

**Report to** Planning applications committee

**Item**

10 August 2017

**Report of** Head of planning services

**Subject** Application no 17/00754/VC – McDonalds. Delft Way  
Norwich, NR6 6BB

**4(b)**

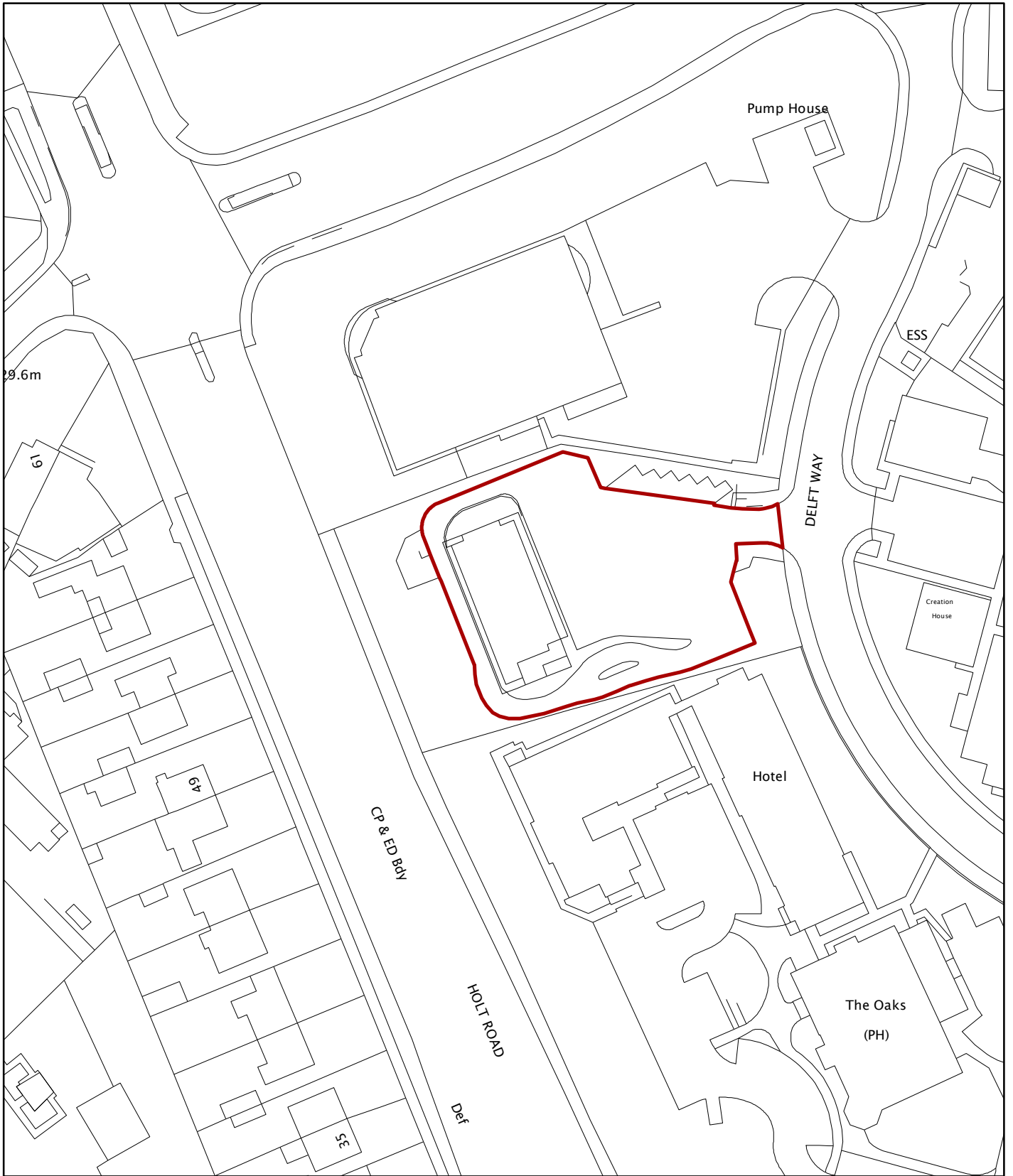
**Reason  
for referral** Objections

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<b>Ward:</b>	Catton Grove
<b>Case officer</b>	Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>

