

Report to Planning applications committee

Item

13 June 2019

Report of Head of planning services

Subject Application no 18/01823/VC - 128 Dereham Road,
Norwich, NR2 3AF

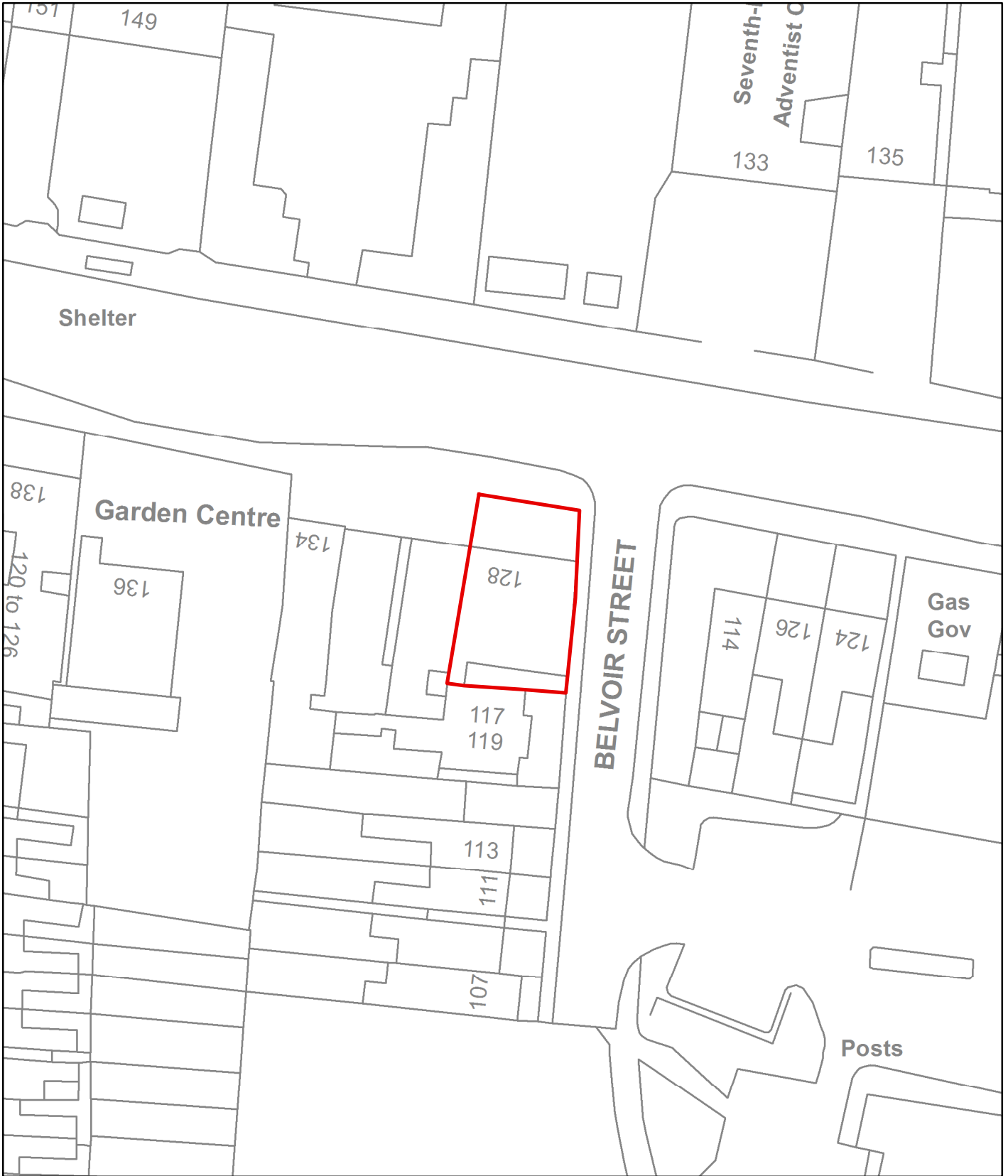
5(g)

**Reason
for referral** Objection

Ward:	Nelson
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
Variation of Condition 4 of previous permission 17/01176/F to extend the opening hours by one hour on any day.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Residential Amenity	The impact of the proposed variation on the amenity of neighbouring residential occupiers.
Expiry date	1 February 2019
Recommendation	Approve

