



## Planning applications committee

**Date: Thursday, 09 March 2023**

**Time: 09:30**

**Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH**

Members of the public, agents and applicants, ward councillors and other interested parties must notify the committee officer if they wish to attend this meeting by 10:00 on the day before the committee meeting, please. The meeting will be live streamed on the council's YouTube channel.

### Committee members:

#### Councillors:

Driver (chair)  
Sands (M) (vice chair)  
Bogelein  
Champion  
Davis  
Grahame  
Lubbock  
Peek  
Sands (S)  
Stutely  
Thomas (Va)  
Thomas (Vi)  
Young

#### For further information please contact:

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### Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

## Agenda

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**1 Apologies**

To receive apologies for absence

**2 Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

**3 Minutes**

**5 - 8**

To approve the accuracy of the minutes of the meeting held on 9 February 2023

**4 Planning applications**

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

Further information on planning applications can be obtained from the council's website:

<http://planning.norwich.gov.uk/online-applications/>

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient

point between 13:00 and 14:00 if there is any remaining business.

	<b>Summary of planning applications for consideration</b>	<b>9 - 10</b>
	<b>Standing duties</b>	<b>11 - 12</b>
<b>4a</b>	<b>Application no 22/00385/U – 308 Bowthorpe Road, Norwich, NR5 8AB</b>	<b>13 - 30</b>
<b>4b</b>	<b>Application no 22/01500/NF3 - Homage to Sir Thomas Browne Statue Hay Hill and Elm Hill Gardens, Norwich</b>	<b>31 - 42</b>
<b>4c</b>	<b>Application no 23/00075/F – 36 Norvic Drive, Norwich NR4 7NN</b>	<b>43 - 54</b>

Date of publication: **Wednesday, 01 March 2023**





**Planning applications committee**

**09:30 to 10:35**

**9 February 2023**

Present: Councillors Driver (chair), Sands (M), Bogelein, Champion, Davis, Grahame, Lubbock, Peek, Sands (S), Thomas (Va), and Stutely

Apologies: Councillors Thomas (Vi) and Young

**1. Declarations of interests**

There were no declarations of interest.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meetings held on 12 January 2023.

**3. Application no 22/00385/U – 308 Bowthorpe Road, Norwich, NR5 8AB**

The planner (case officer) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports (which was circulated at the meeting and available on the council's website) that recommended an additional condition requiring the provision of a litter bin to be added to the planning permission if granted.

A resident of Fieldview addressed the committee outlining his objections to the proposed change of use. This included concern that: the proposal would exacerbate problems of parking in the cul-de-sac; the forecourt did not provide adequate parking for customers or staff and the rear car park was for residents of the accommodation that was ancillary to the retail unit. He also expressed concern about the safety of cyclists and pedestrians with vehicles crossing the pavement and that vehicles were parked on the double yellow lines, and that the bin provision was inadequate. Following his presentation, the resident displayed slides illustrating his concerns.

The agent on behalf of the applicant spoke in support of the application. The applicant was a family-owned business that provided economic prosperity to the area and the proposed change of use would keep the business "modern, sustainable and viable." The application did not change the street scene and was policy compliant.

The planner and the area development manager referred to the report and answered members' questions. The planner had visited the site earlier in the week and noticed

that there was no longer a waste bin on the forecourt for visitors to the shops and the nearby fish and chip shop. It was therefore considered reasonable to require the applicant to provide a bin on this stretch of Bowthorpe Road. It was also noted that there were no opening hours for the adjacent retail unit, but it was proposed that the takeaway could open between 11:00 and 23:00. Members were advised that there was no policy requirement for cycle parking provision. The committee was advised that the accommodation in the rear extension was ancillary to the retail units. The change of use did not differ significantly from the existing class use of the retail unit (Class E). It was expected that most visits would be on foot from students living in the proximity.

The planner advised members that the transportation officer at county council had not visited the site but had made a desktop assessment and had suggested cycle parking on the forecourt and that a crossover was required for the rear parking. Members expressed concern that there was an historic issue with parking and traffic congestion in this area.

The planner explained that the officer assessment took into account that the permission granted on the retail unit was covered by Class E broad retail use, which included the sale of sandwiches and hot drinks. A hot food takeaway required food to be prepared and cooked on the premises and an extractor fan. There was not much difference from the existing consent. The area development manager confirmed that planning consent for the additional retail unit in 2018, had been issued under delegated powers. The reason that the current planning application being before the committee was due to changes in the committee's scheme of delegations and that it was a minor development with objections.

The chair moved and the vice chair seconded the recommendations set out in the report, together with the additional condition set out in the supplementary report circulated at the meeting.

Councillor Grahame moved and Councillor Stutely seconded that the committee deferred consideration of the application for a further traffic assessment by the county council's transportation officers.

During discussion, members said that they considered they required more information on the transportation issues given the proposed change of use to a hot food takeaway, were concerned about the existing traffic and parking in the area and were not convinced that there would be no impact. Members said that they would like a proper assessment of parking and road safety, and further mitigation if necessary. A member said that since 2018, when the retail unit had received the current consent, there was now greater emphasis in local and national policy on cycling and pedestrians.

The area development manager reiterated that he considered that the current use of the retail unit would not have a greater impact on traffic than a Class E use, which included a plethora of uses, including an off-licence. The fact that the unit was not in current use was irrelevant. The assessment took into account the current planning consent. Conditions on planning consent were to ensure that a planning application did not make an existing situation worse but could not be required to make it better. There was justification in planning terms for a condition to require cycle parking for delivery riders.

At the request of a member, the committee viewed the Google Earth plan to view traffic at the front of the retail units. The planner confirmed that his photos were taken at 16:00 on a Monday afternoon. Another member said that it would be worth a further assessment of the transportation issues. The neighbouring fish and chip shop closed at 21:30.

On being put to the vote it was:

**RESOLVED**, with 5 members voting in favour (Councillors Grahame, Peek, Stutely, Sands (S) and Thomas (Va)), 2 members voting against (Councillors Davis and Sands (M)) and 4 members abstaining from voting (Councillors Bogelein, Lubbock, Champion and Driver) to defer consideration of Application no 22/00385/U – 308 Bowthorpe Road, Norwich, NR5 8AB, to a future meeting of the committee to enable further consultation with the transportation officer at Norfolk County Council.

CHAIR



Summary of planning applications for consideration

ITEM 4

9 March 2023

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4a	22/00385/F	308 Bowthorpe Road	Stephen Polley	Change of use from Use Class E(a) to Sui-Generis - Hot Food Takeaway with associated works.	Objections & deferred from previous committee	Approve
4b	22/01500/NF3	Hay Hill	Lee Cook	Demolition of Homage to Thomas Browne sculpture and removal into secure storage (revised proposal).	Objections Called in	Approve
4c	23/00075/F	36 Norvic Drive	Amber Moll	Single storey side and rear extension.	Called in by Cllr Lubbock	Approve



## STANDING DUTIES

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

### **Crime and Disorder Act, 1998 (S17)**

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

### **Natural Environment & Rural Communities Act 2006 (S40)**

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

### **Planning Act 2008 (S183)**

- (1) Every Planning Authority should have regard to the desirability of achieving good design

### **Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law**

#### ***Article 8 – Right to Respect for Private and Family Life***

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

**Report to** Planning Applications Committee

Item

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

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<b>Ward:</b>	Wensum
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>
<b>Applicant</b>	Mr Yaldiz

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

<b>Main issues</b>	<b>Key considerations</b>
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
<b>Expiry date</b>	17 March 2023
<b>Recommendation</b>	Approve



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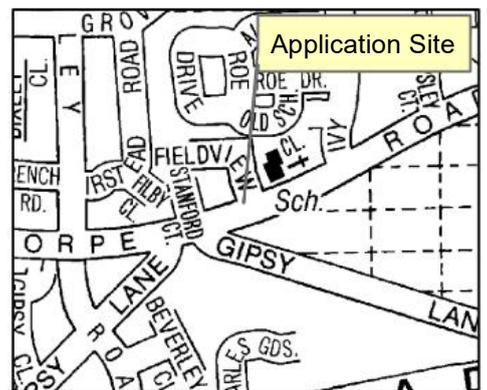
Planning Application No 22/00385/U  
 Site Address 308 Bowthorpe Road

Scale 1:1,000



**NORWICH**  
 City Council

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. Bowthorpe Road is a busy route taking traffic from the West Earlham area to the city, and Fieldview is a residential cul-de-sac. 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 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**

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 several 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 Gypsy Lane beyond.
34. The site is formed of a corner plot at the junction with Fieldview, a residential cul-de-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 sui-generis 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.



