

38/08/0443

MORRELL & FARHABI

**CHANGE OF USE TO A5 (A3 CONSENT GRANTED) AT UNIT B, ASPECT,  
CORPORATION STREET, TAUNTON**

322568.124465

Full Planning Permission

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**PROPOSAL**

The proposal is to change the use of a proposed ground floor restaurant/cafe use to takeaway use as part of the mixed use redevelopment complex being undertaken by Gadds on Corporation Street. It is proposed to run the necessary ventilation ducting internally through the building via a lift service void to roof level.

The applicants are both District Councillors.

**SITE DESCRIPTION AND HISTORY**

Planning permission has previously been granted here for 4 retail units, an A2 office use, an A3 food and drink use and 50 flats (38/06/582) in December 2007. Work has commenced on site.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*District Environmental Health Officer - Food Safety* - No observations.

*Principal Environmental Health Officer - Noise & Pollution* - I would recommend the previous condition on application 38/08/582 remain in respect of kitchen extraction unit and flue or alternatively be replaced by reviewed conditions on odour and noise.

*Somerset County Council - Transport Development Group* - No observations.

**Representations**

None received.

**PLANNING POLICIES**

PPS6 - Planning for Town Centres,  
PPS23 - Planning and Pollution Control,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,

**DETERMINING ISSUES AND CONSIDERATIONS**

The application is for the change of use of the restaurant/cafe (A3) use previously

approved to operate as a takeaway. The intended use is as a fish and chip shop. The main consideration is whether this will adversely affect the amenity of the area.

The site is one that has a mix of uses on the proposed ground floor and as the area is not protected by a specific shopping frontage policy in the Local Plan there is no policy objection to a takeaway use in this location.

The main issue is the noise, smell and disturbance to residents of the new flats. The intention is to have a ventilation system designed into the building with the vent exiting at roof level. Subject to appropriate conditions with regard to the ventilation terminal and the nature of the ventilation proposed and previously conditioned on the permission in 2007, the proposal is considered acceptable. Revised conditions are proposed by the Environmental Health Officer. The hours of operation indicated in the application are to extend to 10pm Monday to Saturday and to 9pm Sundays. The restriction to these hours is considered appropriate given the residential use on the floors above.

### **RECOMMENDATION AND REASON(S)**

Recommended Decision:

Subject to no comments raising new issues by the 8th January the Development Manager be authorised to determine in consultation with the Chair/Vice Chair and Permission be GRANTED subject to conditions of time limit, ventilation detail, odour, noise and operating times (12-10pm Mon-Sat and 12-9pm Sun).

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

### **RECOMMENDED CONDITION(S) (if applicable)**

Noise from any air extraction system should not exceed background noise levels by more than 3dB(A) for a 2 minute leq, at any time when measured at the façade of residential or other noise sensitive premises.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The cafe/take-away food outlet shall not open other than between the hours of 12.00hrs – 22.00hrs Mondays to Saturdays and 12.00hrs - 21.00hrs on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the occupiers of neighbouring properties in accordance with Taunton Deane Local Plan Policy S1(E).

3. Details of the external ventilation terminal in terms of its size, height and colour shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: In the interests of the visual amenity of the area in accordance with policy S1 of the Taunton Deane Local Plan.

#### Notes for compliance

1. Your attention is brought to conditions 6 and 7 on permission 38/06/0582 which should be complied with to ensure there are no adverse amenity impacts on the new flats.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**