

UTT/13/1535/FUL (GREAT DUNMOW)

(OTHER APPLICATION OR Referred to Committee by Cllr Ranger. Reason: Policy GEN2 DESIGN in particular GEN2(d) Policy GEN4 GOOD NEIGHBOURLINESS as the proposed use would create material disturbance Policy E2 SAFEGUARDING EMPLOYMENT LAND as an office the premises could control the creation of far more jobs than a takeaway.)

PROPOSAL: Change of use from office to A5 (hot food takeaway). Insertion of new windows and entrance unit. Erection of extract duct and air compressors.

LOCATION: 1A Station House, Station Road, Great Dunmow

APPLICANT: Domino's Pizza Group Ltd

AGENT: Richard Unwin Chartered Surveyor

EXPIRY DATE: 13 August 2013

CASE OFFICER: Katherine Mathieson

1. NOTATION

1.1 Within Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located between the junction of Station Road leading to residential properties and the access to the Station Road industrial units. The building is octagonal with a single storey projection to the rear. There is existing car parking provision to the front and rear of the building which are accessed from Station Road and the access to the industrial units respectively.

3. PROPOSAL

3.1 This application primarily relates to the change of use of the existing building from office use to A5 – hot food takeaway use. In addition to the change of use, it is also proposed to insert two new windows and a replacement shopfront to the front elevation, a fresh air intake louvre grille to the side elevation, air conditioning and cold room compressors adjacent to the rear elevation and an extract duct to the roof.

3.2 The extract duct would be located on the roofslope to the side elevation and would have a maximum height of 1.7m with the top approximately level with the apex of the roof. The air conditioning and cold room compressor units would have dimensions of 1m x 0.6m x 0.4m and 1m x 1.3m x 0.4m.

3.3 This application does not relate to any signs or advertisements and to date no application for advertisement consent has been received by the Council for consideration. No external lighting is proposed as part of this application.

3.4 The site is not identified in the adopted Local Plan as a safeguarded employment site and does not cover a large enough area to fall within the criteria for ULP Policy E2 to apply.

4. APPLICANT'S CASE

- 4.1 A design and access statement has been submitted with the application – full details have been attached at the end of the report. This provides details of the proposed use and external alterations to the building. Since the application was received, the agent for the application has confirmed that the premises would cease operating at 11pm.

5. RELEVANT SITE HISTORY

- 5.1 Erection of office building to replace small office and provision of car parking facilities conditionally approved 1991.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

S1 – Development Limits for the Main Urban Areas

GEN1 – Access

GEN2 – Design

GEN4 – Good Neighbourliness

GEN8 – Vehicle Parking Standards

ENV11 – Noise Generators

Essex County Council Parking Standards

Uttlesford Local Parking Standards

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Object - See comments attached at end of report

8. CONSULTATIONS

ECC Highways

- 8.1 No objections to this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan policy GEN1.

Anglia Water Services

- 8.2 We have no comment to make.

UDC Environmental Health

- 8.3 I have reservations on this application.
There is potential for odour and noise nuisance if extract equipment is not maintained. It is also proposed to be open till midnight and I can see it becoming a beacon for night time revellers in what is mostly a residential area.
There will also be traffic movement of delivery vehicles and patrons.

ECC Archaeology

- 8.4 The Historic Environment Record shows that the development lies within the grounds of Dunmow Park, an historic parkland that may date originally to the medieval period.

The position and nature of the proposal means that there is no threat to any surviving archaeological deposits. Therefore no archaeological recommendations are being made on this application.

- 8.5 Objection from Cllr Barker: I wish to object to the above planning application. My reasons are:
- a) Impact on a residential area with delivery and customer vehicles until past midnight.
 - b) Worsening of the present parking problems in Station Road and Station Avenue. In addition, customers will also park on Chelmsford Road with increased risk of pedestrian injury as people cross the road to take a short cut down the wooded slope. In addition, North Essex Parking partnership is currently consulting on "Resident Only" parking in Chelmsford Road, due to displacement of vehicles from adjacent roads
 - c) Increased traffic movements at junction of Chelmsford Road and Station Avenue, with "rat run" traffic along The Avenue.
 - d) The application does not indicate nature of signage on the building or on roads adjacent to the site.
 - e) Despite the applicants assurances, air conditioning plants will generate a significant level of noise, the slope to the west will have the effect of reflecting sound towards Station Avenue.

9. REPRESENTATIONS

9.1 45 letters representations in support and 74 representations objecting to the application.

9.2 Comments made in support:

- Would bring jobs to the town
- A business paying business rates
- Would create more choice in Great Dunmow
- Parking provision is available within the site
- Will not create unnecessary amounts of noise
- Will have filter systems to deal with the smells
- Would benefit the local area and support the town
- Dominos is a responsible and well respected brand which is known for engaging with local communities and significant charitable work
- Location is good as will not block the High Street
- Will deliver to a wider area than existing takeaway food outlets
- Known for predominantly being a delivery service
- Affordable and quality takeaway brand
- Has not result in problems in other local towns
- Will hopefully boost failing local shops
- Not clear how the proposal would result in vermin when other local restaurants do not attract vermin.