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

NCC contact number: 0344 800 8020  
Text Relay - 18001 0344 800 8020

Your Ref: 22/00385/U  
Date: 16 February 2023

My Ref: 9/4/22/0385  
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

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 inherently 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 [highway.boundaries@norfolk.gov.uk](mailto:highway.boundaries@norfolk.gov.uk) 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 TAKEAWY



South Elevation Existing



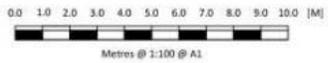
East Elevation Existing



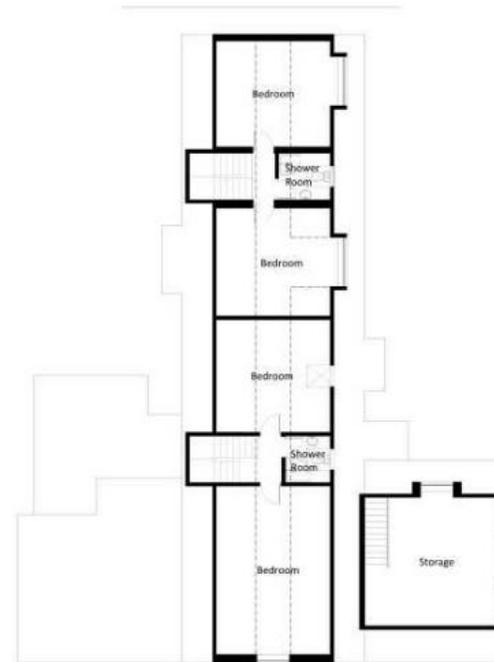
North Elevation Existing



West Elevation Existing



Ground Floor Plan Existing



First Floor Plan Existing

**K GARNHAM DESIGN**  
 01603 618884 www.kgarnham.co.uk  
 kgarnham@kgarnham.co.uk

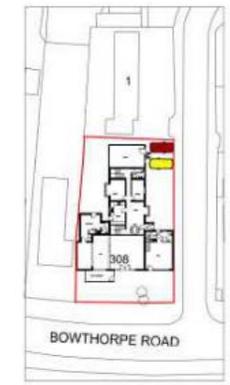
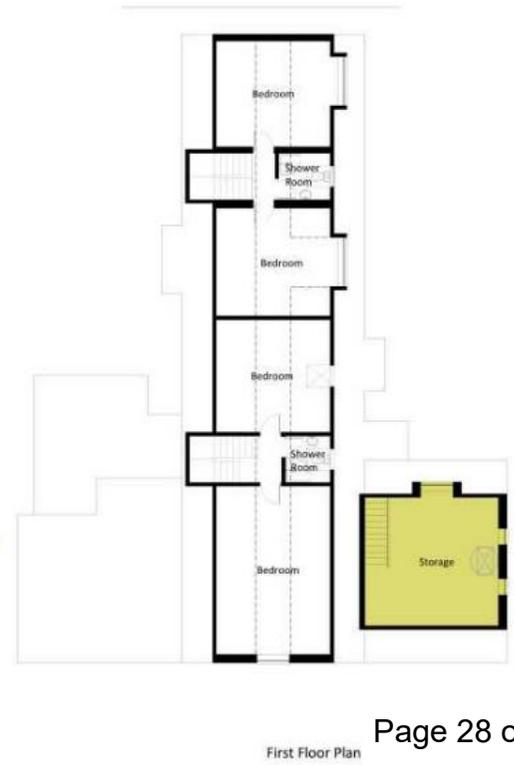
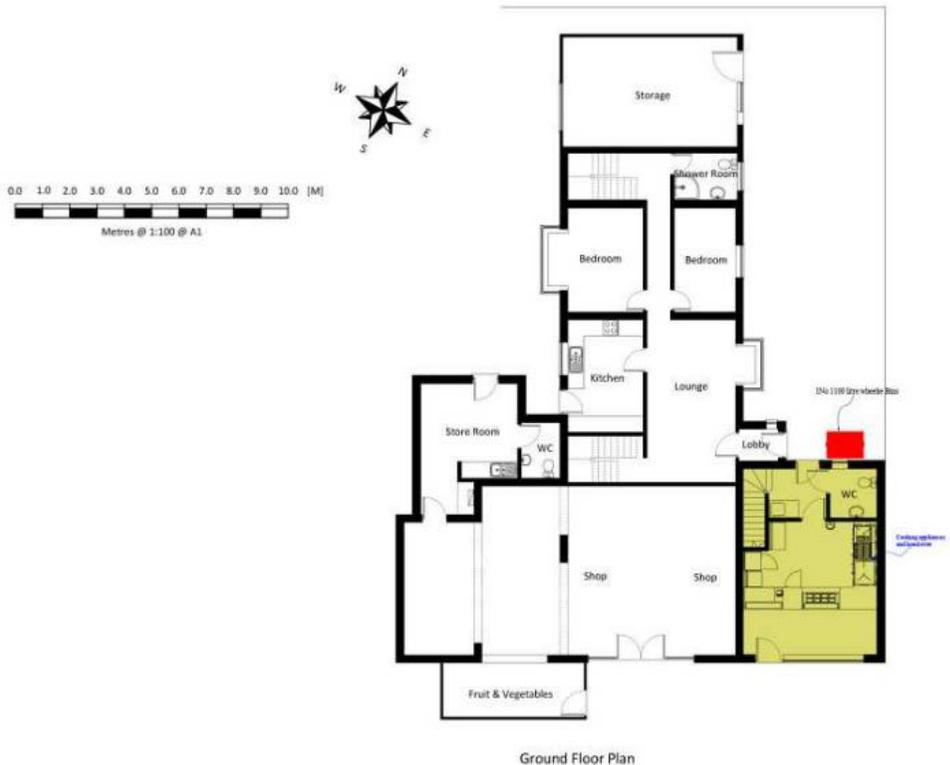
Project - Proposed change of use to Client - Mr M Yallop			
part of 308 Bowthorpe Rd, Norwich, NR5 8AB	Scale - as Req.	Drawing Number - 1729	
Drawn By - SSC	Sheet Number - 2		
Date - 19.02.2022	Revision Number - A		

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



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PROPOSED

**K GARNHAM DESIGN**  
01603 618884 www.kgarnham.co.uk  
kg@kgarnham.co.uk

Project - Proposed change of use to Client - Mr M Yallop	Scale - as Req.	Drawing Number - 1/2/20
part of 308 Bowthorpe Rd, Norwich, NR5 8AB	Drawn By - SSC	Sheet Number - 1
Date - 09.02.2022	Revision Number - 0	

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NOTES:

