

Report to Planning Applications Committee

Item

12 August 2021

Report of Head of planning and regulatory services

Subject

Application non 21/00679/U at 457 - 465 Dereham Road,
Norwich

4(a)

Reason

Objection

for referral

Ward	Wensum
Case officer	Katherine Brumpton katherinebrumpton@norwich.gov.uk
Applicant	Mr T Karim

Development proposal		
Change of use from former petrol station shop (E) to Hot food takeaway (sui generis) and installation of extraction vent		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1 Principle of development	Location of takeaway
2 Design	Flue and cycle storage
3 Amenity	Impact upon adjacent residential neighbours
4 Transport	Access and provision of cycle/refuse storage
Expiry date	17 August 2021
Recommendation	Approve

The site and surroundings

1. The site is currently used as a hand car wash business and a garage (vehicular repairs etc). The site was previously used as a petrol station, and the canopy and shop remain and are used for the car wash business. The former shop is accessed from the same level as Dereham Road. There is a basement level accessed from the rear which is used by the garage. There is also a caravan/porta cabin on site and a shipping container. There are two vehicular accesses onto Dereham Road. The site has a retaining wall along some of the three sides and is bordered with wire mesh fencing to the front elevation facing the road. There is a triangular area of vegetation in the northeast side of the site which does not appear to be used as part of the commercial uses.
2. Residential dwellings border the site to the west, north and east. They are a mixture of single storey and two storey dwellings.

Constraints

3. Site is effectively level with Dereham Road, however the land then falls down both to the rear (north) and to some extent on both the sides (west and east). As such there are retaining walls within the site, along the east, north and west of the site.

Relevant planning history

4. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
21/00677/A	Display of 1 no. externally illuminated fascia sign	Pending Consideration	

The proposal

5. The application seeks permission to change most of the building on site to a takeaway. The intention is to retain the car wash business during the day, with the takeaway opening as the car wash business closes. No changes to the garage are proposed. The car wash business would have access to the facilities during the day (namely the toilet) and store the materials in the existing porta cabin.
6. The proposed development was initially submitted as a change of use application. The comments from Environmental Protection were discussed with agent, following which revised plans have been received. The revised plans include a flue on the roof and indicate refuse and cycle storage locations. The type of application has changed to a minor as a result of the proposed external works.
7. An application for the associated advertisement has also been submitted alongside this (21/00677/A). The triggers have not been met for this application to be determined at Committee. If the recommendation of approval is accepted for this full application, the advertisement consent application will be determined under delegated powers.

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
The market is saturated; there are already 4 kebab style takeaways within this area. Existing takeaways would suffer.	This is not a material planning matter
Cause more traffic congestion, including vehicles crossing the bus lane.	See main issue 4
Noise pollution would increase, already experienced from the car wash and workshop at the site. Noise could come from extractor fans in addition to comings and goings.	See main issue 3
Odour from the kitchen (<i>original plans</i> – concern that the extractor unit is on the rear wall)	See main issue 3
Increase in number of rats if waste disposal isn't sufficient.	See main issue 4
Under provision of toilet facilities for staff	There are no minimum levels of provision under planning for this type of development.
Building has been deteriorating at the rear and current staff urinate in the yard.	See main issue 1. The behaviour of staff is undesirable; there are existing facilities and there will be under the proposed development too.
Existing users sometimes have bonfires at the site.	This may result in an offence which Environmental Protection would address under separate legislation.
Could lead to additional takeaways at the site.	This is speculative and any future development would be subject to planning processes.

Consultation responses

9. 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

Original plans

10. Request additional information in relation to any plant equipment to be installed, to include odour management equipment
11. Contaminated land conditions needed if ground is to be broken

Revised plans

12. Roof top extraction could help with odour dispersal, a spinning cowl or similar would be recommended. Exact details can be conditioned now.
13. Bin storage area is located in a suitable location away from residential neighbours.

Highways (local)

14. The site has two points of vehicular access, adequate space for vehicles to enter, park and exit in a forward gear and adequate visibility in both directions. Therefore, no objection on highway grounds.

