

**Reference:** 06/16/0415/CU

**Parish:** Martham

**Officer:** Mrs Gemma Manthorpe

**Expiry Date:** 26<sup>th</sup> October 2016

**Applicant:** Mrs R Luxford

**Proposal:** Change of use from B1 (Business) to A1 (Shops), A2 (Financial and Professional) A3 (Food and Drink) and A5 (Hot food takeaway).

**Site:** 9 The Green Martham

## **1. REPORT**

- 1.1 This is a full planning application which seeks approval for the change of use of an existing commercial unit to A1, A2, A3 and A5 use and the subdivision of the unit to form two separate commercial units. The uses applied for are mixed with the application form stating that each of the two proposed units covering 106.5 square meters and being one of the four proposed uses.
- 1.2 The site also includes a car park which is included in the application as a car park for the units.
- 1.3 The site has previously been used as a motor repair business (application 06/84/0135/F – siting of a porta cabin for use as a temporary office in connection with a motor fuels repair business) and more recently as Broadland Fuels in a B1 use.

## **2. Consultations :-**

- 2.1 **Neighbours** – There have been nine objections to the application which are summarised below, a sample of objections are attached and all objections are available at Great Yarmouth Borough Councils website.
  - Martham is a village and not a town.
  - There are already two takeaways and two pubs serving food in the village.
  - There is another takeaway a mile away.
  - Given the level of obesity further junk food outlets shouldn't be considered.
  - Rubbish.
  - Increased pressures on parking.
  - Access to the car park is hazardous.
  - Noise will cause a nuisance.
  - Early hour delivery service will cause noise until early hours.
  - Youths will congregate and loiter.
  - The village do not need another hairdressers.

- 2.2 **Parish Council** – Concern was raised with regard to parking. The property is on a central corner in the village, and the area is heavily trafficked. Council would ask that a restriction be in place with any approval to A5 use not to allow trading after midnight as there are many properties in the vicinity.
- 2.3 **Norfolk County Council Highways** – Comments on amended plans not received at time of writing.
- 2.4 **Conservation** – The re-use of the property is seen as a modest enhancement of the conservation area.
- 2.5 **Strategic Planning** – No comments on the application.

### 3. **National Planning Policy Framework**

- 3.1 The presumption in favour of sustainable development is set out in paragraph 14.
- 3.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted.
- 3.3 Paragraph 19 of the NPPF seeks to promote sustainable growth and the local economy.
19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 3.4 The Core Planning Principles at Paragraph 17 include:
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

#### **4. Saved Great Yarmouth Borough-Wide Local Plan Policies (2001)**

##### **4.1 POLICY BNV18**

THE COUNCIL WILL REQUIRE ALTERATIONS AND EXTENSIONS TO BUILDINGS TO BE SYMPATHETIC TO THE CHARACTER OF THE BUILDING TO BE EXTENDED AND TO ITS SETTING.

##### **4.2 POLICY EMP18:**

PROPOSALS FOR SMALL SCALE BUSINESSES WITHIN EXISTING SETTLEMENTS WILL BE PERMITTED PROVIDED THE APPLICANT CAN DEMONSTRATE THAT:

(A) THE PROPOSED USE WOULD BE COMPATIBLE WITH AND NOT SIGNIFICANTLY DETRIMENTAL TO ADJOINING AND/OR SURROUNDING LAND USES, OR RESULT IN ADVERSE AFFECTS TO OCCUPIERS OF NEIGHBOURING PREMISES; AND,

(B) ADEQUATE ACCESS, PARKING AND SERVICE ARRANGEMENTS CAN BE PROVIDED;

##### **4.3 POLICY SHP9:**

THE COUNCIL WILL PERMIT THE PROVISION OF NEW LOCAL SHOPPING FACILITIES IN ALL SETTLEMENTS, SUBJECT TO THE PROPOSAL BEING OF A SCALE COMPATIBLE WITH THE SIZE OF THE SETTLEMENT AND HAVING REGARD TO DESIGN, HIGHWAY AND ENVIRONMENTAL CONSIDERATIONS, AND TO OTHER POLICIES IN THE PLAN.