WALL TYPE EXTRACT HOOD

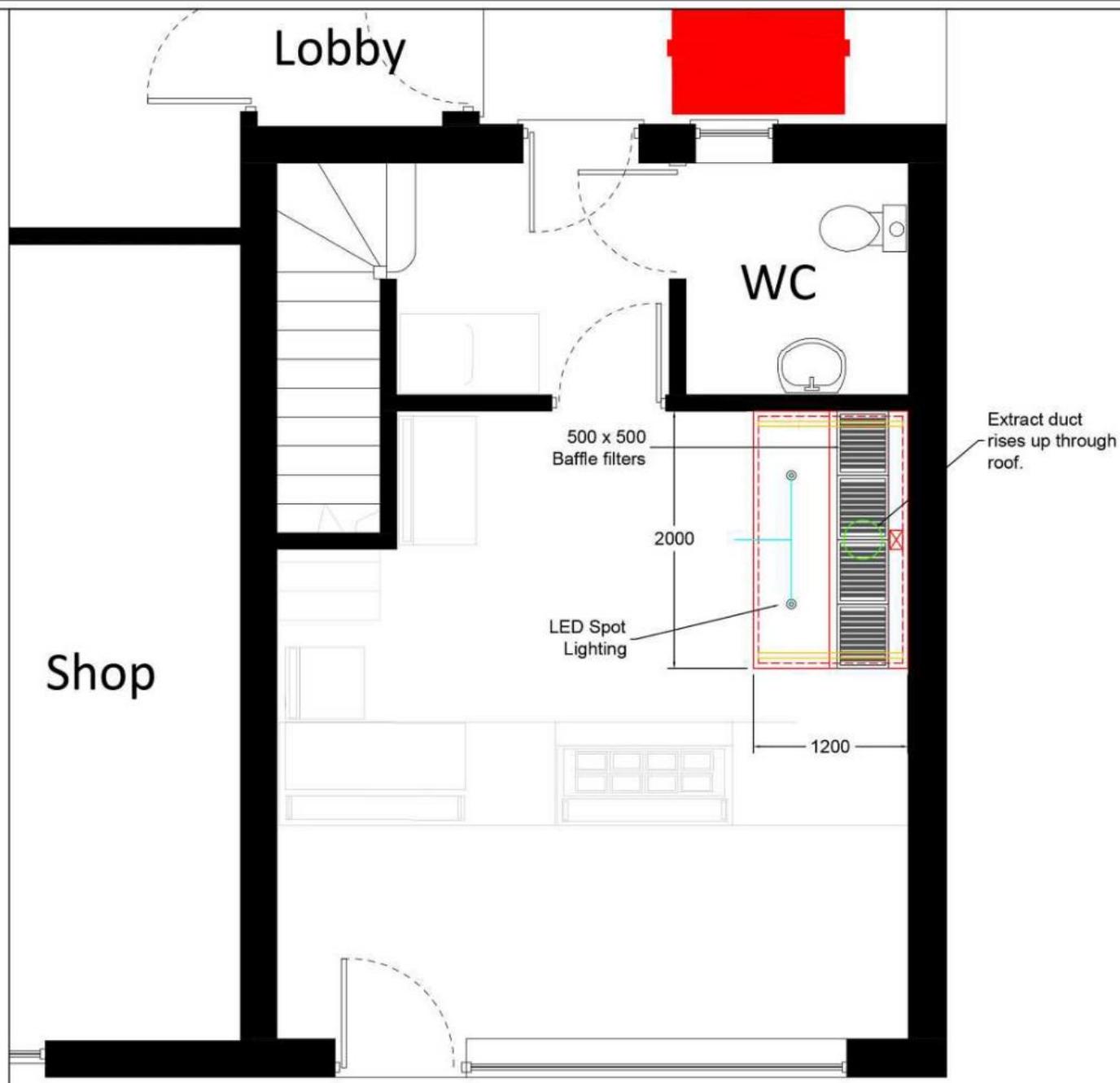
2000mm x 1300mm x 540mm.  
 304 GRADE STAINLESS STEEL.  
 FULLY WELDED CONDENSATION GUTTER.  
 MANUFACTURED IN 1 SECTION.  
 INTERNAL GREASE CHANNEL.  
 REMOVABLE GREASE COLLECTION TRAYS.  
 4 No 500mm x 500mm BAFFLE FILTERS.

LES SPOT LIGHTING PRE - WIRED READY  
 FOR FINAL CONNECTION BY OTHERS.

EXTRACT RATE 0.568 M3/SEC  
 RESISTANCE ON FILTERS 100 Pa  
 SUPPLY RATE: N/A M3/SEC  
 BASED ON THERMAL CONVECTION METHOD  
 SEE FLOW RATES CHART

HOOD MOUNTED @ 2000 A.F.F.L  
 HOOD SUPPORTED FROM STRUCTURAL CEILING  
 SUSPENDED CEILING HEIGHT T.B.C

Extract Fan Motor: 35 JM  
 Phase 1  
 Motor Rating 0.075 Kw  
 Amps 0.53 FLC  
 Amps 1.45 SC  
 Sound Level 47 dBA @ 3mtr



REGULATOR CHECKLIST FOR CALCULATOR PRINT				
Item	Required	Provided	Notes	Signature
1	Yes	Yes		
2	Yes	Yes		
3	Yes	Yes		
4	Yes	Yes		
5	Yes	Yes		
6	Yes	Yes		
7	Yes	Yes		
8	Yes	Yes		
9	Yes	Yes		
10	Yes	Yes		
11	Yes	Yes		
12	Yes	Yes		
13	Yes	Yes		
14	Yes	Yes		
15	Yes	Yes		
16	Yes	Yes		
17	Yes	Yes		
18	Yes	Yes		
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32	Yes	Yes		
33	Yes	Yes		
34	Yes	Yes		
35	Yes	Yes		
36	Yes	Yes		
37	Yes	Yes		
38	Yes	Yes		
39	Yes	Yes		
40	Yes	Yes		
41	Yes	Yes		
42	Yes	Yes		
43	Yes	Yes		
44	Yes	Yes		
45	Yes	Yes		
46	Yes	Yes		
47	Yes	Yes		
48	Yes	Yes		
49	Yes	Yes		
50	Yes	Yes		



PROJECT:  
Bowthorp road

CLIENT:  
CCE

DWG No: D1600.00  
 DATE: 28/07/2022  
 REV: -

DRAWN BY: B.Harris

REV	DATE



**Report to** Planning Applications Committee

**Item**

9 March 2023

**Report of** Head of Planning and Regulatory Services

**Subject** Application no 22/01500/NF3 - Homage to Sir Thomas Browne Statue Hay Hill and Elm Hill Gardens Norwich

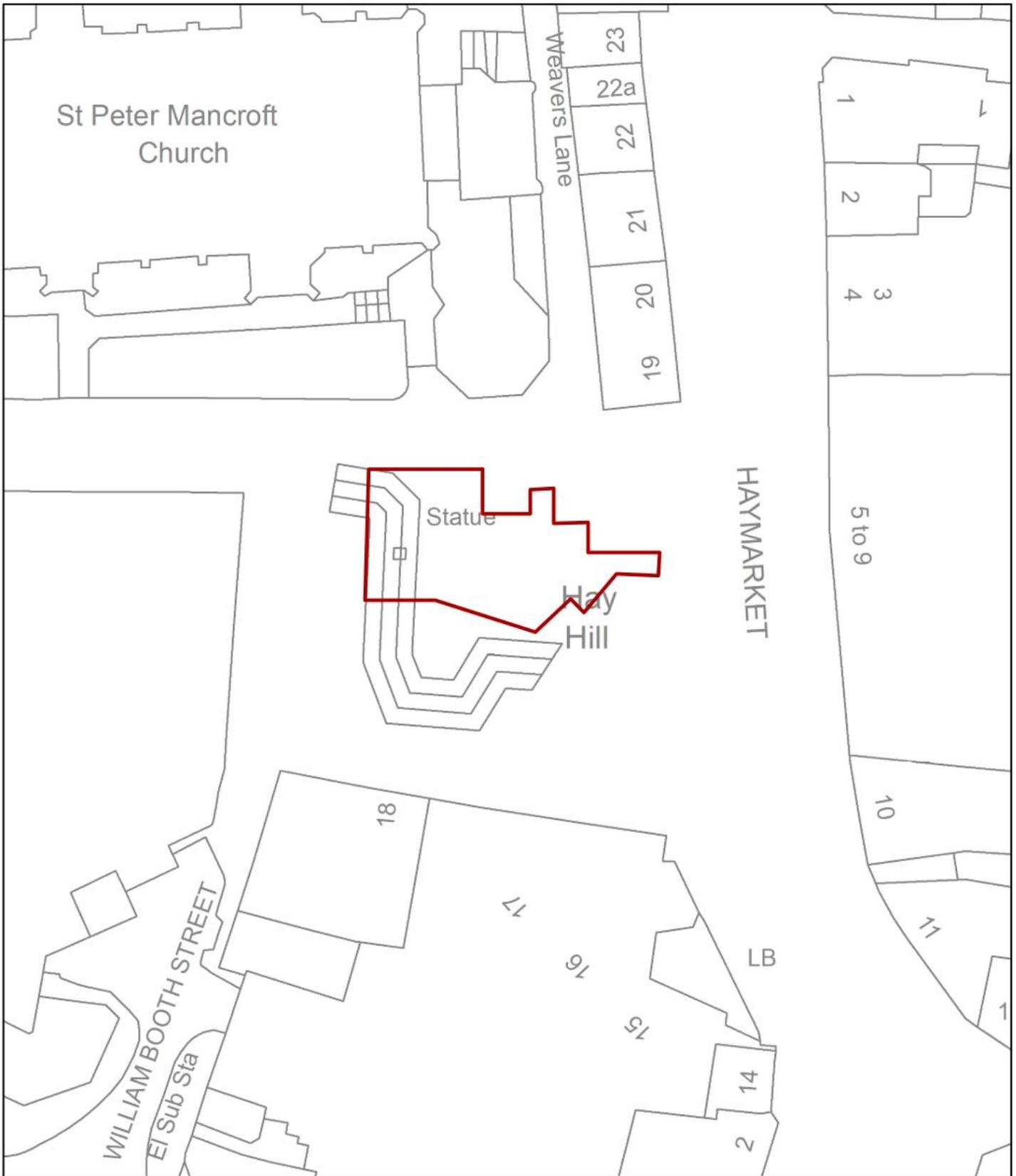
**4b**

**Reason for referral** Called in by an elected member / Objection

<b>Ward:</b>	Mancroft
<b>Case officer</b>	Lee Cook - 07917 175648 - <a href="mailto:leecook@norwich.gov.uk">leecook@norwich.gov.uk</a>

