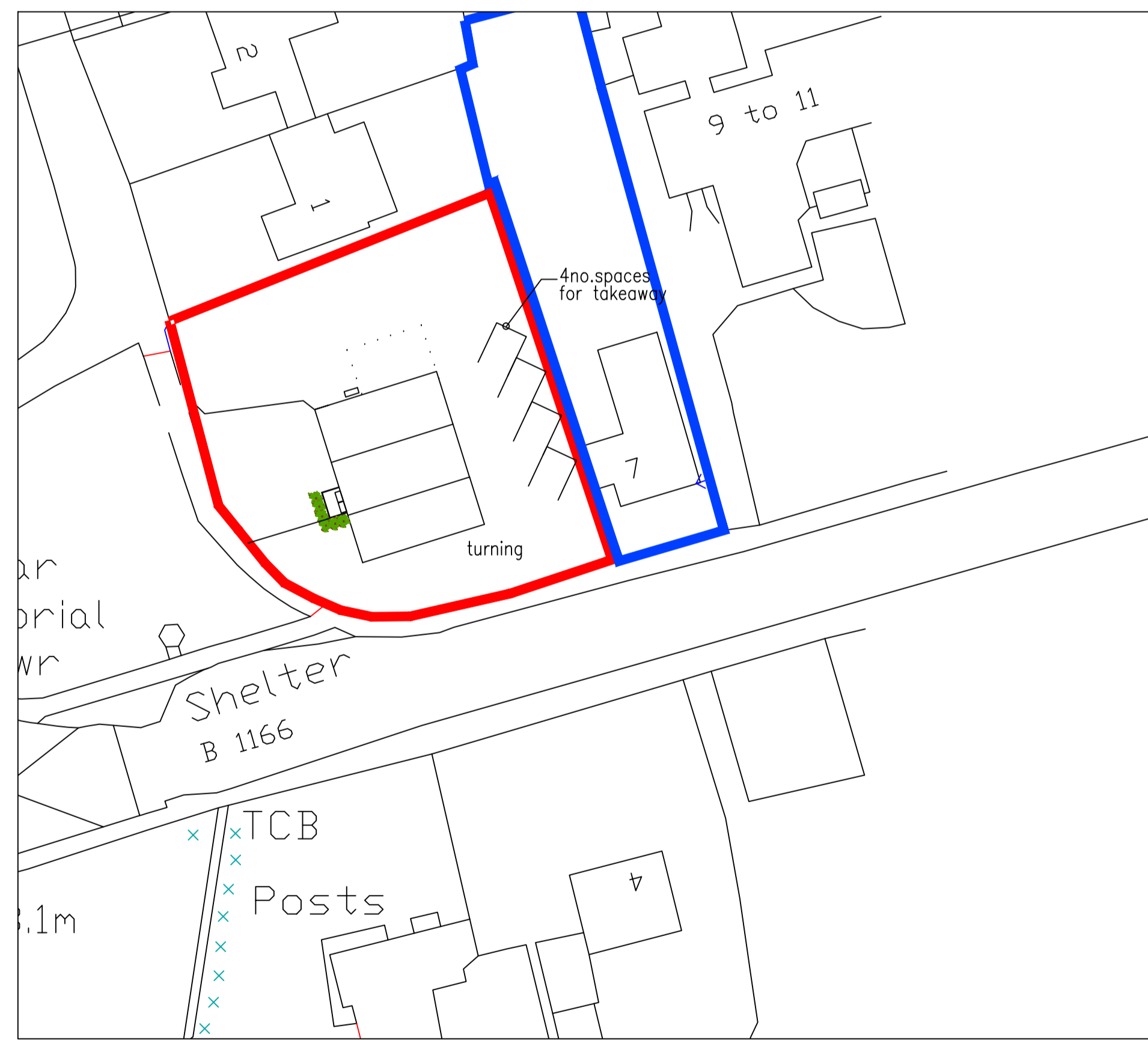
Proposed Rear Elevation 1:100 (shutters up)