##### **4.4 POLICY SHP15**

PROPOSALS FOR THE ESTABLISHMENT OF HOT FOOD TAKE-AWAYS NOT FALLING TO BE CONSIDERED UNDER THE PROVISIONS OF POLICY SHP4 WILL BE PERMITTED SUBJECT TO THE FOLLOWING CRITERIA:

(A) THE PROPOSAL WOULD NOT CREATE AN OVERCONCENTRATION OR PREPONDERANCE OF CLASS A3 USES WHICH WOULD SIGNIFICANTLY DETRACT FROM THE VITALITY AND VIABILITY OF A SHOPPING FRONTAGE;

(B) THE PROPOSAL WOULD NOT SIGNIFICANTLY ADVERSELY AFFECT ADJOINING OR NEIGHBOURING OCCUPIERS AND USERS OF LAND OR PREMISES BY VIRTUE OF NOISE, DISTURBANCE, SMELL OR FUMES;

(C) THE PROPOSAL WOULD NOT BE LIKELY TO RESULT IN A SIGNIFICANT HAZARD TO ROAD SAFETY OR SIGNIFICANTLY IMPEDE THE FREE FLOW OF TRAFFIC;

(D) COMPLIANCE WITH THE COUNCIL'S PARKING AND SERVICING STANDARDS AS SET OUT AT APPENDIX (A) TO CHAPTER 3 IN THE CASE OF ALL NEW OPERATIONAL DEVELOPMENT, AND WHERE POSSIBLE OR NECESSARY IN THE CASE OF A CHANGE OF USE; AND,

(E) THE PROPOSAL WOULD NOT SIGNIFICANTLY ADVERSELY AFFECT THE CHARACTER OF THE AREA OR THE LOCAL ENVIRONMENT.

## 5. **Core Strategy:**

### 5.1 **Policy CS7**

Overall, the majority of town, district and local centres within the borough are performing well, despite the national economic downturn. To enable them to continue to compete with centres outside of the borough, out-of-town retailers and the internet, the Council will:

- a) Focus future development and investment using the retail hierarchy in Table 12 below

**Table 12: Retail Hierarchy Location Classification**

Main Town Centre	Great Yarmouth
Town Centre	Gorleston-on-Sea
District Centres	Bradwell (Proposed) and Caister-on-Sea
Local Centres	Well defined groups of shops and services in the borough's villages and main towns, such as The Green, Martham; Bells Road, Gorleston and Northgate Street, Great Yarmouth

e) Maintain and strengthen the role of local centres and local shops in the borough to better serve the day-to-day needs of local communities

## 6. **General Permitted Development Order – Use Classes Order permitted changes of use:**

A1 Shops to	A2, or up to 150m <sup>2</sup> A3 subject to Prior Approval, or up to 200m <sup>2</sup> D2 subject to Prior Approval and only if the premises was in A1 use on 5th December 2013. A mixed use comprising an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain
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	conditions. C3 if the cumulative floorspace of the building is under 150m2 and subject to Prior Approval.
A2 (professional and financial services) when premises have a display window at ground level, but excluding betting offices or pay day loan shops to	A1, or up to 150m2 A3 subject to Prior Approval, or up to 200m2 D2 subject to Prior Approval and only if the premises was in A2 use on 5th December 2013. A mixed use comprising an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions. C3 if the cumulative floorspace of the building is under 150m2 and subject to Prior Approval.
A3 (restaurants and cafes) to	A1 or A2
A4 (drinking establishments) to	A1 or A2 or A3 except buildings that may be defined as "community assets".
A5 (hot food takeaways) to	A1 or A2 or A3

## 7. Assessment

- 7.1 This proposal is for subdivision of an existing unit to two commercial units and a change of use to class A1, A2, A3 and A5. The uses applied for are interchangeable although when one is commenced the only movement between uses is through permitted rights. The permitted rights are summarised at section 6 of this report for ease of reference. In the interest of clarity it is noted that should the uses commenced not include an A5 use an application will be required to subsequently change the use to A5 (hot food takeaway).
- 7.2 The neighbour objections include objections about the increased traffic that the proposed development will create. Whilst there are no objections from the highways officer received at the time of writing amended plans have been received to provide a pedestrian footpath to the front of the site and a crossing point. These highways improvements can be conditioned should approval be given to be carried out prior to the commencement of the uses. It is further noted that there is car parking provided with the site and that the vehicular access is existing and therefore should not be to the detriment of highway safety. It is stated by the highways officer that parking is not to current standards however given the location it was not seemed reasonable to sustain an objection.
- 7.3 The proposed use as a hot food takeaway has generated the majority of the objections to the application. The objections state that litter will be generated. Whilst it is unfortunate if persons decide that they do not want to use bins provided the effect on the amenity is not such to warrant the recommendation for refusal of the application. Several objections state that there is already a litter problem in Martham however this cannot be linked to the existing uses within the village centre and has not been noted by the Parish Council. It is recommended that should the application be approved only one of the units is

allowed to benefit from the permission to be used as a hot food take away under use class A5.