<b>Development proposal</b>		
Removal of Condition 2 of previous permission 13/01759/VC to allow 24 hour trading.		
<b>Representations</b>		
Object	Comment	Support
4	0	0

<b>Main issues</b>	<b>Key considerations</b>
1. Amenity	Noise & disturbance.
<b>Expiry date</b>	11 <sup>th</sup> August 2017
<b>Recommendation</b>	Approve



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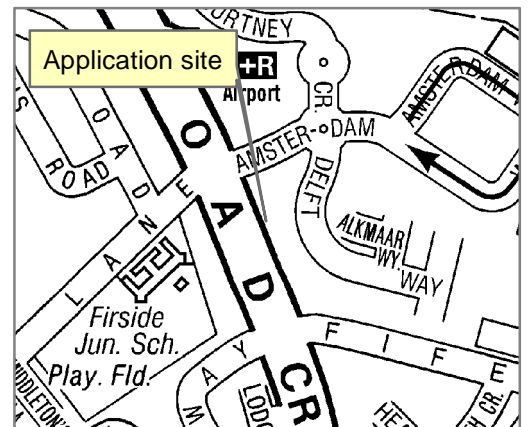
Planning Application No 17/00754/VC  
 Site Address McDonalds, Delft Way

Scale 1:1,000



**NORWICH**  
 City Council

PLANNING SERVICES



## The site, surroundings & constraints

- Existing McDonalds restaurant located off Delft Way and located alongside Holt Road (A140). Located between a kitchen shop (north) and a hotel (south) with an area of landscaping between the site and Holt Road. The site is stepped back and partially screened from Holt Road. Delft Way provides vehicular access to these properties along Holt Road, and this part of the industrial area is located immediately adjacent to Norwich Airport. There are semi-detached residential properties running along the other side of Holt Road.
- There is an oak tree protected by a TPO located to the east of the site, close to the access onto Delft Way.

## Relevant planning history

3.

Ref	Proposal	Decision	Date
4/2002/0108	Display of non-illuminated and illuminated low level and traffic signs.	Approved	14/03/2002
4/2002/0109	Display of three internally illuminated roof name signs, one internally illuminated "M Arch " sign and one non illuminated "Golden Arch" wall logo.	Approved	14/03/2002
4/2002/0110	Display of free standing internally illuminated sign mounted on 6 metre high pole.	Refused	14/03/2002
4/2002/0816	Display of free - standing 5.2 m high illuminated road side sign.	Refused	04/09/2002
10/01848/A	Display of replacement signage: 1) 2 No. internally illuminated directional signs; 2) 1 No. internally illuminated rotating sign; 3) 3 No. internally illuminated totem signs; 4) 1 No. internally illuminated gateway sign. (Revised description)	Approved	17/03/2011
10/01849/A	Display of: 1) 1 No. internally illuminated 'Golden Arch' totem sign.	Refused	03/12/2010
10/01850/F	Refurbishment of restaurant and patio area. Changes to elevations including the removal of booth one and additional cladding to the booths plus installation of a customer order display with canopy, reconfiguration of car park, 5 new spaces, relocation of bike rack, new crossing arrangements and fencing.	Approved	22/03/2011