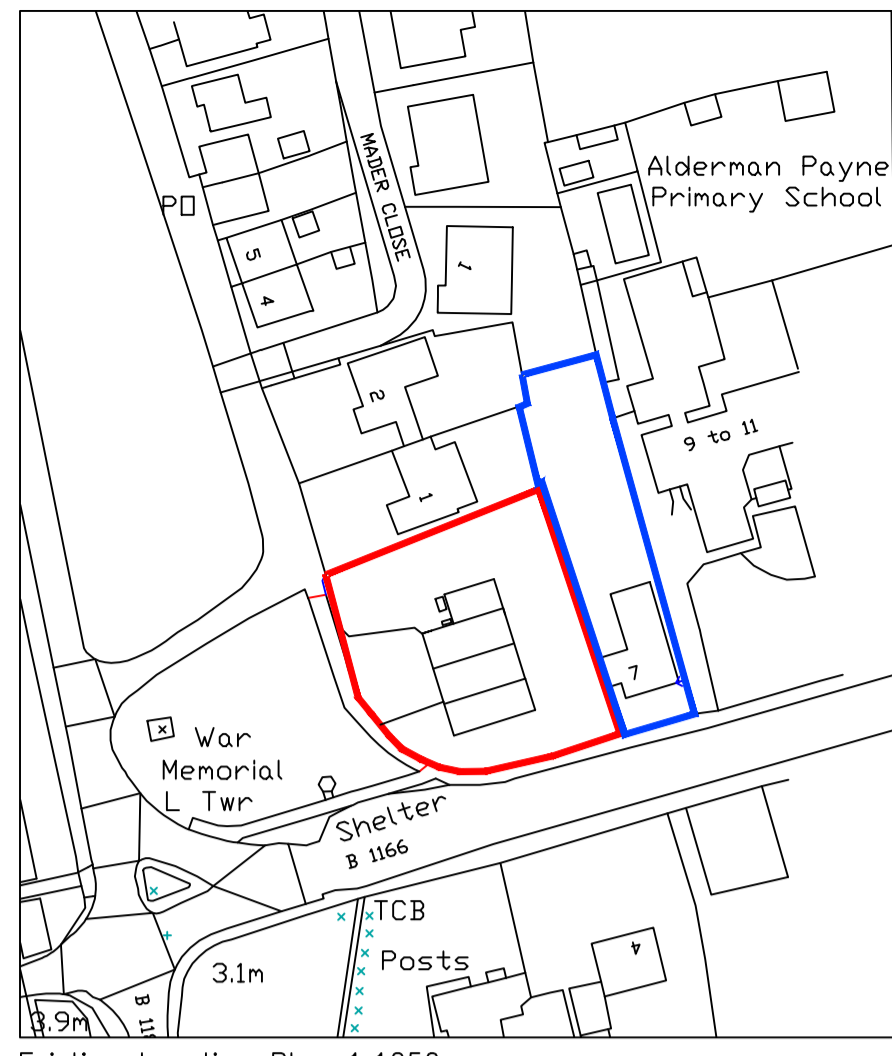
Proposed Side Elevation 1:100 (shutters up)



Existing Site Plan 1:500



Proposed Site Plan 1:500



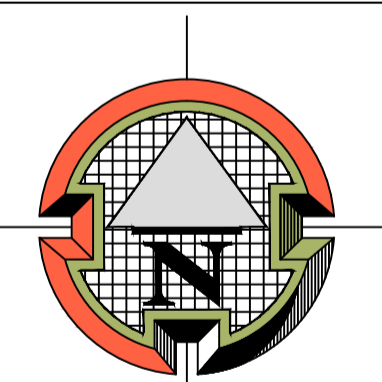
Existing Location Plan 1:1250

|                      |                  |
|----------------------|------------------|
| Reference:<br>PL01/B | Pages:<br>1 of 2 |
|----------------------|------------------|