<b>Development proposal</b>		
Demolition of Homage to Thomas Browne sculpture and removal into secure storage (revised proposal).		
<b>Representations</b>		
<b>First Consultation</b>		
Object	Comment	Support
7 + 7 after consultation closed	0	0
<b>Second Consultation</b>		
Object	Comment	Support
4	0	0
<b>Third Consultation</b>		
Object	Comment	Support
2	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Principle	Acceptance of removal. Long term plans for storage and relocation
2 Heritage	Impact on designated and non-designated heritage assets. Interpretation.
3 Design	Setting of area. Impact of loss
4 Trees	Tree protection and site supervision
<b>Expiry date</b>	15 March 2023
<b>Recommendation</b>	Approve



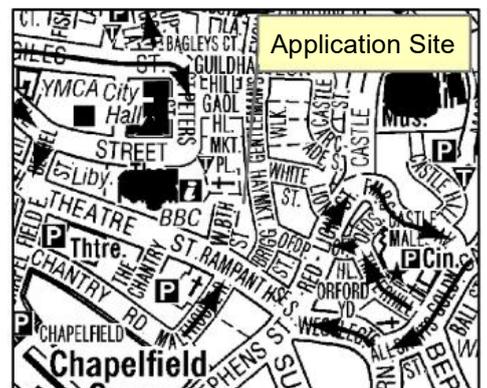
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Planning Application No 22/01500/NF3  
 Site Address Hay Hill

Scale 1:500



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. The statues are located on the lower part of Hay Hill below the Grade II listed statue of Sir Thomas Browne within the City Centre Conservation Area. The area is within the northern section of the St Stephens character area which in turn is south of the central Civic character area, the border of which runs around the Grade I Listed church of St. Peter Mancroft. The areas are designated as of significance and of high significance respectively.
2. A number of listed buildings are located within the immediate vicinity both within the St Stephen and Civic Character Areas. A number of other non-designated assets are located around Hay Hill and along Gentlemans Walk to the east of the statue.
3. Within the St Stephens assessment the area is designated as urban space, containing important trees and is part of a positive vista looking northwest towards St Peter Mancroft and the Forum. Sir Thomas Browne is recorded as “an English polymath and author of varied works which reveal his wide learning in diverse fields including science and medicine, religion and the esoteric”. The area and church have links to the life of Sir Thomas Browne. The Homage obtains reference, in terms of its subject and location, from a number of nearby heritage assets, principal amongst which are the listed Statue itself and the church of St Peter Mancroft

## Constraints

4. City Centre Conservation Area; listed buildings and locally listed buildings (policy DM9). A number of mature trees are sited within Hay Hill (policy DM7).

## Relevant planning history

- 5.

Ref	Proposal	Decision	Date
07/00318/F	Installation of public art (homage to Thomas Browne) on Hay Hill	Approved	11/06/2007
22/01497/L	Relocation of grade II listed statue of Sir Thomas Browne within Hay Hill.	Approved	26/01/2023

## The proposal

6. The original application proposal was for the demolition / removal of the Homage to Thomas Browne sculpture currently sited on Hay Hill and its relocation to Elm Hill Gardens adjacent to the river. The applicant, in response to comments received through the earlier planning consultations, and to address the concerns raised, has removed all references to the relocation of the sculpture to Elm Hill Gardens and amended the description of the above application.
7. The proposal is now for the demolition / removal of Homage to Thomas Browne sculpture into secure storage.
8. The applicant’s intention is also to revisit sites for relocation and submit a further planning application for a relocation site in due course. This also aligns with earlier

consultation comments from heritage or arts societies who wished to discuss further any options for finding suitable sites for the sculpture.

## Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 14 letters of representation have been received on the first round of consultation (7 after closing); 4 on the second round; and 2 on the third citing the issues as summarised in the tables below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
<p>Hay Hill is a perfect and highly relevant position for this sculpture 'Homage to Thomas Browne'. It has 'an intrinsic relationship' with the main listed statue and St Peter Mancroft Church. In this site they get used as street furniture, as intended. It is a major site-specific artwork for the city of Norwich. Installation of the work in Elm Hill Gardens would therefore have no relevance to the life and history of Sir Thomas Browne. Sir Thomas Browne is one of the great cultural figures in the heritage of Norwich. He should be commemorated more obviously, rather than less, and the removal of the Poirier artworks would only help bury him in obscurity.</p>	<p>Main issue 1, 2 and 3</p>
<p>There are few pieces of modern sculpture in Norwich city centre. It seems wrong, given this dearth, to remove such a significant one from the city centre</p>	<p>Main issue 1</p>
<p>Notes the original commission for the artists in 2002 stated: "This work is distinctive for Norwich and Hay Hill - it does not belong anywhere else".</p>	<p>Main issue 1, 2 and 3</p>
<p>The sculptures would benefit from the intended changes to Hay Hill and improvement to the backdrop and setting of the stone pieces – as such should be retained in this space.</p>	<p>Main issue 3</p>
<p>Know that the planning team have considered other locations, and that there are complications with insurance and maintenance which restricts the options for re-siting this work. Wherever it is finally sited, it should be properly interpreted to explain this often-misunderstood artwork to people.</p>	<p>Main issue 1</p>
<p>If the work is moved suggest conditions in relation to recording by a full-size 'imprint' etched into the paving; interpretation information at Hay Hill; the removal is documented; other opportunities should be made to interpret Browne on Hay Hill; a budget to re-site has been allocated and ring-fenced; a timeframe for discussion is set; a list of alternative sites is agreed before removal.</p>	<p>Main issue 1 and 2. Some of the conditions would not meet relevant tests of reasonableness</p>

Issues raised	Response
The Thomas Browne Society remain committed to working with the Council to enhance the interpretation of Thomas Browne wherever and whenever possible.	Noted, Main issue 1, paragraph 8
Norfolk Contemporary Art Society would be pleased to work with Norwich City Council to establish a solution agreeable to all.	Noted, Main issue 1, paragraph 8
The artists, Anne and Patrick Poirier are internationally renowned and well respected and the artwork itself is valuable.	Noted
The wording of this proposal is ambiguous / incorrect - it is a proposal to dismantle carefully to conservation standards so 'Demolition' should be corrected before any contractor specification.	The application description reflects the works proposed
It would be better to sell the work to another town or city that appreciates public sculpture more fully and would give it a better, central setting	Not directly relevant
Removal and relocation are wasteful and unnecessary, in times where we really need to spend wisely and well.	Not directly relevant
Funded by Arts Council England East and Norwich City Council, commissioned in 2005 and only opened July 2007 - what has changed significantly in that short time? Can this Towns Fund money not be utilised to rejuvenate the Hay Hill space successfully without taking this culturally and financially costly removal/relocation action.	Not directly relevant
This artwork was commissioned as a permanent site-specific public artwork and is well-used in the ways the artists intended. There is a risk that clearing the sculptures from the square will open it up for more commercial activity as used to happen with demo cars sometimes parked there and stalls promoting window sales and double glazing which would be a negative use	Noted but future use of the space does not form part of the application
Observations made in relation to Hay Hill main scheme of works - plans fail to replace the statues with an appropriate homage to Thomas Browne; historical sculpture is in a better position than it was; contemporary scheme isn't going to age well; scheme doesn't address anti-social behaviour; benches and oddly shaped planters do not fit with Haymarket; led to believe there would be provision for a fountain replacing the old fountain; no objection to the 'tidying up' of Hay Hill and the placing of an information panel outlining Browne's place in the City's history.	Noted but main refurbishment works do not form part of the application