Ref	Proposal	Decision	Date
10/01851/A	Display of: 1) 5 No. internally illuminated roof mounted signs; 2) 1 No. non illuminated wall mounted banner sign; 3) 1 No. non illuminated customer order display.	Approved	16/03/2011
11/00649/D	Details of Condition 3: details of cycle parking of previous planning permission 10/01850/F 'Refurbishment of restaurant and patio area. Changes to elevations including the removal of booth one and additional cladding to the booths plus installation of a customer order display with canopy, reconfiguration of car park, 5 new spaces, relocation of bike rack, new crossing arrangements and fencing.'  Refurbishment of restaurant and patio area. Changes to elevations including the removal of booth one and additional cladding to the booths plus installation of a customer order display with canopy, reconfiguration of car park, 5 new spaces, relocation of bike rack, new crossing arrangements and fencing.	Approved	24/06/2011
11/01652/VC	Variation of Condition 11 of previous planning permission 4/2001/0618/F 'Erection of freestanding restaurant with drive through facility and associated car parking and landscaping.' from 'The restaurant with drive- through facility hereby permitted shall not be open to customers outside the hours of 07:00 to 23:30 on any day of the week.' to 'The restaurant drive-through facility hereby permitted to open 24 hours a day every day of the week, with no pedestrian access. The in store restaurant facility shall not be open to customers outside the hours of 06:00 to 23:00'.	Refused	21/11/2011

Ref	Proposal	Decision	Date
13/01759/VC	Variation of condition 11 of previous planning permission (4/2001/0618/F) 'Erection of freestanding restaurant with drive through facility and associated car parking and landscaping' from 'The restaurant with drive-through facility hereby permitted shall not be open to customers outside the hours of 07:00 to 23:30 on any day of the week' to 'The in-store restaurant and drive-through facility shall not be open to customers outside the hours of 06:00 to 00:00 from Sunday to Wednesday and 06:00 to 03:00 from Thursday to Saturday'.	Approved	13/12/2013
15/00097/F	Reconfiguration of the drive thru lane and car park to provide an additional order point, installation of 2 no. Customer Order Display structures with associated canopies, provision of an additional car parking space and alterations to hard and soft landscaping.	Approved	31/03/2015
15/00098/A	Display of 1) 1 no. internally illuminated gateway sign; 2) 6 no. internally illuminated totem signs; 3) 3 no. non illuminated directional signs; 4) 1 no. internally illuminated panel sign; 5) 2 no. non illuminated banner units.	Approved	23/03/2015
15/00111/A	Display of 1 No. internally-illuminated totem sign.	Refused	20/03/2015
16/01741/F	Extensions and associated external alterations, alterations to landscaping including enlargement of outdoor seating area and new play space.	Approved	23/02/2017
17/00457/F	The provision of 2 no. electric vehicle charging points.	Cancelled	23/03/2017
17/00654/NMA	Amendment to patio area approved under planning permission 16/01741/F.	Approved	05/05/2017

### The proposal

4. Removal of condition 2 of 13/01759/VC to allow 24 hour trading 7 days a week.
5. The permitted hours are currently:
  - 6am - midnight from Sunday to Wednesday; and
  - 6am to 3am from Thursday to Saturday.

### Representations

6. 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. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issues raised</b>	<b>Response</b>
Noise to residential properties	See Main Issue 1 relating to amenity.
Noise to adjacent hotel	See Main Issue 1 relating to amenity.
Light disturbance from car headlights	See Main Issue 1 relating to amenity.
More trees should be planted along western boundary	See Main Issue 1 relating to amenity.

### **Consultation responses**

7. 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**

8. No objection.
9. The report appears accurate in its calculations. The expected level of vehicle movements appears to be low for this type of use.
10. The adjacent hotel is not a residential use and therefore not offered the same protection from noise under environmental law. The legislation quoted by the adjacent hotel operator is only appropriate for long term noise issues (i.e. those relating to residential occupants) and the noise expected here would not meet statutory nuisance levels.

### **Assessment of planning considerations**

#### **Relevant development plan policies**

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS6 Access and transportation
12. **Norwich Development Management Policies Local Plan adopted December 2014 (DM Plan)**
- DM2 Ensuring satisfactory living and working conditions
  - DM24 Managing the impacts of hot food takeaways
  - DM27 Development at Norwich airport
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
13. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF)**
- NPPF0 Achieving sustainable development
  - NPPF1 Building a strong, competitive economy
  - NPPF2 Ensuring the vitality of town centres
  - NPPF4 Promoting sustainable transport
  - NPPF8 Promoting healthy communities

## Case Assessment

14. 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 Framework (NPPF), the Councils 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: Amenity

15. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
16. 24 hour opening will lead to additional noise during the night from vehicle movements, customers coming and going, and the communication system for the drive-through. There are a number of noise receptors within the site's vicinity including residential properties on the other side of Holt Road and a hotel immediately to the south. To the north of the site is a retail unit which is not expected to be impacted by the proposals.
17. It is worth noting that the area experiences relatively high levels of noise at night time due to the main road. The junction between Holt Road and Amsterdam Way (located 45m from the site) is the main entrance to the airport. As such, this road can be expected to experience higher than usual numbers of night time vehicular movements.  
  