Scale:  
as shown

Project:  
Change of use from store to fast food restaurant/demolition of store

Site Address:  
1 Main Road  
Parson Drive  
Wisbech  
Cams



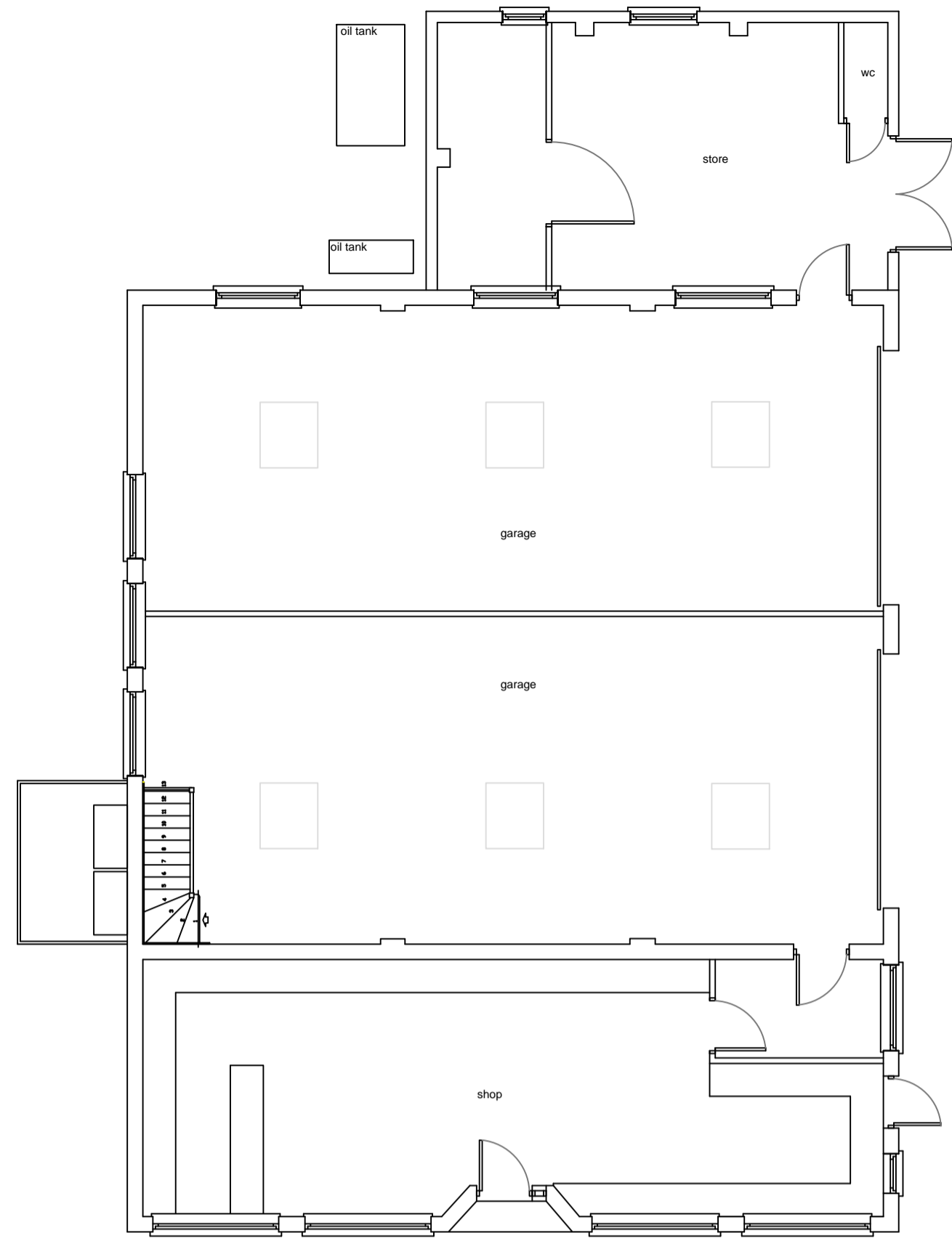
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Mr Sundavadra  
1 Main Road  
Parson Drive  
Wisbech  
Cams