The following comments received are not now directly relevant to the proposal as revised – see paragraph 6, 7 and 8

<b>Issues raised</b>
The size of the statue is too large for Elm Hill gardens. The placement of these would reduce the grassy areas currently well used by local residents who have no garden of their own, by students of NUA and tourists/visitors. It would be unfair to remove/reduce this recreational amenity. The large arrangement of pieces crammed into Elm Hill Gardens destroys the current amenity of the small gardens
The sculpture works as an ensemble and relies on being visible from a distance allowing the eye to travel from one element to another and take in the fragments of text, this subtle effect will not be as available to visitors in the Gardens
Will overshadow the fine Barbara Hepworth sculpture
The macabre quality of the piece is completely out of keeping with aesthetic of the area and children's playground and outlook from adjacent areas and buildings. It is not suitable for confined urban areas where relaxation and recreation are the main activities. Combining both gardens and artwork will be to detriment of both.
Placement in the gardens would be to the visual detriment of the backs of the Tudor buildings overlooking the gardens, which in themselves are a tourist attraction.
The pieces are extremely ugly and are no advertisement for the studies at the University of the Arts – comment retracted by resident
These do not belong in the public arena and need to be cited on private grounds
Elm Hill would appear to have little or no connection to Sir Thomas Browne, and so site chosen because there is an empty space in the conservation area not occupied by anything else
siting this sculpture in the gardens would not enable the work to be seen by 'the people of Norwich who daily cross the site' and would limit the space available for those who do currently use the gardens.
Illumination of these left-over statues will encourage additional anti-social behaviour and increase light pollution.
Concession on lighting is nothing more than a cost cutting opportunity
Will act as a beacon for anti-social behaviour street drinkers to congregate and urinate. These sculptures would surely invite even more graffiti, necessitating greater expense for this additional graffiti removal and possibly even damaging the statues themselves.
concerned with lack of information on proposal and where this statue is sited
New LED lights will impact on the presence of a substantial number of bats using this area
Should be making more of Thomas Browne as a son of Norwich rather than sidelining him to a part of the city that relatively few people use. Might be some NUA student use but compared to its current position on Hay Hill, this would be minimal.
Public objections will, as has been the experience with similar grant funded 'transformations', such as those in Tombland, carry little weight, things have already been decided

<b>Issues raised</b>
The dishonest pretext to grab some more grant money are bodged and offensive in the illustration of the depths those who are charged with protecting our environment will sink to in order to unlock some funding
Questions applicants' response to earlier consultee comments; consultation timing; and system of decision making. Assume, contrary to the wishes of the public, the application will be approved.
Proposal remains contrary to the wishes of the local community and all those who enjoy the grass areas and seating

## **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.

### **Design and conservation**

11. No objections in principle. Has recommended conditions in respect of the location of the proposed storage site, the removal methodology, transport method, and the necessary measures to protect the pieces from harm in their secure storage.

### **Landscape**

12. No objections in principle to either removal or relocation. An appraisal of impact on Elm Hill Gardens made within comments. Has recommended conditions related to tree protection and interpretation which includes the Hay Hill element of the application. No comments on third consultation.

### **Norfolk historic environment service**

13. No comments to offer

### **Norfolk police (architectural liaison)**

14. No comments in principle to the removal from Hay Hill. Raised concerns in relation to amenity and safety for any proposals to relocate within Elm Hill Gardens. No comments on third consultation.

### **Natural areas officer**

15. No comments to offer outside of Landscape Officer appraisal of Elm Hill Gardens

### **Parks and Open Spaces**

16. Comments principally in relation to support for relocation to Elm Hill Gardens

### **Tree protection officer**

17. No objections in principle. Has recommended conditions related to tree protection and site supervision. No comments on third consultation.

# Assessment of planning considerations

## Relevant development plan policies

### 18. **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
- JCS7 Supporting communities
- JCS8 Culture, leisure and entertainment
- JCS11 Norwich city centre

### 19. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM3 Delivering high quality design
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage

## Other material considerations

### 20. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF 2 Achieving sustainable development
- NPPF 4 Decision-making
- NPPF 6 Building a strong, competitive economy
- NPPF 12 Achieving well-designed places
- NPPF 15 Conserving and enhancing the natural environment
- NPPF 16 Conserving and enhancing the historic environment

### 21. **Supplementary Planning Documents (SPD) and Other Guidance -**

- Landscape and trees SPD adopted June 2016

## Case Assessment

22. 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: Principle of development

23. Key policies and NPPF sections – JCS1, JCS2, JCS5, JCS8, JCS11, DM1, DM3, DM7, DM9, NPPF sections 2, 6, 12 and 16.

24. The Hay Hill area is to be subject to refurbishment and the public space reimagined as part of a scheme for improving public access and use. This includes moving the listed statue within the space and opening up new areas for circulation and community use. Whilst the Homage statues contribute to some extent to the existing layout on Hay Hill, their relevance and benefit to the area will be much reduced in the new proposals and it is seen as appropriate to seek to relocate the sculptures to a new home within the city.
25. Various societies have come forward as part of the consultation on the application and on the refurbishment proposals and whilst regretting and giving strong comment on the artistic merit and worth of retaining the sculptures in-situ have in some respects also put forward options to condition the removal of the Homage subject to further discussion on alternative locations and options for heritage interpretation on Hay Hill to mark the former presence of the sculptures.
26. Options for interpretation seem feasible and could build in further links between the Hay Hill site and surrounds and possible future location of the sculpture. Such a condition appears to be appropriate and potentially opens up or furthers a discussion with various interest groups for the re-use of the sculptures. Details of the long-term storage arrangements for the sculpture are also suggested to be agreed by condition to help ensure its safe retention. In principle the proposed removal of the sculpture is therefore considered to be appropriate.

## **Main issue 2: Heritage**

27. Key policies and NPPF paragraphs – JCS1, DM9, NPPF section 16.
28. Within the full extent of the City Centre Conservation Area, there exist several distinct Character Areas. The Site lies within the defined St. Stephens Character Area of the Conservation Area. The St. Stephens Character Area is considered to be Significant; the area has a concentration of historic buildings with c. 50% of these being either statutorily or locally listed. The area evidences a high instance of features from historical periods and retains some evidence of historic street patterns and views of local landmarks. The area retains some consistency in the use/diversity of high-quality building materials and architectural details.
29. Hay Hill includes the Sir Thomas Browne statue, which is statutorily Listed as a Grade II Listed Structure (NHLE: 1051258), it is therefore considered to be a structure of importance. Local Plan Policy DM9 requires development to respect the character and setting of Conservation Areas and have regard to impacts on heritage assets. This reflects the approach taken within section 16 of the NPPF including guidance at paragraph 198 in relation to statues and other memorials or monuments. The Homage to Sir Thomas Browne statue is a modern addition at the Site. The Homage comprises several pieces in Carrara marble and black granite that are arranged in front of the main listed statue and reference the work of Sir Thomas Browne. The Homage is not statutorily listed and is not considered to be curtilage listed with the Sir Thomas Brown statue.
30. The wider rejuvenation works comprise the reinvention and reinterpretation of the Hay Hill public realm area, and specifically comprises the repositioning of the Statue within the Site, and the removal of the collection of small statues known collectively as the Homage to Sir Thomas Browne. The wider redevelopment of the

area has the stated aim of improving the space and enhancing the area to encourage extended use and host cultural activities and events.

31. It is noted that the collection of sculptures representing the Homage were ideally intended to remain with the Statue, reflecting the subjects work and positioned with reference to main viewpoints for the Statue. It is considered that the Homage today is largely appreciated in isolation from the Statue, no interpretation is provided in the immediate vicinity of the Homage to communicate this association, and instead is remote from the pieces, therefore the connection between the Statue and the Homage pieces is not strong and is of little or no enhancement to an understanding of the significance of the Statue. With the repositioning of the Statue within Hay Hill, the link between the Statue and the Homage is further eroded. The explicit link between Sir Thomas Browne and St. Peter Mancroft made with the listed Statue at Hay Hill will remain unchanged by the removal of the Homage.
32. The removal and relocation of the Homage is considered to result in no harm to the significance of the Grade II Listed Statue, the Grade I Listed church of St. Peter Mancroft or the wider City Centre Conservation Area.

