Report to	Planning Applications Committee	ltem
	9 March 2023	
Report of	Head of Planning and Regulatory Services	
Subject	Application no 22/00385/U – 308 Bowthorpe Road, Norwich, NR5 8AB	4a
Reason for referral	Objections	

Ward:	Wensum
Case officer	Stephen Polley - <u>stephenpolley@norwich.gov.uk</u>
Applicant	Mr Yaldiz

Development proposal			
Change of use from Use Class E(a) to Sui-Generis - Hot Food Takeaway with associated works.			
Representations			
Object	Comment	Support	
4	0	0	

Main issues	Key considerations
1 Principle of development	Loss of class E floorspace
2 Design	The impact that the proposals will have on the character and appearance of the building and wider area
3 Amenity	The impact of the proposals on neighbouring residential amenity
4 Transport	The acceptability of the proposed change of use in terms of accessibility and storage
Expiry date	17 March 2023
Recommendation	Approve



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Planning Application No Site Address

22/00385/U 308 Bowthorpe Road

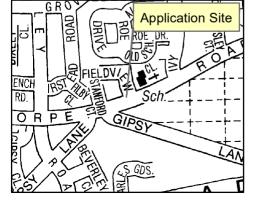
Scale

1:1,000





PLANNING SERVICES



The site and surroundings

- 1. The site is located on corner plot at the junction with Fieldview on the north side of Bowthorpe Road to the west of the city. Bowthrope Road is a busy route taking traffic from the West Earlham area to the city, and Fieldview is a residential cul-desac. The site features a detached single storey property comprising Norwich Food Centre, a convenience retail unit fronting Bowthorpe Road and the associated ancillary living accommodation fronting Fieldview. An enclosed rear garden is located to the rear of the property.
- 2. The proposal specifically relates to a recently constructed vacant retail unit, forming an extension to the existing retail portion of the original building. The extension is designed with a dual-pitched roof with a dormer to the rear. A shopfront / main entrance fronts Bowthorpe Road and a rear access opens onto an area of hardstanding located between the residential part of the site and the main parking area serving the dwelling.
- 3. The property is bordered by no. 310 Bowthorpe Road to the west, no. 1 Fieldview to the north and the highway to the south and east. No. 11 Fieldview is located on the opposite side of the entrance to the cul-de-sac. The prevailing character of the surrounding area is predominantly residential however several shops and a hot food takeaway are located on the same stretch of road. A church and several small office / light industrial units are also located within a relatively close proximity of the site.

Constraints

4. There is a tree preservation order (TPO) on trees to the front of the site.

Relevant planning history

Ref	Proposal	Decision	Date
15/01767/F	Rear extension and change of use of ancillary residential area to increase retail floor space (Class A1).	APPR	18/01/2016
16/00664/F	First floor extension and new roof.	APPR	23/06/2016
16/00681/F	New shop unit (Class A1) adjacent to existing shop.	APPR	23/06/2016
18/00450/MA	Amendment to approved plans of planning permission 16/00681/F.	APPR	18/05/2018
18/01692/F	Construction of new shop unit (class A1) adjacent existing (retrospective).	APPR	18/06/2019

The proposal

- 5. The application seeks consent to change the use of the building from the consented use as a retail unit use class E to a hot food takeaway sui generis use class.
- 6. The proposals would not require any significant changes to the external appearance of the unit, with the existing shopfront remaining. The plans also indicate the location of an extraction system, exiting through the roof of the building.
- 7. The proposed hot food takeaway would be open between 1100 and 2300 hours, seven days a week.
- 8. The application is being presented to the Planning Applications Committee again following a vote at the February 2023 meeting to defer the decision. The decision to defer consideration of the application was made so that a more detailed assessment of the highway's issues could be carried out by Norfolk County Council's transportation officer. Accordingly, a site visit was conducted at 1100 on the 10 February 2023, with both the transportation officer and the case officer present. Formal comments have been submitted by the transportation officer following the site visit.

