

**Report to** Planning applications committee

**Item**

12 May 2016

**Report of** Head of planning services

**Subject** Application no 16/00426/VC - 286 Dereham Road,  
Norwich, NR2 3UU

**4(b)**

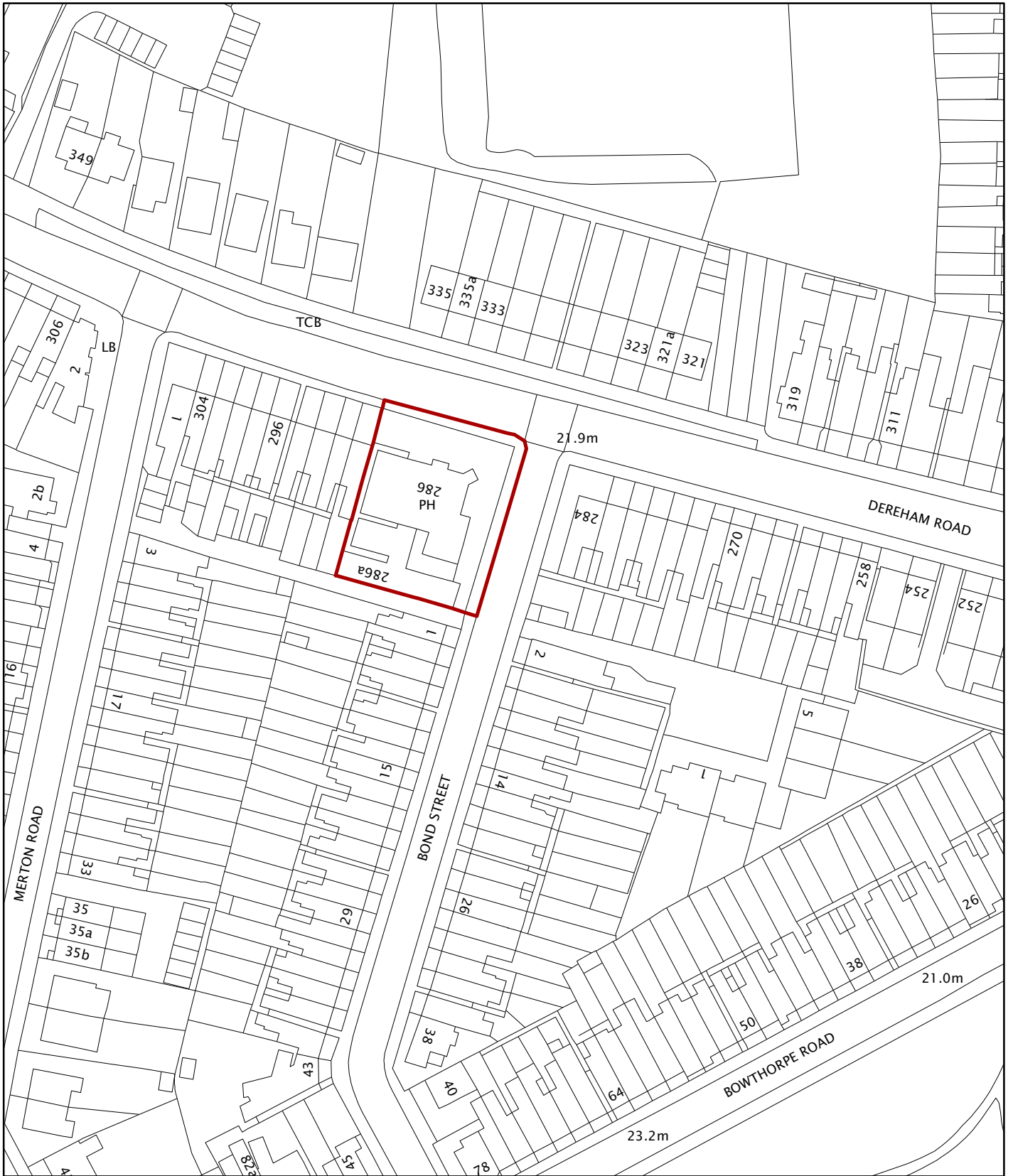
**Reason  
for referral** Objection

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<b>Ward:</b>	Wensum
<b>Case officer</b>	Steve Fraser-Lim - <a href="mailto:stevefraser-lim@norwich.gov.uk">stevefraser-lim@norwich.gov.uk</a>