### **Main issue 3: Design**

33. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
34. The sculpture was originally installed to reflect and relate to the Sir Thomas Browne sculpture. The Homage pieces add interest to the space and the current arrangement of the pieces of the Homage are noted as being related to the main listed statue itself. However, the layout of the various sculptural pieces arranged in a quincunx pattern is not readily perceivable, with no interpretation present, and therefore this relationship is not strong or helps create a sense of place within the area.
35. Given the wider refurbishment and reorientation of the main sculpture their presence if retained would be weakened further and lose any of the very limited design impact their current positioning has within the space. Removal is therefore not considered to result in any significant impact in terms of the future design of the area and retention would likely undermine the redesign and reconfiguration of this important urban space. Their removal therefore would not cause significant harm to the quality or character of the space and their retention and repositioning on Hay Hill is unlikely to create any design benefit for either the area or the setting of the sculptures themselves.

### **Main issue 4: Trees**

36. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15.
37. The Tree Officer has inspected the submitted arboricultural impact information (AIA) and confirmed that he has no objections from an arboricultural perspective subject to conditions that the works are carried out on site in accordance with submitted AIA and that suitable arboricultural supervision is incorporated into the scheme for any works within root protection areas. Subject to conditions the proposal should have no impact on the existing trees on site.

## **Equalities and diversity issues**

38. There are no significant equality or diversity issues.

## **Local finance considerations**

39. 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.
40. 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**

41. 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. 22/01500/NF3 - Homage to Sir Thomas Browne Statue, Hay Hill, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of future storage of the sculpture
4. Details of Heritage Interpretation
5. Tree protection in accord with AIA
6. Details of arboricultural supervision within root protection areas

## **Article 35(2) statement**

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and following assessment and discussions at the application stage has approved the application subject to appropriate conditions and for the reasons outlined within the officer's report with the application.



**Report to** Planning Applications Committee

**Item**

9 March 2023

**Report of** Head of Planning & Regulatory Services

**Subject** Application no 23/00075/F – 36 Norvic Drive, Norwich  
NR4 7NN

**Reason for referral** Called in by Councillor Judith Lubbock

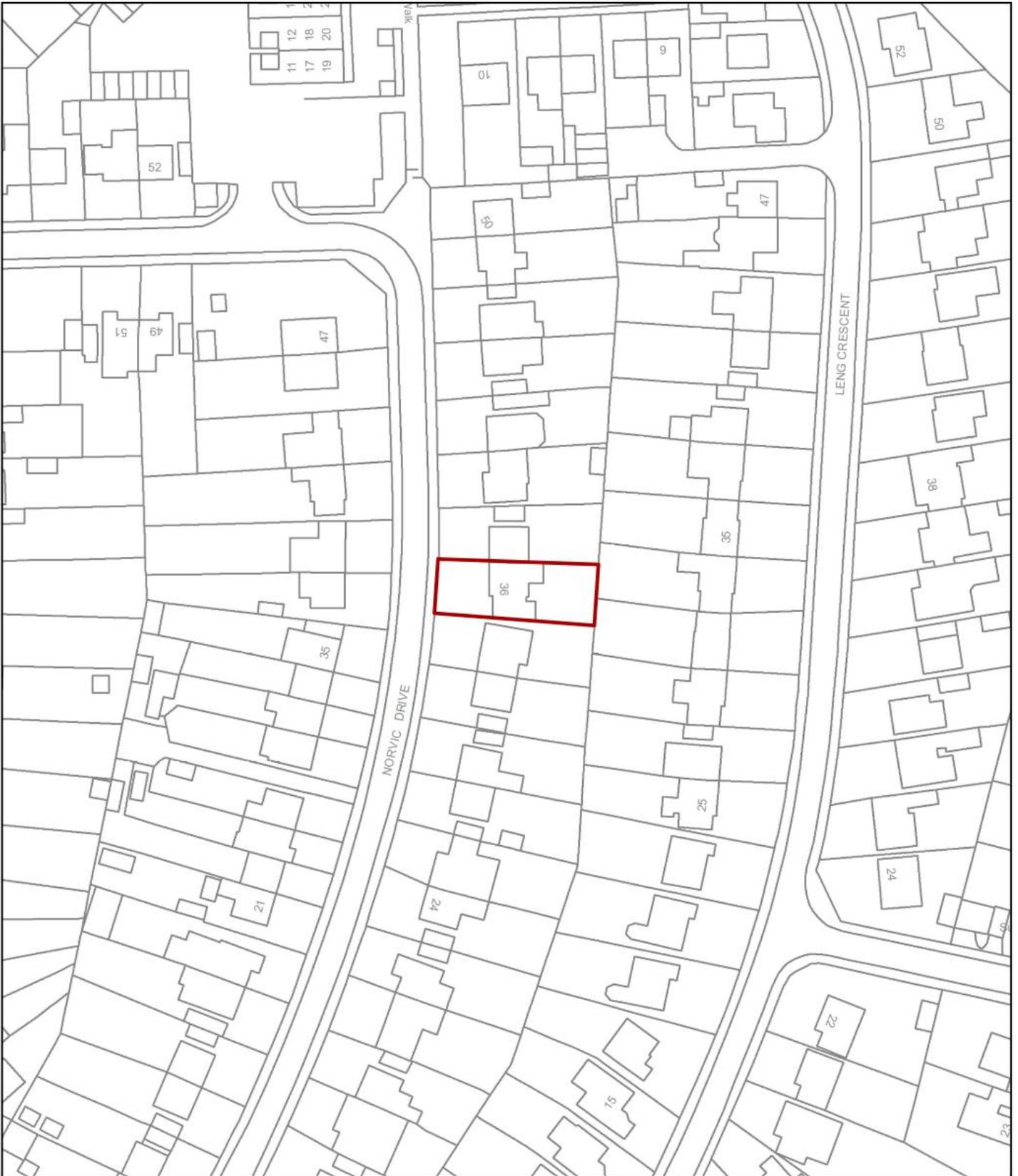
**4c**

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<b>Ward</b>	Eaton
<b>Case officer</b>	Amber Moll - <a href="mailto:AmberMoll@norwich.gov.uk">AmberMoll@norwich.gov.uk</a>
<b>Applicant</b>	Mr Robert and Mrs Mary Jones

<b>Development proposal</b>		
Single storey side and rear extension.		
<b>Representations</b>		
Object	Comment	Support
4 (three household, one councillor call in)	0	0

<b>Main issues</b>	<b>Key considerations</b>
1	Design
2	Amenity
<b>Expiry Date</b>	17 March 2023
<b>Recommendation</b>	Approve



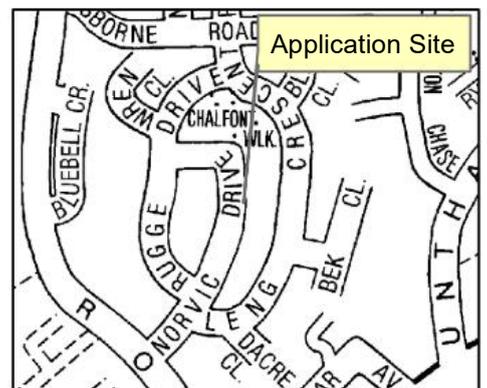
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Planning Application No 23/00075/F  
 Site Address 36 Norvic Drive

Scale 1:1,000



**NORWICH**  
 City Council  
 PLANNING SERVICES



## **The site and surroundings**

1. The site is located on the east side of Norvic Drive, a residential street to the south-west of the city. The subject property is a two storey semi-detached dwellinghouse of mid-late 20<sup>th</sup> century construction with red brick, concrete rooftiles and white doors and windows. The street consists mostly of semi-detached dwellings of a similar age and design to the subject property, some of which have been extended or altered.
2. The site includes a front garden with a driveway leading to a flat roof attached garage to the side and with a larger garden to the rear. The subject property has previously been extended by way of a flat roof rear extension and a flat roof extension to the rear of the garage.
3. The site is bordered on the north side by no.38 Norvic Drive, the adjoining semi-detached dwelling and by no.34 Norvic Drive to the south, a similar semi-detached dwelling. The site is bordered on the east by the rear gardens of nos. 31 and 33 Leng Crescent.