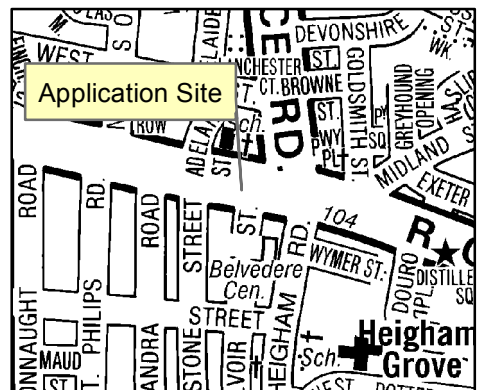


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Planning Application No 18/01823/VC
 Site Address 128 Dereham Road
 Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The site is formed of a corner plot at the junction of Dereham Road and Belvoir Street to the west of the city. The subject property is a two storey end of terrace building constructed circa 1900 using red bricks and is of a hipped roof design. The site forms part of a small row of shopping units, although it is located 150m from the Dereham Road district retail centre to the east.
2. The property currently used as the Aroma Lounge café and the layout reflects this with there being seating areas to the front and side. The business serves food and drinks throughout the day as well as shisha. The first floor of the building is arranged as a flat which includes an independent access via a stairway to Belvoir Street.
3. The site is bordered by the adjoining terrace property no. 130 Dereham Road to the west which is currently in use as hot food takeaway, 117/119 Belvoir Street to the rear and a residential property no. 114 Belvoir Street to the east. The prevailing character of the surrounding area is a mixture of retail, commercial and residential.

Constraints

4. Critical drainage catchment: Nelson and Town Close

Relevant planning history

- 5.

Ref	Proposal	Decision	Date
4/1995/0613	Change of use to hot food takeaway	Refused	27/07/1995
4/1996/0913	Change of use from shop (A1) to solicitors' office (A2).	Approved	27/01/1997
11/00707/F	Alterations and extensions to convert to A3 (coffee shop) use, also conversion to form dwelling (2 bed) flat at first floor with separate external steel stair access.	Approved	15/07/2011
17/01176/F	Part demolition of existing shopfront and construction of replacement, construction of covered seating and associated alterations.	Approved	15/11/2017
18/01897/F	Erection of brick and opaque glass wall enclosure (retrospective) and two large folding large parasols.	Approved	08/03/2019

The proposal

6. The proposal seeks consent to vary condition 4 of previous permission 17/01176/F to extend the opening hours by one hour on any day. Condition 4 of permission 17/01176/F requires that;

The use of the ground floor premises which form the subject of this permission and outlined in red on the approved location plan received 20.07.2017 hereby approved shall not take place other than between the hours of 08:00 and 22:00 on any day.

The proposed opening hours are between the hours of 08:00 and 23:00 on any day.

Representations

7. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Noise from business impacting on neighbouring residential properties (nos. 114, 117a and 107 Belvoir Street).	See main issue 1.
Increase in parking problems.	Other matters.
Rubbish being left outside site by patrons.	Other matters.

Consultation responses

8. 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

9. No objection. As discussed, the Environmental Protection team would like to add a condition with a wording as follows: No amplified music to be played in the outside area of the premises after 22:00. The applicant should be aware that justified complaints regarding noise nuisance or anti-social behaviour may result in the premises license being reviewed and additional Conditions/ restrictions applied.

Highways (local)

10. No objection on highway grounds

Assessment of planning considerations

Relevant development plan policies

11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM2 Ensuring satisfactory living and working conditions

Case Assessment

12. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Amenity

13. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
14. The main issue is that of noise disturbance as a result of the increased hours of use of the property. A detailed Noise Impact Assessment (NIA) has been carried out which involved the recording of noise levels over a two night period. The NIA concluded that “the operation of this venue may have slightly altered the acoustic character of the area but not such that there is likely to be a changes in the quality of life of people living nearby”. Concern has been raised that the extension of the opening hours will result in noise disturbance to residents living within Belvoir Street. It is acknowledged that the extension of the opening hours is likely to result in the number of visitors to the café being on site for longer than they are currently. However based on the findings of the noise assessment it is not considered that this will significantly alter the current situation.
15. It is noted that the site is located on a busy stretch of Dereham Road with a number of businesses located close by, including a hot food take away which is open at similar times during the evening. As such, the extension of the opening hours to 2300 is not considered to be inappropriate for this location.
16. In order to mitigate the potential for harm being caused, it is considered reasonable to add a condition restricting the use of amplified music in the outside space after 2200.

Other matters

17. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
18. Particular concern has been raised that the proposal will increase existing parking problems. The extension of the opening hours is unlikely to significantly alter the current situation. Issues which may arise within Belvoir Street or on Dereham Road,

which include sections of double-yellow lines restricting parking, can be dealt with by the Council's parking officers.

19. Concern has also been raised that the proposal will increase other forms of anti-social behaviour such as littering. The dropping of litter outside of the application site cannot be considered as part of this application. Should instances arise in the future, they can be dealt with by the Council's Environmental Protection team.

Equalities and diversity issues

20. There are no significant equality or diversity issues.

Local finance considerations

21. 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.
22. 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.
23. In this case local finance considerations are not considered to be material to the case.

Conclusion

24. The proposed extension of the opening hours of the business is not considered to have a significant detrimental impact on the amenity of nearby residential occupiers.
25. 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. 18/01823/VC - 128 Dereham Road Norwich NR2 3AF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restrict hours of use to 08:00 and 23:00 on any day
4. Restrict the use of amplified music within the outside space after 2200.