9.3 Comments made objecting:

- Traffic should be encouraged to use rear car park away from residential areas
- Aluminium shopfront would be not be appropriate as adjacent properties are Victorian
- Signage would need to be tasteful
- Not an appropriate location
- Out of character with the surrounding residential area
- Would create additional traffic and exacerbate the existing parking problems
- Noise and smells generated until late evening would be detrimental to the amenity of neighbours
- Noise would be generated by the extraction equipment, vehicles and pedestrians arriving and leaving and delivery lorries

- Would result in the loss of jobs in the existing High Street fast food restaurants
- Would have a negative impact on house prices
- Will attract unsociable behaviour and who will police the area and night?
- Request for a S106 to contribute to costs of policing as a result in extra demands on the Police
- Will generate litter
- Will attract vermin
- Traffic will use The Avenue which will be disruptive and dangerous – one suggestion for a locked gate between Station Road and The Avenue with a fire brigade key for emergency access
- The junction between Station Road and Chelmsford Road is dangerous and an accident hot spot – additional traffic will result in accidents
- The neighbouring industrial units have restrictions on their hours of operation to within daytime working hours to prevent disturbance to neighbours
- Existing on-street parking is taken up by people shopping and working in Great Dunmow or avoiding airport parking charges
- There is no need for additional takeaway provision in the town
- Would set a precedent for other retail chains in the town
- The business could expand into part of the building which is currently unallocated
- The update to the opening hours does not alter my views
- Would result in the loss of office space
- Lighting from the premises would have a detrimental impact on neighbouring properties opposite
- The security of businesses on the adjacent industrial estate would be compromised
- Takeaway food is unhealthy
- The building should be converted to residential
- Proposal is contrary to Local Plan policies GEN1, GEN2, GEN4, GEN5, GEN8 and ENV11 and the NPPF

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Access
- B Design
- C Good Neighbourliness and Noise Generators
- D Vehicle Parking Standards

A Access

10.1 The site is located within walking distance of the centre of Great Dunmow and a large proportion of the housing within the town. The proposals have been considered by Essex County Council as the Local Highway Authority (LHA), who has not raised any objections. It is noted that a number of objections have been received with regard to vehicles visiting the site to collect food however the submitted application documents indicate that approximately 70% of the orders received are for delivery by Dominos staff and out of the remaining 30% it is likely that a proportion of these would be collected by customers on foot rather than in vehicles.

10.2 On the basis of there being no objection from the LHA and the ability for the site to be accessed by means other than via private vehicles, the proposal complies with the requirements of ULP Policy GEN1.

B Design

- 10.3 The property has an unusual design which is not representative of the surrounding residential and industrial buildings. The proposed alterations relating to the insertion of additional windows and a replacement shopfront, which would be required for the change of use, would not be out of keeping with the design and appearance of the existing building. The proposed extract duct to the roof would have a functional appearance which would not be unduly out of keeping with the existing appearance of the building.
- 10.4 The proposed windows to the side elevation of the building would be approximately 22m from the front elevation of the closest neighbours to the north. This would be sufficiently distant from those properties to prevent any detrimental overlooking or loss of privacy from occurring to the occupiers of those properties.

C Good Neighbourliness and Noise Generators

- 10.5 The proposed use of the building for the preparation of food is unlikely to result in any noise or smells which would have a materially detrimental affect on neighbouring properties. The proposal includes provision for the installation of extraction equipment which would filter odours from the premises and if maintained would prevent odours becoming a nuisance. If the equipment is not maintained, the Council's Environmental Health department is able to take action to remedy this under the Environmental Health legislation.
- 10.6 The activity of customers arriving and leaving the site, in addition to members of staff delivering orders, has the potential to result in noise and disturbance to the occupiers of adjacent properties. However in light of the submitted information that 70% of orders are delivered to customers and as the service area is accessed from the industrial estate access, it is unlikely that the activity would generate a level of noise and disturbance which would be materially detrimental to the residents of the adjacent properties to warrant refusal of the application.
- 10.7 In the event that the application is approved, a condition could be imposed to restrict the delivery of supplies to the site (not cooked food for delivery to customers) to standard daytime working hours. This would prevent noise and disturbance from delivery lorries outside of the hours that the industrial units are able to operate.

D Vehicle Parking Standards

- 10.8 The adopted standards relating to parking provision for an A5 – Hot food takeaway use require a maximum of 1 parking space per 20m². In the context of this site, this equates to the provision of 6 parking spaces. The application details indicate that 8 off-street parking spaces would be provided for the use and as such the proposal would have sufficient parking provision to meet the adopted standards.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A Access to the site is acceptable
- B The design of the development would be appropriate
- C The proposal would not give rise to materially detrimental noise or odours
- D Adequate parking provision would be provided within the application site

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The use hereby permitted within the premises shall not commence before 10am and shall cease at 11pm with no activity undertaken between the hours of 11pm and 10am.
REASON: The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents in accordance with Policies GEN4 and ENV11 of the Uttlesford Local Plan (adopted 2005).