## **Constraints**

4. There is a line of trees along the eastern boundary of the rear garden at the site.

## **Relevant planning history**

5. The records held by the city council show no relevant history for the site.

## **The proposal**

6. The proposal is for the construction of a single storey side extension to comprise a bedroom, en-suite and shower room and a single storey rear extension to provide additional living and dining space and a study.
7. The proposal first involves the demolition of the existing flat roof garage and extension to this attached to the side of the dwelling together with the demolition of the existing extension to the rear of the dwelling.
8. The single storey extension is proposed to wrap around the side and rear of the existing dwelling. The extension projects 3.5m from the side of the dwelling and 2.5m from the rear, and has a mono-pitched roof which measures 2.3m to the eaves and 3.5m at the highest point. The extension is set back from the front elevation by 0.2m. The proposal includes two rooflights on the side extension and two casement windows positioned either side of sliding doors on the eastern elevation of the rear extension.
9. The external walls of the extensions are proposed to be facing brickwork and white upvc windows and doors to match the existing dwelling together with concrete rooftiles to match the existing roof.

## **Representations**

10. Adjacent and neighbouring properties have been notified in writing. Five letters of representation have been received citing the issues as summarised in the table below.

<b>Issues raised</b>	<b>Response</b>
The impact of the partial removal of the existing rear extension and re-building on the structural integrity of the party wall.	This is a civil matter and for building regulations and is not a planning consideration.
Loss of natural light to the living space of the adjoining property by the pitched roof on the rear extension.	See main issue 2: amenity.
The potential for damp and noise issues from the installation of an en-suite against the party wall.	The alterations to the internal layout do not require planning permission, but these may be matters for building control consideration.
Impact of the additional bathrooms on the shared drainage system, which has had some previous issues.	The alterations to the internal layout to provide additional bathrooms do not require planning permission.
Noise concerns around the relocation of the kitchen along the party wall.	The alterations to the internal layout do not require planning permission. The general day-to day noise of people using the space as a dwellinghouse is part of the normal semi-detached experience.
Concerns around use of the dwelling as an HMO.	The proposed use is C3 single dwellinghouse and a future change of use to C4 small HMO would not require planning consent.
Size of the extension having an adverse impact on the amenity of the neighbours.	See main issue 2: amenity.
Reduction in parking due to removal of the garage, with a possibility of more on-road parking and impact on the bus route.	See other matters.

### **Consultation responses**

11. 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.

### **Tree protection officer**

12. No objections from an arboricultural perspective.

### **Assessment of planning considerations**

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

13. **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
14. **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
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM31 Car parking and servicing

### **Other material considerations**

#### **15. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF12 Achieving well-designed places
- NPPF15 Conserving and enhancing the natural environment

#### **16. Advice Notes and Guidance**

- Extensions to houses advice note September 2012

### **Case Assessment**

17. 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 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: Design**

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 126-136.
19. The properties on Norvic Drive were built to have a similar appearance and, despite various alterations and extensions along the street, the properties continue to share characteristics. It is therefore welcomed that the proposed side extension has been designed to appear subservient to the original dwelling, with a step to the front elevation. The single storey sections adjoin at the rear, wrapping around the corner of the original dwelling. It is noted that there are two-storey side extensions at neighbouring properties on the same side of Norvic Drive and a single-storey side extension at the neighbouring property, no.34. The design of the proposed side extension is similar in terms of scale and form to the side extension at no.34 so it is in-keeping with the street scene.
20. The single-storey rear extension is of an appropriate scale by reference to the size of the original dwelling. It is worth noting that if the proposal for the site had only been for the construction of the single storey rear extension, this would be considered permitted development and would not require planning permission.
21. The proposed extensions are to be constructed using matching materials in terms of bricks, concrete roof tiles and white upvc doors and windows.
22. The proposed development is considered to be of an appropriate scale, form, appearance and is therefore acceptable in design terms.



(b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must undertake an appropriate assessment to determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16<sup>th</sup> March 2022.

(a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal is for works to an existing dwelling and will not impact upon the average occupancy figures for dwellings across the catchment and will therefore not impact upon water Quality in the SAC.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal is for works to an existing dwelling and will not impact upon the average occupancy figures for dwellings across the catchment and will therefore not impact upon water quality in the SAC.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

**Equalities and diversity issues**

32. There are no equality or diversity issues.

## **Local finance considerations**

33. 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.

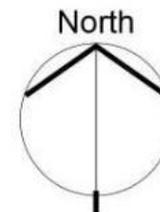
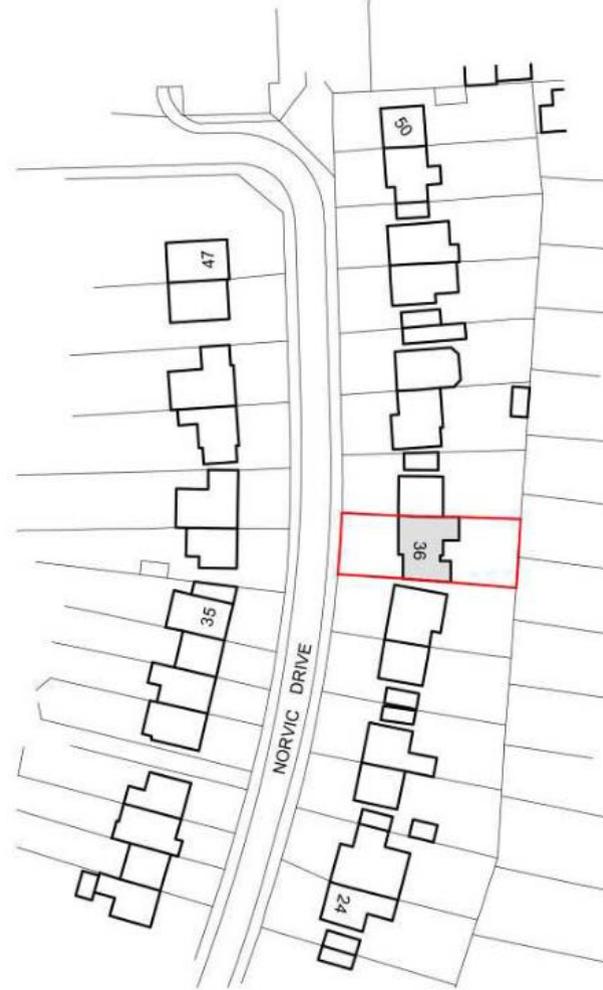
## **Conclusion**

34. The proposal will result in an enlarged dwelling which is considered to be of an appropriate scale, which does not cause significant harm to the character and appearance of the subject property or surrounding area.
35. The proposed development will have a limited impact upon the residential amenities of neighbouring properties with significant harm not being caused by way of overshadowing, overlooking, loss of outlook or by being overbearing.
36. 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 23/00075/F - 36 Norvic Drive, Norwich, NR4 7NN and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.



DATE JAN '23 PROJECT ALTERATIONS & EXTENSIONS TO:  
36 NORVIC DRIVE  
NORWICH

SCALE 1:1250 @ A4 SUBJECT LOCATION PLAN

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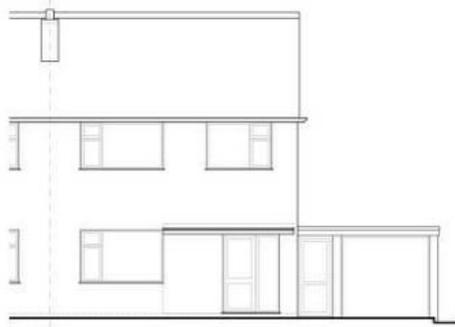
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Page 51 of 54