Representations

9. Adjacent and neighbouring properties have been notified in writing. Four letters of representation have been received citing the issues as summarised in the table below including one from a ward councillor.

Issues raised	Response
Noise / odour disturbance caused by the proposed use	See main issue 3
Increase in traffic / parking problems within the area	See main issue 4
On going parking / access issues centred on the cul-de-sac / HMOs within the area	See main issue 4
Increase in rubbish / litter within the area / no public waste bin	See main issue 4

Consultation responses

10. Consultation responses are summarised below the full responses are available to view at http://planning.norwich.gov.uk/online-applications/ by entering the application number.

Environmental protection – Norwich City Council

11. The odour control system is a high velocity cowl and I confirm that the Purified air odour neutraliser needs to be installed with this system, this system does not contain

carbon filters so this figure for residence time shall not be needed in this instance. I would therefore like the following condition attached:

12. "No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with the approved scheme for extract ventilation or fume extraction as specified on the document from Commercial Catering Engineers Anglia Limited dated 11/08/2022 with associated plans and technical note; and no use of the premises as hereby permitted shall take place until the approved scheme has been installed and is operational and thereafter it shall be retained and maintained in full accordance with the approved details.

Tree Protection Officer – Norwich City Council

13. No objections from an arboricultural perspective.

Citywide Services – Norwich City Council

14. We would not be involved in this process as it is concerning a commercial property.

Transportation – Norfolk County Council

15. No objection on highway grounds subject to consideration of recommended conditions concerning cycle parking and installation of a white H bar across the site access to Bowthorpe Road. Please see appendix A for the full response.

Relevant development plan policies

- 16. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation

17. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM24 Managing the impacts of hot food takeaways
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

- 18. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):
 - NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF4 Promoting sustainable transport

• NPPF7 Requiring good design

Case Assessment

19. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan polices are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

- 20. Key policies and NPPF paragraphs DM18, DM21, DM24, JCS19, NPPF Sections 5 & 11.
- 21. Policy DM24 seeks to manage the impacts of hot food takeaways, permitting proposals that would not a) give rise to unacceptable environmental effects which could not be overcome by the imposition of conditions, and / or b) the proposal has safe and convenient access and would not be detrimental to highway or pedestrian safety. With regard to a), the environmental impacts are considered fully within the amenity section of this report. This includes the use of conditions to mitigate the impact of the proposed change of use, as recommended by policy DM24. The impacts on highway and pedestrian safety as required by b) are covered within the transport section of the report.
- 22. The proposed change of use results in the loss of a vacant retail unit. The unit has never been occupied following its construction less than five years ago. The unit was constructed as an extension to the existing convenience store, albeit as a standalone unit.
- 23. The site is not located within a defined retail centre. As such, there are no policy reasons for preventing the proposed change of use from taking place.

Main issue 2: Design

- 24. Key policies and NPPF paragraphs JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
- 25. The proposed development will have only a limited impact on the overall appearance of the unit and the character of the wider area. The retention of the shopfront will ensure that the appearance remains consistent with the prevailing character.
- 26. The proposed extraction system will result in a noticeable change to the appearance of the site as the extraction system will project 1.1m beyond the ridge of the roof, towards the eastern end of the building. The design of the extraction system, exiting straight through the roof prevents the need for excessive ducting being used on other parts of the building. The prominent location of the site within the street scene will mean that the extraction equipment will be noticeable from serval viewpoints within the public realm. It is however not considered to result in

significant harm being caused to the character of the area. It is noted that there are several commercial units located within proximity of the site, including a fish and chip shop hot food takeaway which is served by similar extraction equipment. It is noted that site is not located within a particularly sensitive area in terms of visual amenity, with there being a mixed character and a variety of property types and uses. As such, the proposed development is considered to be acceptable in design terms.