<b>Development proposal</b>		
Variation of condition 4 of previous permission 11/01471/F, to increase permitted opening hours by a further two hours so as to allow the premises to operate from 07:00 to 01:00 on the next day for a temporary period each year between 6th June and 6th July up until 2022.		
<b>Representations</b>		
Object	Comment	Support
11		

<b>Main issues</b>	<b>Key considerations</b>
1	Parking / transport
2	Amenity of neighbouring occupiers
<b>Expiry date</b>	13 May 2016
<b>Recommendation</b>	Approve



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Planning Application No 16/00426/VC

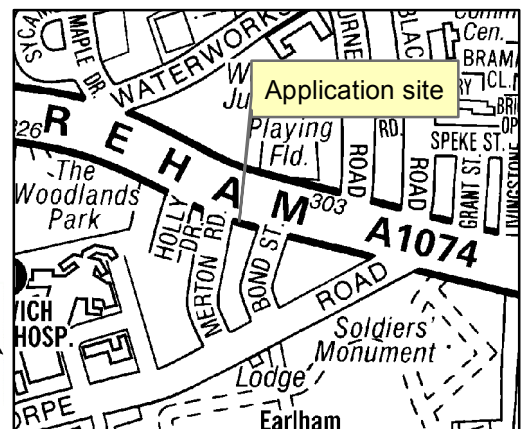
Site Address 286 Dereham Road

Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. Two storey former Queen Charlotte Public House building with forecourt parking area and outbuildings, situated on the south side of Dereham Road at its junction with Bond Street. The surrounding area is predominantly residential in character and two storey terraced houses adjoin the site to the south, west and on the opposite sides of Dereham Road to the north and Bond Street to the east.

## Constraints

2. The existing building is locally listed.

## Relevant planning history

- 3.

Ref	Proposal	Decision	Date
11/00071/U	Change of use from public house (Use Class A4) to general use for community and charitable use (Use Class D1) with minor internal alterations.	APPR	14/04/2011
11/01464/F	Render replacement works.	APPR	26/10/2011
11/01471/F	Erection of single storey extension within rear courtyard to house additional toilet facilities.	APPR	12/10/2011
12/00006/F	Extensions and alteration to the building including:  1) Extension of outbuilding to create office;  2) Extension of main building to create permanent retail area;  3) Retrospective application for replacement windows on rear elevation of main building with UPVc windows; and  4) Retrospective application for reinstatement of original front window of main building with UPVc window.	APPR	11/04/2012
12/01257/U	Change of use of part of outbuilding to provide a retail area for sales of light refreshments to existing community centre.	APPR	21/08/2012

Ref	Proposal	Decision	Date
12/02254/D	Details of condition 4 - amplified sound equipment, condition 6 - travel information and condition 9 - external lighting and security measures of planning permission 12/01257/U	APPR	31/01/2013

## The proposal

4. Ramadan is a month of fasting for Muslims and lasts for 1 month per Lunar year. As the Lunar year is 14-15 days shorter than the calendar year the timing of Ramadan moves down one month every two years. For instance in 2016 Ramadan will start in June, but by 2018 it will start in May. During the Ramadan period the community centre hosts communal meals for fasting Muslims following sunset. This would typically comprise one meal at sunset and one meal approximately 3 hours later in the evening.
5. During the summer months days are very long and sunset will be at approximately 21:30. As such there is only limited time to provide these two meals within the permitted opening hours of the centre up to 23:00. This is not a problem outside of the summer, as earlier sunset provides sufficient time for the communal meals to be completed prior to 23:00.
6. The applicants have therefore applied to vary condition 4 of previous permission 11/01471/F, to increase permitted opening hours by a further two hours so as to allow the premises to operate from 07:00 to 01:00 on the next day for a temporary period each year between 6th June and 6th July up until 2022.

## Summary information

Proposal	Key facts
<b>Operation</b>	
Opening hours	Current permitted opening hours are 07:00 to 23:00. The application proposed to increase these by a further two hours so as to allow the premises to operate from 07:00 to 01:00 on the next day for a temporary period each year between 6th June and 6th July up until 2022.
<b>Transport matters</b>	
Vehicular access	From Dereham Road and Bond Street.
No of car parking spaces	20 Car parking spaces including one disabled bay.

<b>Proposal</b>	<b>Key facts</b>
No of cycle parking spaces	Cycle store containing 20 Cycle parking spaces.

## Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 11 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issues raised</b>	<b>Response</b>
The site is used for prayers on Friday and 50 cars attempt to park in the Bowthorpe Road triangle, resulting in undue parking pressure. This will also occur in the evenings. There will be nowhere for residents to park or visitors to housing.	See main issue 2.
Car parking in connection with the centre obstructs side road, footways, double yellow lines and no regard is given to the 'no access' sign in Merton Road.	Concerns with regard to the breach of highway rules such as parking on double yellow lines and footways are noted. The matter has been discussed with the council's parking enforcement team and further inspections are proposed to prevent this.  Comments with regard to vehicles driving down Merton Road in potential contravention of the 'no access' sign are noted. However this sign is intended to prevent vehicles from entering Merton Road from Dereham Road. Merton Road is adopted public highway and the sign does not prevent vehicles who are not resident in the street from traveling along it.
In Ramadan 2015 the premises was in use until 0230 and has also opened as early as 0400 in the morning, in contravention of planning conditions.	This concern is noted and is currently being investigated as this issue first came to light as a result of the consultation process as part of the application. No proposals have been submitted in relation to increased opening hours in the morning and if any breach of the permitted 07:00 opening

Issues raised	Response
	time is evidenced, then authority is sought to take further enforcement action.
Noise and disturbance from visitors leaving the centre in the early hours of the morning, from voices / car doors slamming / engines starting.	See main issue 1.
Solutions to the parking problem should be proposed including a Travel Plan.	See main issue 2.
The premises are being operated as a place of worship contrary to planning conditions of the original permission.	This matter has been investigated further as a result of enforcement complaints. A site visit and meeting with the Norfolk and Norwich Muslim Association (NNMA) has been undertaken. Officers were satisfied that whilst some worship did take place on the premises, the main use was a community centre, as a full range of community activities took place on site, and the premises did not have the characteristics of a mosque. As such it was considered that the use of the premises remained as a community centre, any worship was strictly ancillary to this, and no breach of condition 3 had taken place.

## 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 subject to further safeguards in the form of a parking management plan, to ensure that visitors disperse in a quiet manner. Restrictions on amplified music should be retained.

### Cllr Sandra Bogelein (Ward Cllr, Norwich City Council)

10. Object to the proposals as the increased disturbance would impact upon residents ability to enjoy sleep without disruption at 1am. This is detrimental to health and ability to undertake work commitments. In addition it has been noted that the premises opens earlier than the 7am permitted by planning conditions, sometimes as early as 04:30 am.

11. Parking is also inadequate at this time of year and will be made harder as residents need to find alternatives. This is compounded by hospital parking overspill. On previous years it has not been possible for trades and residents visitors to gain access to residential properties and vehicles have also been damaged. Any application to extend opening hours should include a solution to the parking problem such as a travel plan.

### **Highways (local)**

12. No objections to the proposals. The premises were previously a public house which attracted a large number of revellers. Muslim community centres can attract patrons from a wide catchment and use of public transport would not be feasible in the early morning opening hours proposed. However there is potential for car sharing as identified by the travel plan. The travel plan is of a good standard but should include best practice to promote car pool arrangements.
13. Provision of cycle parking is excellent. However it is not clear if this will be sufficient to meet demand. Bus services on Dereham Road up until 23:00 are frequent which could help to reduce car dependency.
14. The site is not within a controlled parking zone and there are no plans for this to be extended at present. Therefore all on street parking is unrestricted, except where waiting restrictions are in place. This will cause local streets to be heavily parked. It is regrettable that further parking pressures cannot be prevented, but this needs to be balanced against the previous use of the site and steps taken to reduce car dependency.

## **Assessment of planning considerations**

### **Relevant development plan policies**

15. **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
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS8 Culture, leisure and entertainment
  - JCS19 The hierarchy of centres
16. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM9 Safeguarding Norwich's heritage
  - DM18 Promoting and supporting centres
  - DM19 Encouraging and promoting major office growth
  - DM20 Protecting and supporting city centre shopping
  - DM21 Protecting and supporting district and local centres
  - DM22 Planning for and safeguarding community facilities
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

## **Other material considerations**

### **17. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF5 Supporting high quality communications infrastructure
- NPPF8 Promoting healthy communities
- NPPF12 Conserving and enhancing the historic environment