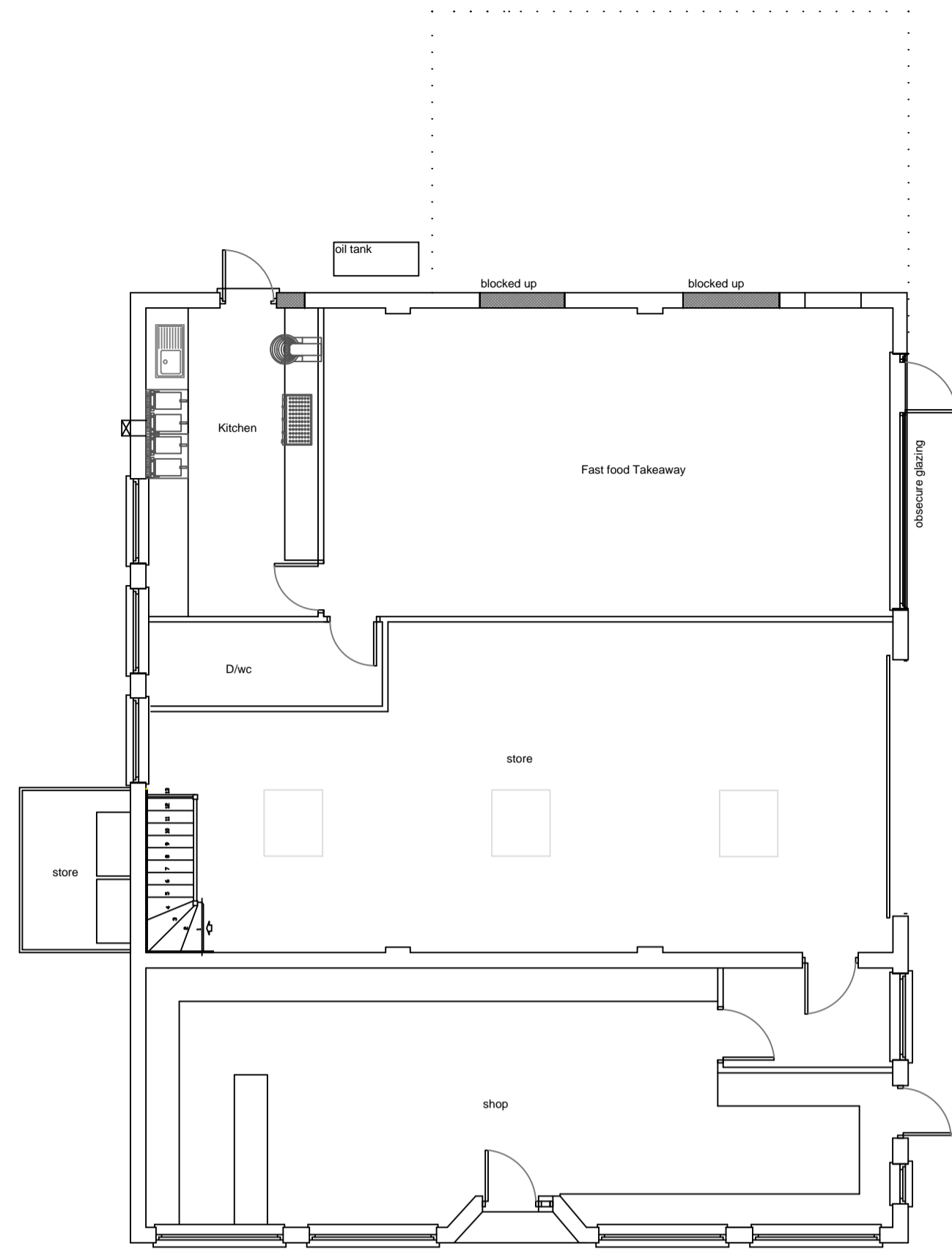
Southfork Farm  
Sedyke Bank  
Morrow  
Cambridgeshire  
PE13 4SD