Main issue 3: Amenity

- 27. Key policies and NPPF paragraphs DM2, DM11, NPPF paragraphs 9 and 17.
- 28. The site is located in an area with a mixed character, the closest neighbouring residential use is that of the parent property, which includes a dwelling occupied by the owners of the existing business. 11 Fieldview is the next closest dwelling, located on the opposite side of the entrance to the cul-de-sac, 10m from the site.
- 29. Policy DM2 seeks to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution. In this case due to the orientation of the site the proposals would not result in any overshadowing of neighboring properties. With regard to noise and odour, the biggest potential impacts are from the extraction equipment and from visitors using the business late at night.
- 30. Details of the proposed extraction system have been submitted and considered by the council's environmental protection officer. They have not raised any objections, however they have recommended adding conditions to a decision to ensure that the equipment is installed in accordance with the details submitted.
- 31. In terms of hours of use, the proposal seeks consent to open between 1100 and 2300 hours, seven days a week. The proposed hours are considered acceptable. It is considered reasonable to add a condition to ensure that the business is only operational during these hours to protect the amenity of the neighbouring residential occupiers.

Main issue 4: Transport

- 32. Key policies and NPPF paragraphs JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
- 33. The site is located on Bowthorpe Road which serves as one of the main routes from the West Earlham area to the outer ring road and city. The site is considered to be within a sustainable location being within close proximity of bus stops and the green pedalway route. There are areas on street parking within proximity of the site located on Bowthorpe Road, Fieldview and Gipsy Lane beyond.
- 34. The site is formed of a corner plot at the junction with Fieldview, a residential culde-sac. The site includes an area of forecourt to the front of the existing convenience store. The proposed hot food takeaway would share this space. The forecourt can be accessed by vehicles via an existing vehicle crossover located on Bowthorpe Road. The forecourt is therefore used by the current business for deliveries and by customers. There is no other vehicle crossover serving the site and as such exiting vehicles either reverse onto Bowthorpe Road or drive across the kerb and onto Fieldview. The extant arrangement cannot be modified through

the installation of an additional dropped kerb as the only space available for a new dropped kerb is located within close proximity of the junction of Fieldview and Bowthorpe Road. The transportation officer has however recommended that a condition is applied to add a painted 'H' bar on the highway in front of the existing drop kerb to assist in ensuring that the existing access is not blocked by parked vehicles.

- 35. The transportation officer in his detailed assessment of the site concludes that the proposed change of use to a hot food takeaway is not substantially different from the myriad of uses that are already consented by virtue of class E. The main difference between the extant uses and the proposed use is that traffic to the site may increase into the evening hours. The times of day when an increase in the intensification in the use of the site is likely to occur is therefore outside of the peak hours of traffic within the area, and as such is not likely to have severe impacts on the highway safety, sustainability or accessibility of the site or neighbouring area.
- 36. Furthermore, the transportation officer also concludes that given the small scale of the premises and the compactness of the site, that it is unlikely that the level of the intensification of the use of the site will expand significantly beyond the level of use already consented. It is also noted that the existing forecourt area provides ample space for delivery mopeds and / or cycles to use the site safely.
- 37. The original consent allows the building to be used as a retail unit operating within class E of the use class order. Class E permits a myriad of uses which can be considered broadly similar to the proposed use. These could include a café / restaurant with a takeaway facility, a sandwich shop with takeaway facility or an off licence. The previous consent does not include any restriction on the hours of opening. As such, it is feasible that a use with very much the same level of impact as the proposed use could commence at any time without the council being able to apply any specific planning controls.
- 38. The transportation officer has recommended that cycle parking is provided on site. It is therefore considered reasonable to add a condition requiring the provision of cycle parking on the site.
- 39. The transportation officer has noted that an area of hard standing to the rear of the site is currently being used for car parking. Only part of this area is accessed via a vehicle crossover. The parking area is a shared space with the adjacent convenience store. The provision of on-site parking for a business of this scale is not required. An application to extend the vehicle crossover can be made to the highway authority but is not relevant to the assessment of this application.
- 40. There is not currently a litter bin available for use within proximity of the proposed business. As such, it is considered reasonable to add a condition requiring the siting of a litter bin adjacent to the proposed business, which could be used by visitors the wider site.
- 41. The site layout plan includes the provision of a refuse bin directly to the rear of the unit. The proposed siting of the bin is acceptable.