- 7.4 The opening hours, in line with those that have been suggested by the Parish Council, can be adequately conditioned for all uses but in particular the hot food takeaway use. The area is a mixed use with commercial properties adjoining the application site including, next door but one, a Chinese takeaway. There are commercial units within the locality of the application site to the west and a public house approximately 23 metres away to the east. The grouping of commercial premises makes the proposed uses in keeping with the character of the area. The nearest residential property is to the rear (north) of the site who were consulted but no response has been received. Given the commercial use of the site the increased intensification by subdivision of the site is not deemed to have a significant adverse impact on the residential amenities of the adjoining property provided that the hours of operation are conditioned.
- 7.5 Objections state that there are enough take way food outlets, eateries, and hairdressers in the locality. Proliferation of use may cause a detriment to the character of the area however there is no proliferation of a use within the village of Martham and therefore no planning policies that would seek to restrict a designated type of development. Competition is not a material consideration when determining a planning application.
- 7.7 The site is recognised within the Core strategy as a Local Centre which should be supported and maintained to meet the everyday needs of the community. The retention of a commercial use which will bring employment into the area and retain the locality as a well-defined group of shops and services is therefore in line with the aims of the Core Strategy. The saved policy of the Borough Wide Local Plan in relation to commercial units also supports developments such as this provided that there is not a significant adverse impact on the amenities of the area.
- 7.8 The physical works are supported by the Conservation department as a minor improvement to the conservation area. There are no major alterations although should the application be approved details of the extraction, shown on the submitted plans, will need to be submitted.

## **8. Recommendation**

- 8.1 It is assessed above that the application accords with current local and national planning policy and will be an improvement to an area designated a local centre in the adopted Core Strategy.
- 8.2 APPROVE subject to conditions required to provide a satisfactory form of development.

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**Elaine Helsdon**

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**From:** Martham Clerk <marthamclerk@btinternet.com>  
**Sent:** 22 September 2016 14:28  
**To:** plan  
**Subject:** 06/16/0415/CU - 9 The Green, Martham

Change of use from B1 (Business) to A1 (Shops), A2 (Financial and Professional), A3 (Food and Drink) and A5 (Hot Food takeaway).

Council has discussed the above and would comment as follows;

Concern was expressed with regard to parking. This property is on a central corner in the village, and the area is heavily trafficked.

Council would ask that a restriction be in place with any approval to A5 use to not allow trading after midnight as there are many residential properties in the vicinity.

Kind regards,

Sarah Hunt  
Parish Clerk.  
Martham



## Internet Consultees

Application Reference 06/16/0415/CU

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Mrs A Smith

Address 3 The Green

Martham

Great Yarmouth

Post Code NR29 4AH

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

I am writing to express my concerns to planning application no. 06/16/0415/CU.

Martham already has two take away's, a tea room, two pubs which serve food and further take away options, kebabs, pizza's etc. via delivery services. Martham is a Village, not a town.

With the level of obesity out of control and continually in the news, I am appalled Great Yarmouth Council are even considering another junk food outlet.

I'm a mother of three teenager's and do not relish the idea of another take away on my children's doorstep. Like most teenagers, take away food is irresistible and now they are starting to earn their own money I have no control over what they eat.

Date Entered 30-09-2016

Internet Reference OWPC927



## Internet Consultees

Application Reference 06/16/0415/CU

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Mrs A Smith

Address 3 The Green

Martham

Great Yarmouth

Post Code NR29 4AH

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

I live opposite the proposed site and it is a nightmare to park especially when the Chinese restaurant is open, which is next door but one to the proposed site. The proposed site has a small car park but the entrance site will make it a severe hazard as it is opposite a triangle in the road, which splits in to a one way route and is on a bend.

It is also hard enough to cross the road there normally without extra traffic.

Rubbish is also a concern. I often have take-way food left on my window sill, dropped outside my front door and have even had it thrown at my window. A take away which will inevitably lure more intoxicated people to the centre of the village will only make things worse.

Noise is another problem, which will only be exacerbated by more people, drunk or otherwise, car doors, car horns,

Date Entered 30-09-2016

Internet Reference OWPC927

## Internet Consultees

Application Reference 06/16/0415/CU

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Mrs A Smith

Address 3 The Green

Martham

Great Yarmouth

Post Code NR29 4AH

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

cars revving their engines. I assume the take away will offer delivery service, more noise until the early hours. The village does have it's vandal/youth etc problems like most area's but a site like the one proposed will only encourage youths to congregate until the early hours of the morning. I notice that the Parish Council have asked for a restriction on the trading hours to midnight. The Parish Council Committee members obviously do not live in close vicinity to the site as they would not enjoy all the above until well after midnight.