Assessment of planning considerations

Relevant development plan policies

15. **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
 - JCS8 Culture, leisure and entertainment
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
16. **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
 - DM11 Protecting against environmental hazards
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM18 Promoting and supporting centres
 - DM21 Protecting and supporting district and local centres
 - DM24 Managing the impacts of hot food takeaways
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

17. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF4 Decision-making
 - NPPF6 Building a strong, competitive economy
 - NPPF7 Ensuring the vitality of town centres
 - NPPF9 Promoting sustainable transport
 - NPPF11 Making effective use of land

- NPPF12 Achieving well-designed places

Case Assessment

18. 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 policies 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

19. Key policies and NPPF paragraphs – DM24, JCS.
20. DM24 advises that hot food takeaways will be permitted where;
- a) *“the proposal would not give rise to unacceptable environmental effects which could not be overcome by the imposition of conditions; and*
 - b) *the proposal has safe and convenient access and would not be detrimental to highway or pedestrian safety.”*
21. These points are addressed below within the amenity section and transport section respectively. It is recommended that conditions are used to restrict opening hours if necessary, which is discussed below in main issue 3.
22. The supplementary text within this policy provides further advice on suitable locations for takeaways. It indicates that locations within defined centres will generally be preferred in order to prevent less accessible locations being used for takeaways, which could attract car borne customers into residential areas and add to problems of noise and disturbance, parking and highway safety.
23. Whilst the site is not within a defined centre it is on a A classified road, and would not result in additional traffic into quieter more residential areas as access would be directly off Dereham Road. As discussed below in more detail the site is large enough to accommodate customers from both cars and cycles without causing parking and highways safety concerns. Impacts to residents in terms of noise and disturbance are discussed below in the amenity section.

Main issue 2: Design

24. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 126-136.
25. The proposed external alterations relate to a flue and proposed refuse and cycle storage. The changes to the advertisements are considered under application reference 21/00677/A.
26. The details of the flue have not been provided at this stage but are shown as a relatively standard scale and sited in the centre of the roof. The existing building is a former petrol station, with the canopy still in place. Although in use, the site could be improved in terms of both maintenance and design. The proposed alterations

are considered to be relatively minor and would not harm the existing character of the building or the site. The proposal may indeed result in an improvement to the site as it would result in additional investment and upgrading.

27. The cycle storage is discussed further below. The details of the refuse storage would be agreed via condition.

Main issue 3: Amenity

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 130.
29. Following the submission of revised plans the proposal incorporates a proposed ventilation stack which would be located approximately in the centre of the roof. The stack would be approximately 1m above the roof.
30. The proposed change of use could have an impact upon the residential amenity of the neighbours, in particular to the adjacent residential neighbours.
31. The location of the flue and it's height should result in a good level of dispersion of odour from cooking. With a suitable condition requiring the details of the extraction to be submitted and agreed upon, the impact in terms of food odour upon the neighbours is considered acceptable and to comply with both DM11 and DM24.
32. The proposed opening hours are 17:00 until 24:00. The hours are considered suitable for the location and comparable to other takeaways in the city.
33. Whilst it is acknowledged that the proposal will have some impact upon the neighbouring residents this is mitigated by the layout of the site, with the proposed takeaway and associated comings and goings located to the front away from the majority of the neighbours. Furthermore, the proposed conditions would reduce the impact further and ensure that any noise and odour are minimised, ensuring compliance with the above policies.

Main issue 4: Transport

34. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 104-113.
35. The proposed use as a takeaway will result in vehicular movements to and from the site at regular intervals during the evening. The existing use as a car wash and car sales business also attracts regular movements. The concerns expressed by some of the representations are noted in terms of traffic. The road is relatively busy, being part of the A1074. The site benefits from 2 vehicular accesses and ample space for cars to enter, park and exit in a forward gear. With an established commercial use on site, a good amount of space for vehicles to manoeuvre and no objection from the Highway Officer, the change in use is not considered to conflict with the above policies.
36. The site plan indicates 10 parking spaces can be used in conjunction with the takeaway, in addition to the provision of 4 covered cycle storage spaces. This level of provision meets the requirements within the DMLP.

37. The cycle storage would be a curved polycarbonate style shelter with tubular style supports inside to attach bikes to. The store would be located along the western boundary. The design is considered to be both suitable for the location and functional.
38. The proposed bin storage would be located to the southeast of the front elevation, with the plans indicating a timber screen. This is considered to be a suitable location, and the screening will improve the visual amenity.

Other matters

39. The agent has confirmed that no ground is to be broken as part of this application. As such the risks of the development being impacted by the potentially contaminated land are considered minimal. An informative will be added to advise the developer that there is a risk should any future development requiring breaking of the ground.

Equalities and diversity issues

40. There are no equality or diversity issues.

Local finance considerations

41. 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. 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. In this case local finance considerations are not considered to be material to the case.

Conclusion

42. The proposed change of use and associated alterations to a takeaway will have some impact upon neighbouring residents. However, with the proposed conditions the impact is considered to be minimised and at an acceptable level.
43. 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 21/00679/U at 457 - 465 Dereham Road and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restrict opening hours for the public (no access between 24:00 and 17:00)
4. Specified fume extraction scheme to be installed (details to be submitted)
5. Provision of cycle parking and bin storage

Informatives

1. Contamination