Equalities and diversity issues

42. There are no significant equality or diversity issues.

Local finance considerations

- 43. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
- 44. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
- 45. In this case local finance considerations are not considered to be material to the case.

Conclusion

- 46. The principle of the proposed change of use is acceptable as the development will result in the creation of a new hot food takeaway business operating within a suigeneris use class, in an appropriate location.
- 47. Hours of use are proposed to be restricted to ensure that harm is not caused to the residential amenities of the neighbouring property to the north, and details of a litter bin are to be requested. The proposed extraction equipment is considered acceptable.
- 48. The transport impacts of the development will be limited, but details of a cycle parking and clearer highway markings are recommended.
- 49. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 2/00385/U – 308 Bowthorpe Road Norwich NR5 8AB and grant planning permission subject to the following conditions:

- 1. Standard time limit;
- 2. In accordance with plans;
- 3. Hours of use of business restricted to between 11am and 11pm;
- 4. In accordance with ventilation and extraction details;
- 5. Provision of a litter bin;
- 6. Provision of cycle parking;
- 7. Painting of an 'H' bar to existing drop kerb.

Appendix A - Comments from Transportation Officer



Community and Environmental Services County Hall Martineau Lane Norwich NR1 2SG NCC contact number: 0344 800 8020 Text Relay - 18001 0344 800 8020

Stephen Polley Norwich City Council planning@norwich.gov.uk

 Your Ref:
 22/00385/U
 My Ref:
 9/4/22/0385

 Date:
 16 February 2023
 Tel No.:
 01603 228865

 Email:
 kieran.yates@norfolk.gov.uk

Dear Stephen Polley

Proposed change of use from Use Class E(a) to Sui-Generis - Hot Food Takeaway.

308 Bowthorpe Road, Norwich, NR5 8AB

Further to requests from members of the Norwich planning committee for a transport assessment of the above application this information is provided and updated recommendations made.

Revised recommendation:

No objection on highway grounds subject to consideration of recommended conditions concerning:

1) cycle parking and

2) installation of a white H bar across the site access to Bowthorpe Road.

Application description

As described in the committee report, this premises has an extant Class E status that covers a multitude of different uses, such as cold food takeaway or other retail premises. The proposed change of use as a hot food takeaway would probably have a similar nature of traffic generation during the daytime, but would result in an increase of trips during the evening period of operation.

Given the small floor size of the premises and limited number of staff on site, the amount of traffic generation will to a certain extent contain the amount of traffic that can be generated.

It is not possible to accurately predict the amount of traffic generated within any use class

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unless a range of equivalent uses was obtained from the TRICs database. For a premises of this size the highway authority would not require this level of detail is obtained.

Site description:

The premises is located at the junction of Bowthorpe Road (C802) and Fieldview (U40013), the Bowthorpe Road is classed in the Norfolk route hierarchy as 4A2 a link road and Fieldview as 4B a local access road.

- Link roads are classed as roads linking the main and secondary distributor network with frontage access and frequent junctions, 4A2 is a 'remaining link road' i.e. those roads that are not characterised by urban terraced housing with on-street parking.
- Local access roads are classed as roads servicing a limited number of properties carrying only access traffic, that in residential areas are often cul de sacs without significant traffic generators.

In terms of the suitability of a commercial use such as hot food takeaway, in highway terms it is more suitable to be located on a through road, such as Bowthorpe Road rather than on a residential cul de sac such as Fieldview.

The premises is located within a predominantly residential area, in the western side of the city of Norwich where the University of East Anglia is sited, there is a fish and chip shop in close proximity that has its own forecourt and on -street parking.

The premises is sited adjacent to the Norwich Food Centre, a local grocery and convenience store. These two premises share a forecourt where is used for parking and pedestrian access, there is an extant vehicle access to Bowthorpe Road. There is insufficient space for cars to turn around and so some vehicles reverse back onto Bowthorpe Road or exit in a forward gear across the footway to Fieldview. Given the proximity of the site flank on Fieldview to Bowthorpe Road is not consider suitable for a new vehicle access to the created.