Regards

Date Entered 30-09-2016

Internet Reference OWPC927

## Internet Consultees

Application Reference 06/16/0415/CU

Attachments

Invalid Consultee Comment? ☐Copy to existing Consultee? ☐

Name Mrs A Smith

Address 3 The Green

Martham

Great Yarmouth

Post Code NR29 4AH

Telephone

Email Address

For or Against OBJ Object

Speak at Committee

The village does have it's vandal/youth etc problems like most area's but a site like the one proposed will only encourage youths to congregate until the early hours of the morning.  
I notice that the Parish Council have asked for a restriction on the trading hours to midnight. The Parish Council Committee members obviously do not live in close vicinity to the site as they would not enjoy all the above until well after midnight.  
Regards

Anita Smith

Date Entered 30-09-2016

Internet Reference OWPC927



Miss G Manthorpe  
The Planning Office  
Great Yarmouth Borough Council  
Town Hall  
Great Yarmouth  
NR30 2QF

Great Yarmouth Borough Council  
Customer Services

26 SEP 2016



Mr Lewis Kelly and Ms Esme Davis  
Flat 7A  
The Green  
Martham  
NR29 4AH

20<sup>th</sup> September 2016

Dear Sirs,

**Planning Proposal Re: 9 The Green Martham NR29 4PL – Application No.**  
**06/16/0415/CU**

Please accept this letter as formal objection to the planning application for the above property (Planning No. 06/16/0415/CU). My partner and I wish to object in-part to the proposed application. The objection in-part relates to the proposed A3 (Restaurants and cafes) and A5 (Hot food take away) usage.

The proposed application is rejected in-part for the following reasons:

#### Litter

Unfortunately, the village Green and surrounding areas already suffer from litter. Such litter inevitably ends up in the pond, affecting the ducks and wildlife. This is still the case regardless of the supply of litter bins. The problem has been relieved at present by residents voluntarily cleaning the Green, as well as organised groups meeting at weekends to clean the area. Food premises will inevitably lead to more food waste. Which, unfortunately, will only add to the littering problems the village has.

#### Parking

Parking in the premises subject to the proposed application poses a number of risks and hindrances to an area which is already subject to an abundance of vehicles. The entrance/exit to the current parking area is subject to a sharp bend which is void of suitable visibility. The potential for collisions will rise with the increase in vehicles.

Parking along the neighbouring roads is already limited. The vehicles belonging to residents and business users have unfortunately had to be parked potentially 500 yards from their properties. Although resident's right to park here is as equal to other public road users, as owners of vehicles which aid our daily lives in work and socialising we cannot remove the fact that we require somewhere to park such vehicles. The neighbouring Repps Road is already suffering from large scale roadside parking, causing occasional delays.

#### Late opening - Loitering

There is an unfortunate spate of loitering late at night. The fear is that a late-night establishment will encourage similar behaviour through to the early hours of the morning.

Not only would it affect the sleeping patterns of our young son, but also my partner and I. We are both working professionals, as are many residents, who appreciate a quiet night-time environment. Unfortunately the area has also suffered from incidences, including anti-social behaviour and, to our dismay, human faeces being visible along with used sanitary towels. Such future incidents may likely occur with the excess loitering.

Abundance of food establishments

The area is already well supplied for food establishments. There are take-away Chinese and fish and chip restaurants (all closing before 10:30pm). There is a bakery and two public houses serving food. There is a Thai restaurant approximately 1 mile from the proposed establishment. There are also an abundance of take-away food establishments in the neighbouring village of Hemsby which deliver to the area.

For the above reasons we object in-part to the proposed A3 and A5 usage.

Yours faithfully,

Lewis Kelly and Esme Davis.





Paul Taylor  
Taylor's Fish and Chip Shop  
Martham  
Norfolk  
NR29 4PF

11<sup>th</sup> September 2016

Re: Planning Permission Application No. 06/16/0509/CU  
0415

Dear Sir/Madam

As a local small business owner I would like to raise my objection to the proposed planning permission to change 9 The Green to shops and a fast food take away. The addition of another food outlet in the village would be devastating to our takings and cause us a lot of hardship. Having spoken to other members of the community they are in agreement that it is not something that Martham needs.

As an active member of the local community I hope that you will take onboard my concerns and propose that the planning permission be denied.

Yours faithfully

A solid black rectangular box used to redact the signature of Paul Taylor.

Paul Taylor



Town Hall, Hall Plain, Great Yarmouth NR30 2QF  
01493 856100 [enquires@great-yarmouth.gov.uk](mailto:enquires@great-yarmouth.gov.uk)



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