PROJECT  
36 NORVIC DRIVE

NUMBER  
979/01

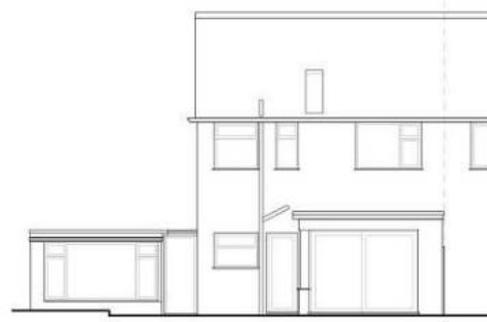
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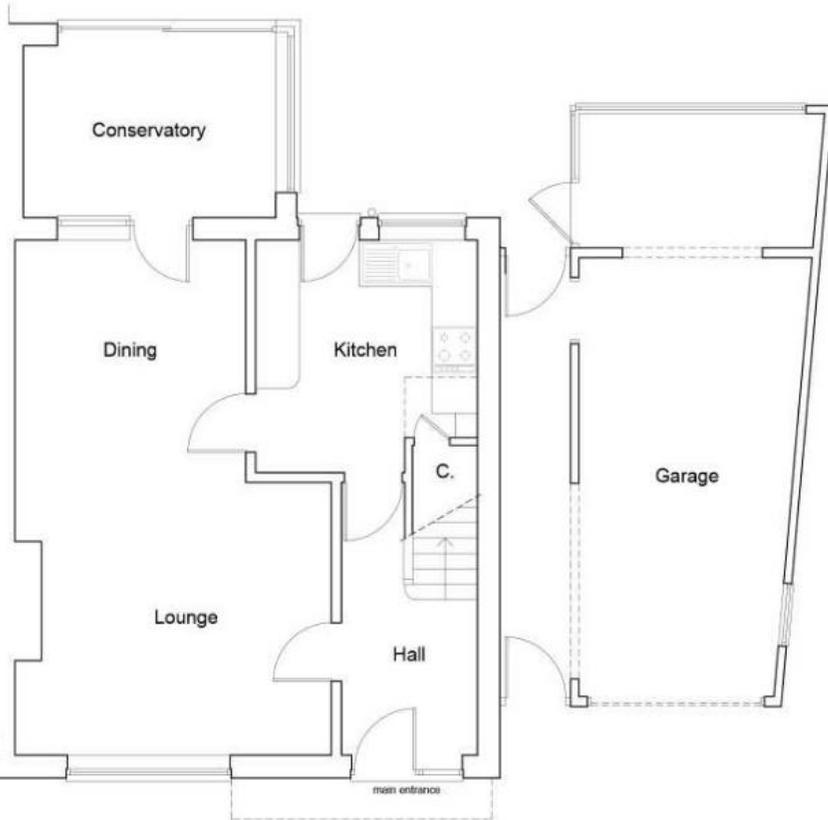
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South Elevation [1:100]



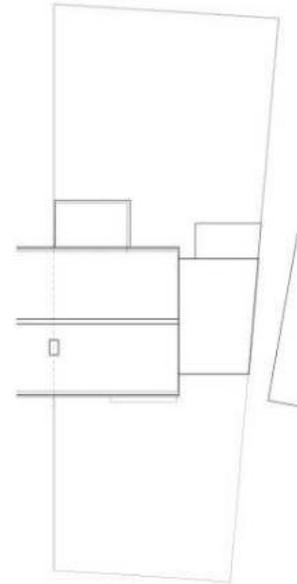
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Ground Floor Plan [1:50]



First Floor Plan [1:50]



Block Plan [1:200]

DATE NOV '22 PROJECT ALTERATIONS & EXTENSIONS TO:  
36 NORVIC DRIVE  
NORWICH

SCALE 1:50 & 1:100 @ A2 SUBJECT SURVEY

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A - BLOCK PLAN ADDED.

DATE  
JAN '23

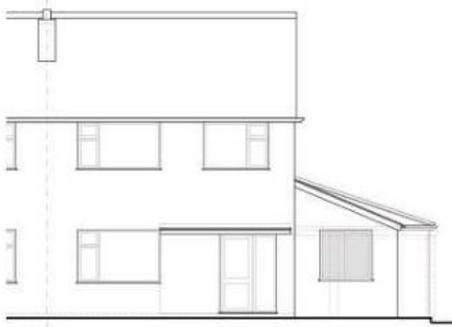
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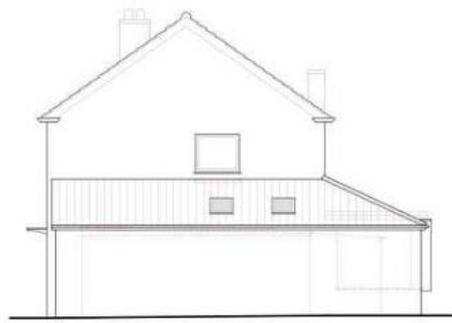
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36 NORVIC DRIVE

NUMBER  
979/05

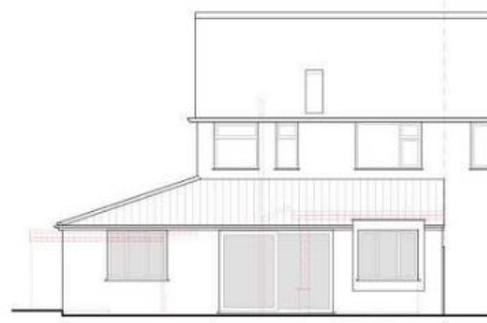
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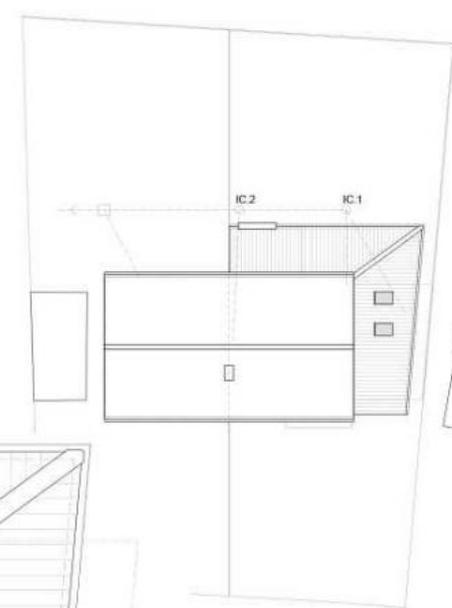
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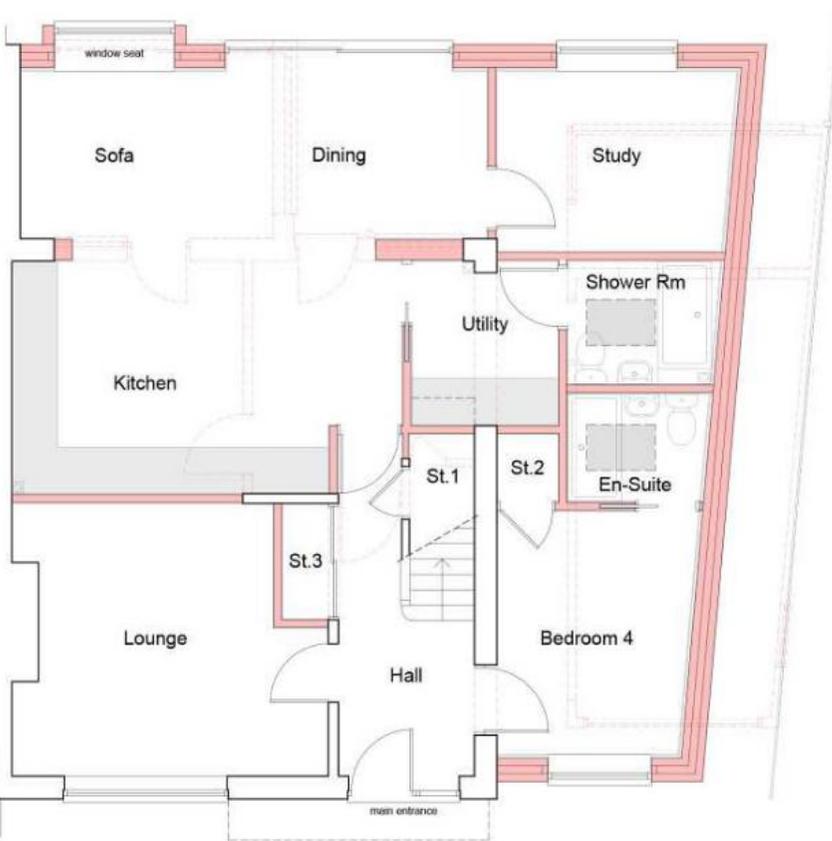
South Elevation [1:100]



East Elevation [1:100]



Block Plan [1:200]



Ground Floor Plan [1:50]



First Floor Plan [1:50]

DATE JAN '23 PROJECT ALTERATIONS & EXTENSIONS TO:  
36 NORVIC DRIVE  
NORWICH

SCALE 1:50 & 1:100 @ A2 SUBJECT PROPOSAL

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PROJECT  
36 NORVIC DRIVE

NUMBER  
979/10

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