## **Case Assessment**

18. 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: Transport**

19. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
20. Considerable concern has been raised with regard to increased parking pressure. It should be reiterated that the site has planning permission to operate between 0700 and 2300 and issues of parking stress during this period would not be a reason for refusal of the current proposals. However the increased opening hours could give rise to increased parking pressure late at night. Surrounding streets are not subject to residents parking controls and visitors to the centre would be likely to park within the surrounding area resulting in some additional parking pressure beyond 2300 as is currently the case.
21. However by the current permitted closing time of 2300 there is likely to be limited demand for car parking spaces from nearby residents, as most cars are likely to have been parked at this stage. There will be limited additional car parking demand between the hours of 2300 and 0100. In addition a Travel Plan has been submitted with the application which includes measures such as the promotion of car sharing to reduce car parking pressure. The measures identified within the travel plan are proposed to be secured by planning condition.
22. Concerns are also noted with regard to current issues of cars parking on double yellow lines, on footways and obstructing side roads. This is primarily a parking enforcement issue and the matter has been discussed with parking enforcement who has undertaken to carry out further enforcement work. In addition a management plan is also proposed to be required by condition, as discussed further in the amenity section. The management plan will set out measures by which marshals could discourage visitors to the centre from parking in inappropriate locations, such as obstructing the footway.



## **Main issue 2: Amenity**

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
24. The application proposes to increase opening hours in the evening from 2300 to 0100 for a limited period each year when Ramadan takes place in a summer month. The increased opening hours should not result in significant noise disturbance for the majority of this time when visitors to the centre are within the building, Condition 5 of the original consent includes a condition which prevents unduly loud amplified sound on the premises which will ensure that excessive noise breakout from the building will not occur. However increased noise levels will occur when visitors leave the premises in the early hours of the morning, from voices, car doors and car engines. This will result in some noise disturbance to nearby residential occupiers.
25. However any potential nuisance needs to be balanced against the former use the premises as a public house and live music venue. As such the premises previously operated until late at night and generated an increased level of noise in comparison to the surrounding residential uses. Noise impacts could also be mitigated through management measures such as marshals to assist vehicles in exiting the area and remind visitors to exit the building and area in a quiet manner. Further measures as identified in the Travel Plan to encourage car sharing would also help to reduce potential for noise disturbance from vehicle engines. Given the above factors, and also the relatively limited time period when later opening would occur, it is considered that potential noise disturbance would not be unduly harmful.
26. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.

## **Other matters**

27. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: List relevant matters.

## **Equalities and diversity issues**

28. There are no significant equality or diversity issues.

## **Local finance considerations**

29. 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.
30. 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.
31. In this case local finance considerations are not considered to be material to the case.

## Conclusion

32. It is accepted that the proposals will result in an increase in parking pressure and increased potential for noise disturbance later into the evening / early morning than is currently the case. However this should be balanced against the previous use of the site, the limited period for which extension of opening times are proposed, as well as mitigation measures such as a management plan and travel plan. In addition the proposed increased opening hours would facilitate the continued use as a well-used community facility, in accordance with policy DM22. Once these issues have been taken into account officers consider that car parking and noise impacts would not be unduly harmful and the proposed extended opening hours should be approved.
33. However if members reach a different view and consider these impacts unacceptable, then officers are mindful of the previous breaches of planning control which occurred during Ramadan 2015, and the likelihood of further breaches taking place in 2016. In such circumstances authority would be sought for the serving of a breach of condition notice in relation to breaches of planning control which were observed to have taken place in July 2015. This will then allow the council to take further action in form of prosecutions, if further breaches of planning control take place in June 2016.
34. Members should be aware that if they do choose this course of action it would have a significant impact upon the ability of the community centre to operate and serve its function, which could potentially conflict with policy DM22. Authority is also sought to undertake further enforcement action should any breaches occur to proposed extended opening hours either in the morning or evening.

## Recommendation

1) To approve application no. 16/00426/VC - 286 Dereham Road Norwich NR2 3UU and grant planning permission subject to the following conditions, which have been reattached or modified from the previous permission:

1. In accordance with plans;
2. Use only as a community centre
3. Use not to take place between the hours of 2300 hours and 0700hours on any day, unless between 6th June and 6th July up until 2022 when use shall not take place between 0100 and 0700.
4. No external amplified sound
5. No amplified sound internally outside of specified limits
6. Use to take place in accordance with travel plan
7. No external lighting or CCTV without written consent.
8. No fixed plant or machinery
9. Management plan to be submitted within 3 months.

2) To seek authority to undertake further formal enforcement action against any breaches of the opening hours approved within condition 3 above should any evidence in future be found that such breaches are taking place.