There is no cycle parking for staff or customers for either premises. Given the nature of a hot food takeaway that may attract customers of delivery services by bike there is potential demand for cycle parking. However it must be noted that cycle parking was not required when the premises was originally granted consent.

Objections have cited that Fieldview is unsuitable for any increase in traffic associated with the proposed change of use of the premises concerned. Fieldview is a cul de sac, it is 4.5 metres wide the minimum width for two cars to pass each other and is street lit, and has a large turning head at its cul de sac end. Fieldview does have footways, but pavement parking does occur especially near to the commercial premises at its junction with Bowthorpe Road. There is no through traffic on Fieldview, and no recorded injury accidents in the past 5 years. It is noted that Fieldview does have a tight bend with restricted forward visibility and traffic may be in the centre of the road when passing through, any other vehicle encountered would need to stop. Whilst reasons for objecting are noted, and it is agreed that residential cul de sac roads should not have unreasonable increases in traffic using them, it is considered unlikely that the traffic associated with the

premises as a hot food take away would cause severe problems associated with road safety or congestion.

The premises is sited directly adjacent to Bowthorpe Road and its forecourt has an extant vehicle access (dropped kerb), there is on-street parking that can be used for customer parking associated with the premises. There is adequate pedestrian and cycle access to the site, it is also on a frequent bus route to the city centre/Bowthorpe. For this reason the premises is considered to have suitable access to the highway network and adequate car parking provision, there is scope for enhanced cycle parking.

On my site visit it was noted that on-street parking adjacent to the forecourt site access did have the potential to obstruct vehicular access as there are no road markings to contain the parking within a bay or prevent parking near to or across the site access.

Road safety

In terms of road safety, the premises is located on a street lit road, the speed limit is 30mph and there are pedestrian footways. There are waiting restrictions at the corner of Fieldview and Bowthorpe Road that prevent waiting at any time, although active loading is permissible so long as loading is continuous while waiting. Visibility from the junction of Fieldview along Bowthorpe Road in both directions meets Manuals for Streets standards i.e. 2.4 metres x 43 metres.

There is unrestricted on-street parking adjacent to the premises on Bowthorpe Road and Fieldview, although it was observed that most drivers mount the footway to avoid perceived obstruction of the carriageway, yet this does of course disadvantage pedestrians. It is important to note that this is an extant issue, and is commonplace across Norwich and indeed nationally outside of London.

There is a single injury accident recorded at the junction of Bowthorpe Road and Fieldview where a vehicle turning right into Fieldview stopped suddenly resulting in a second vehicle hitting the rear of the stopped vehicle and a third vehicle then leaving the carriageway to avoid collision and not stopping. It should be noted that such injury accidents are not untypical at junctions in urban areas, and that as a single incident does not represent a pattern of risk. Nor is there any evidence that the vehicles involved were associated with travel to the commercial premises in this location.

To the rear of the premises is a residential premises associated with the retail premises and there is off-street parking for several cars. For a short section of footway the kerb has not been lowered and should be improved with a vehicle crossover. However this issue is extant and therefore cannot be subject to condition with this application. The applicant is encouraged to apply for a crossover for these parking spaces to the rear on Fieldview.

Conclusion

When assessing this application on highway grounds, the planning status of the premises is an important consideration, as well as the proposed change of use. The primary concern of the highway authority is safety, as well as sustainability and accessibility as other concerns.

Given that the premises concerned has an extant planning use class as Class E it has an established use for a number of retail uses that would generate a degree of traffic. Hot food take aways are classed now as sui generis, and in many ways are similar to Class E, but different in that more activity is likely during evenings and late at night. In highway terms, such activity is outside of peak hours and therefore the impact is unlikely to be severe.

In addition, the premises concerned is extremely compact and is unlikely to be able to expand, and so the quantum of traffic generated will inherently be limited.