Impact on residential properties
18. The site is separated from the residential properties by a 20m strip of landscaping (including trees and hedging) and 5 lanes of traffic on Holt Road. The closest residential properties, 51 & 53 Holt Road, sit at a distance of 45m from the site. The landscaped bank includes trees and hedging which offer some protection from noise.
19. The application is supported by a Noise Impact Assessment (NIA) which has been corroborated by the council's Environmental Protection team. The NIA assesses the impact of the extended opening hours on the residential properties opposite the site (the noise measurements were taken outside number 51 Holt Road, which is closest to the site).
20. The NIA concludes that the extended opening hours will lead to "No Observable Effect Level", or in other words the residential properties will not be adversely affected when taking into account the area's existing night time noise levels. The NIA recommends some mitigation measures to manage any noise from vehicles, people or the communication system for the drive-through. A condition is recommended to require compliance with the NIA.
21. One neighbour objected to the proposals on the basis of light disturbance. It is recognised that the proposals would lead to an increase in the number of vehicle movements on the site and therefore the headlights of cars (especially those using the drive-through lane) may shine into the front windows of the houses opposite.

Any such impacts would be easily reduced through the installation of thick curtains or black-out blinds.

22. In order to control the site's operations and to protect surrounding occupants from noise, a condition is recommended requiring the implementation of the recommendations within the applicant's Noise Impact Assessment. These include limiting the level of noise from the drive-through microphone, erecting signs to encourage considerate behaviour from customers and training staff to tackle anti-social behaviour.

#### Impact on adjacent hotel

23. The hotel does not benefit from any separation as its northern elevation abuts the site. Therefore any increase in noise on the application site will have a greater effect on the hotel than it would on the residential properties across the road.
24. The submitted NIA does not assess the impact of the extended opening hours on the hotel next door, since hotel guests cannot expect the same level of noise protection as residential occupants owing to the temporary and elective status of hotel guests. Hotel guests are temporary and free to leave the hotel or change rooms, and are therefore not afforded the same protection under environmental legislation.
25. Policy DM2 seeks to protect the amenity of both living and working conditions. The policy states that "Development will be permitted where it would not result in an unacceptable impact on the ... working conditions or operations of neighbouring occupants.". The policy's supplementary text goes on to state that "development should not ... compromise the continued operation of uses and activities which are already established in the locality."
26. The adjacent hotel has commissioned a review of the applicant's NIA and objects on the basis that the additional noise will impact negatively on the operations of their business. However, our Environmental Protection colleagues comment that the methodology used within this review is only appropriate for residential premises and while the resultant noise levels may be unacceptable if the hotel site were occupied by a residential building, they are not so high as to cause a statutory nuisance to the hotel. The World Health Organisation (WHO) does not set any standards for the protection of hotels from noise. It is not considered that the extended opening hours will cause such a significant increase in noise so as to jeopardise the operations of the hotel.

#### **Equalities and diversity issues**

27. There are no significant equality or diversity issues.

#### **Local finance considerations**

28. 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**

29. Whilst there may be some increase in noise as a result of the extended opening hours, the applicant has clearly demonstrated that noise would not increase to unacceptable levels. As such, the amenity of nearby occupiers is well protected and the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan. It has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 17/00754/VC - McDonalds Delft Way, Norwich, NR6 6BB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. The operation of the site shall be in accordance with Noise Assessment ref LA/1347/01R/ML 14-0167-43 R01 received on 3<sup>rd</sup> May 2017 and retained thereafter.