T: 07891175649  
E: info.alexandradesign@gmail.com

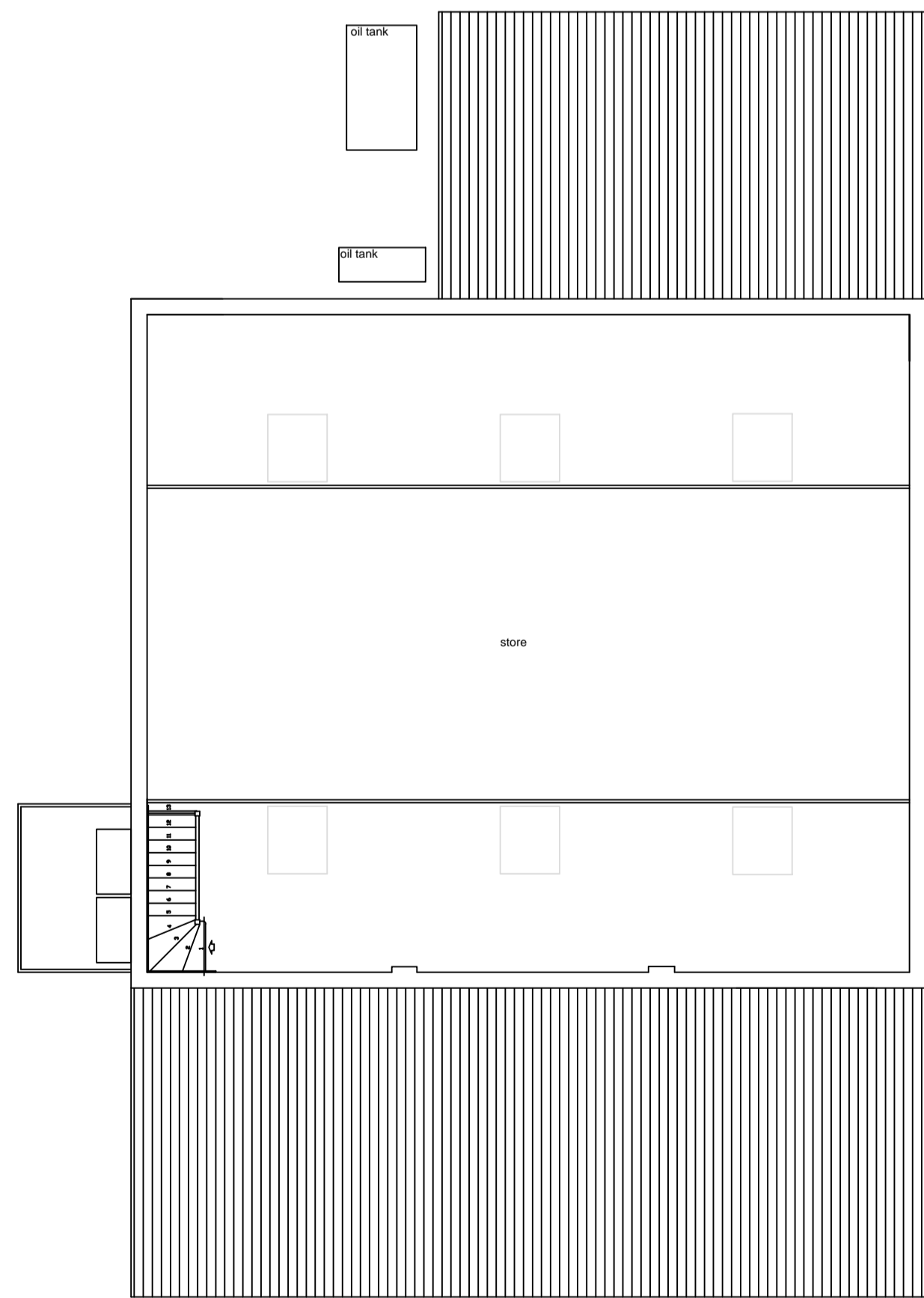
General Notes:  
-Dimensions on all drawings are shown in "mm".  
-The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.  
-This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.