It should be noted that hot food takeaways do have a typical customer base that is local or passing by, and can normally be accommodated by on-street parking, but in this case some custom by car will want to use the forecourt area where vehicles cannot turn around and exit the site in a forward gear. Nor is there any cycle parking at present or proposed to support travel by cycle.

Hot food takeaways also these days do attract delivery services by cycle or by moped. It is considered that there is ample space within the forecourt or on-street for mopeds to park, yet there is no adequate provision for cyclists.

In terms of the extant vehicle access to Bowthorpe Road, this may suffer from obstruction if there an increase in on-street parking during the evening.

Given that the premises benefits from an extant lawful planning use as Class E and that a hot food takeaway is not ineherently different in traffic generation terms, and there no highway safety reasons of sufficient severity to object it is difficult to restrict the grant of consent on highway grounds, but the following conditions are recommended:

Should your Authority be minded to approve the application I would be grateful for the inclusion of the following conditions on any consent notice issued;-

SHC 22

Prior to first use of the development hereby permitted a scheme for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority, two sheffield cycle stands are recommended (4 cycles). The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason:To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

SHC 34

Prior to first use of the development hereby permitted a white H bar road marking shall be installed across the extant site access to Bowthorpe Road.

Reason: In the interests of highway safety. This needs to be a pre-commencement condition as the impact applies to traffic associated with both the construction phase and also daily running of the site.

Please do not hesitate to contact me in case of query.

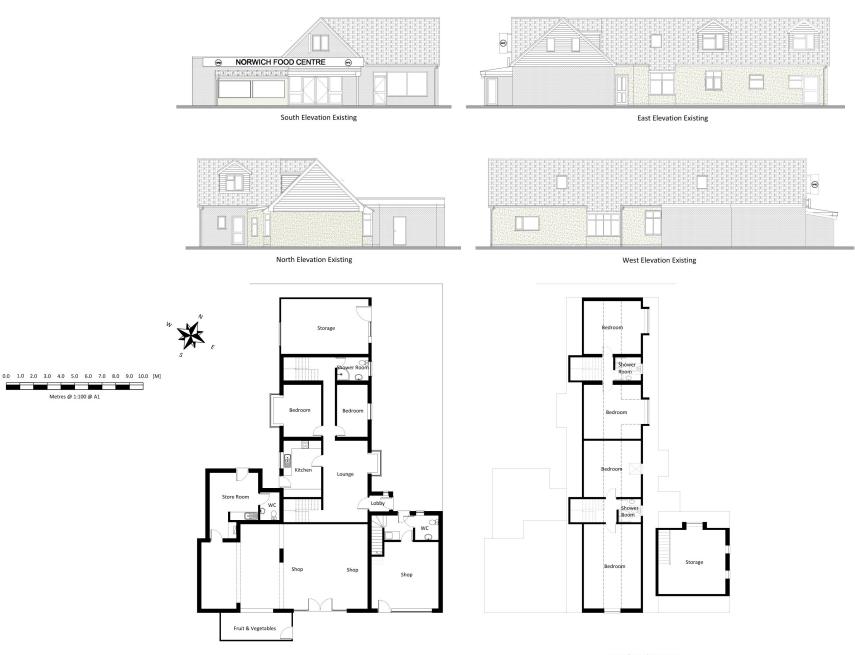
Yours sincerely

Kieran Yates

Highways Development Management Officer for Executive Director for Community and Environmental Services

Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at <u>highway.boundaries@norfolk.gov.uk</u> for further details.

PROPOSED CHANGE OF USE OF PART OF 308 BOWTHORPE ROAD, NORWICH, NR5 8AB FROM USER CLASS E(a) TO SUI-GENERIS HOT FOOD TAKEAWAY





	Proposed change of use to Client - Mr M Yaldiz part of				
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	Norfolk, NR5 8AB.	Drawn By -	KGG	Sheet Number-	2
		Date -	16.02.2022	Revision Number -	A
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EXISTING

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PROPOSED

16.02.2022