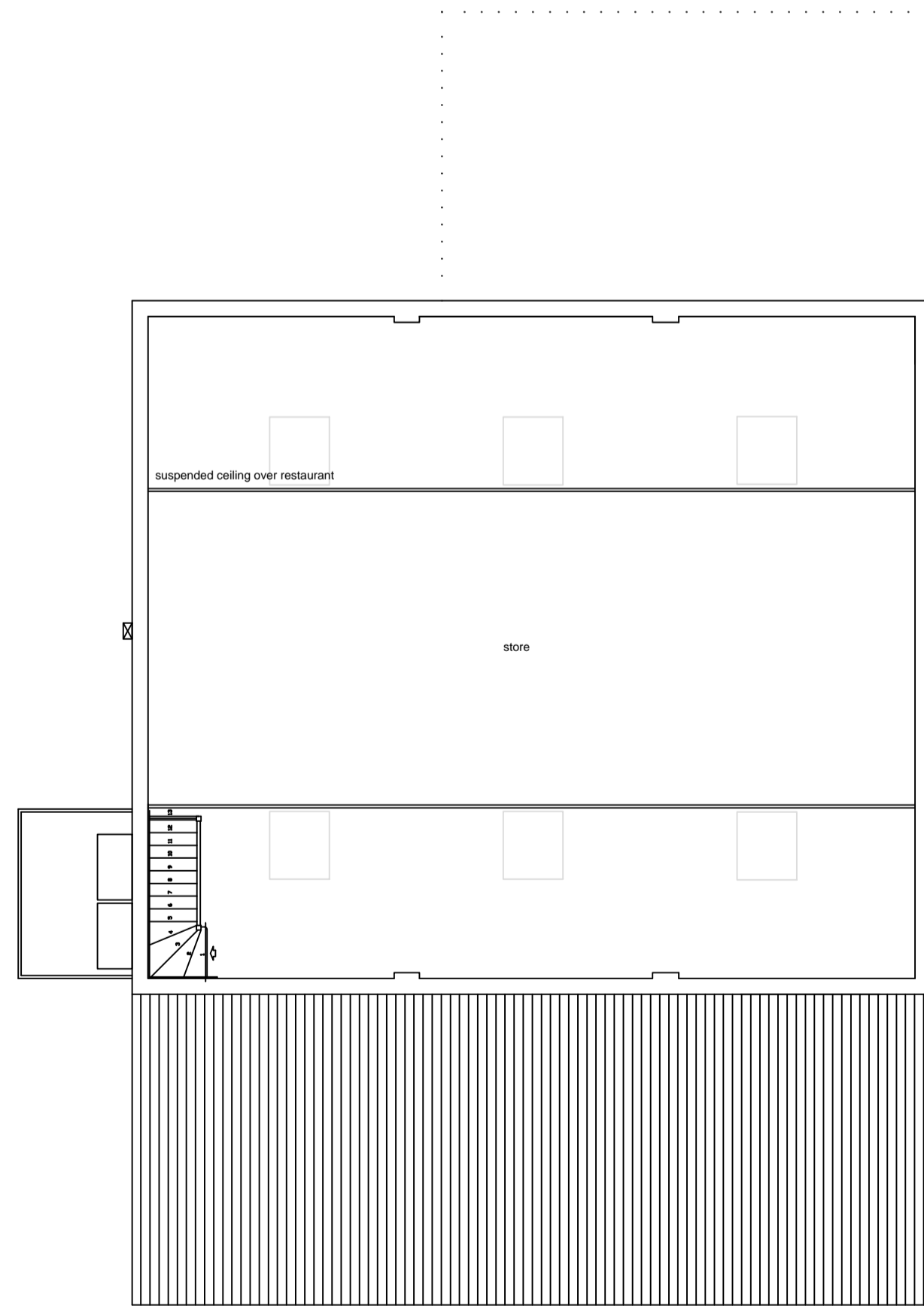
Existing Ground Floor Plan 1:100



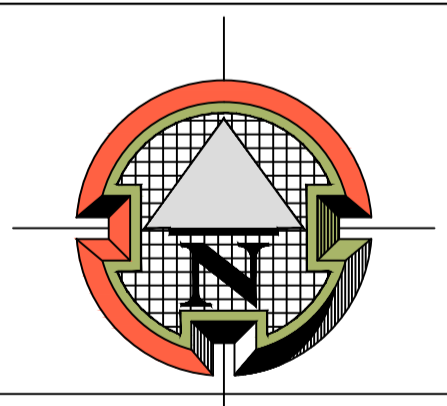

Proposed Ground Floor Plan 1:100



Existing First Floor Plan 1:100



Proposed First Floor Plan 1:100

|                                                                                       |                  |
|---------------------------------------------------------------------------------------|------------------|
| Reference:<br>92/p102/C                                                               | Pages:<br>2 of 2 |
| Scale:<br>as shown                                                                    |                  |
| Project:<br>Change of use from store to fast food restaurant/demolition of store      |                  |
| Site Address:<br>1 Main Road<br>Parson Drove<br>Wisbech<br>Cambs                      |                  |
|  |                  |
| Client:<br>Mr Sundavadra<br>1 Main Road<br>Parson Drove<br>Wisbech<br>Cambs           |                  |
|  |                  |
| Southfork Farm<br>Seadyke Bank<br>Murrow<br>Cambridgeshire<br>PE13 4SD                |                  |
| T: 07891175649<br>E: info.alexandradesign@gmail.com                                   |                  |

General Notes:  
 -Dimensions on all drawings are shown in "mm".  
 -The contractor, sub-contractor and supplies must verify all dimensions before commencement of any works on site.  
 -This drawing is to be read in conjunction with any relevant engineers and specialist sub-contractor drawings and specifications.