



Planning applications committee

Date: Thursday, 12 August 2021

Time: 10:00

Venue: Council Chamber, City Hall

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. Numbers are restricted due to social distancing arrangements. The meeting will be live streamed on the council's YouTube channel.

Committee members:

Councillors:

Driver (chair)
Button (vice chair)
Bogelein
Champion
Everett
Giles
Grahame
Lubbock
Maxwell
Peek
Sands (M)
Stutely
Thomas (Va)

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

Page nos

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 - 12

To approve the accuracy of the minutes of the meeting held on 8 July 2021.

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 in accordance with the procedures set out in the council's constitution.

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 10:00;
- 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.

Summary of applications for consideration	13 - 14
Standing duties	15 - 16
4(a) Application non 21/00679/U at 457 - 465 Dereham Road, Norwich	17 - 26

Date of publication: **Tuesday, 03 August 2021**



Planning applications committee

10:00 to 12:25

8 July 2021

Present: Councillors Driver (chair), Button (vice chair), Bogelein, Champion, Everett, Giles, Grahame, Lubbock, Maxwell, Peek, Stutely and Thomas (Va)

Apologies: Councillor Sands (M)

1. Declarations of interests

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 June 2021.

3. Application no 21/00561/F – 90-92 Colman Road, Norwich

The planning team leader (case officer) presented the report with plans and slides. She referred to the supplementary report of updates to reports (which was circulated at the meeting and available on the council's website with the documents for this meeting) advising members of a late letter of representation and a correction or addition to the table set out in paragraph 13, to add that a comment had been received that two small rooms on the plans had been marked as "masjids" (prayer rooms) but that this did not suggest that the application was for anything other than a restaurant.

During discussion, the planning team leader referred to the report and answered members' questions. Members expressed frustration that local planning authorities could not control the change of use within Class E from retail to restaurant with ancillary takeaway which did not require consent. The only influence the committee had was over the shop front and extraction flue. It was noted that there was more than one bungalow in the vicinity and that these residents could also be affected by noise of people visiting, pressure on carparking and litter from the takeaway. Members were advised that the shop front's single glazing was the applicant's choice but was not something that the council could control. The committee was

also assured that the installation of the extraction flue would be subject to building regulations.

The chair moved and the vice chair seconded the recommendations as set out in the report.

Councillor Lubbock, Eaton Ward councillor, said that she could not vote for this application and commented that the change of use did not require consent. Residents had considered it pointless to comment because their objections could not be considered. It would be the sixth takeaway outlet in a parade of 10 shops. There was already a litter problem. The two bins were always overflowing with rubbish. The restaurant had 80 seats but there was no assessment of parking provision which would affect local residents.

The area development manager said that whilst a litter bin could not be conditioned the applicant was present and had heard the comments and proposed that an informative could be added.

Councillor Stutely, chair of licensing committee, assured the members concerned of that the restaurant would be open 24/7, that all premises serving food after 23:00 hours required a late-night refreshments licence.

RESOLVED with 11 members voting in favour (Councillors Driver, Button, Stutely, Thomas, Champion, Grahame, Giles, Bogelein, Everett, Peek and Maxwell), 0 members voting against, and 1 member abstaining (Councillor Lubbock) to approve application no 21/00561/F for 90-92 Colman Road and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Extraction equipment to be installed in accordance with submitted details and fixed using anti-vibration mountings.

Informatives:

- Asbestos;
- Adverts may require consent.
- Provide and empty a litter bin outside the premises.

4. Application nos 21/00355/PDD and 21/00428/F - 1 Ferry Road, Norwich, NR1 1SU

The planner (case officer) presented the report with the aid of plans and slides, during which she explained that there were two applications, one for prior approval and the other for a full planning application, which were interdependent and required for a comprehensive development. Members were also asked to note that the additional storey was only 2.6 metres and not the full height of a standard storey.

A resident addressed the committee on behalf of residents living in Bertram Way and Rosary Road and said that whilst there were no substantial objections to the development but that residents were concerned about the height of the extra storey

which they considered conflicted with the principle of a stepped back skyline and concerned that a green used for recreation would be overshadowed. Residents were also concerned that there was no affordable housing and that the statue to commemorate the former Nest would be obscured. A resident from Lollards Road addressed the committee with her concerns relating to the impact of the development on surrounding terraces in relation to overshadowing and overlooking, suggesting that windows on the north side were reduced in size, and concerns about external lighting on bats. She also suggested that the applicant should consider a green roof to mitigate against surface flooding.

The applicant addressed the committee in support of the application. The development had been commissioned because the building was in need of substantial investment to maintain it and the developer has proven experience in office conversions to residential use. The change of use would make the building viable and improve its appearance. The additional activity would deter anti-social behaviour in the area.

The planner, together with the area development manager, referred to the report and commented on issues raised by the speakers and answered members' questions. In accordance with the National Planning Policy Framework (NPPF) and because eight of the dwellings could be provided under prior approval and were therefore discounted, this development did not provide more than 10 dwellings and therefore did not meet the criteria to require the developer to provide affordable housing either on-site or by a contribution for off-site provision.

Members were advised that the considerations for prior approval applications were much narrower than considerations for a full planning application. Members were advised that the windows to the new dwellings would provide adequate light and that the impact to existing dwellings was not considered unacceptable. Some of the windows to utility rooms had been reduced or high level windows had been incorporated into the revised plans. The use of cladding replicated the banding in the brickwork which was a feature of the building. It was noted that the appearance of the building would change significantly through high quality design to bring it from a sixties' design into a more contemporary design for the 21st century. Agreement of materials would be a condition of planning permission to ensure that materials were appropriate to the locally listed building and conservation area. Members were also advised that the applicant had not proposed a green roof or use of solar panels and that the committee needed to consider the application that was before them. A member suggested the use of bird boxes specifically for swifts. The planner confirmed that a green roof had been discussed with the applicant but measures to address surface water were not a requirement of this application. The development would improve the thermal efficiency of the fabric of the building. Members were referred to the proposed conditions 7 and 8 which would address the recommendations made in the ecology survey and in mitigation of the development on the bat habitat. Biodiversity measures would be part of the development.

Discussion ensued in which members expressed disappointment that the applicants were not incorporating measures such as solar panels, recycling of grey water or a green roof. The area development manager said that the issue of surface water drainage was an existing problem and that conditions could only be imposed if the development made the situation worse. The planner said that there was very limited

space for landscaping on the site but that the steep bank would be landscaped to increase biodiversity and absorb surface water drainage.

In reply to a member, the planner confirmed that the top storey would be set back and retained the character of the building, breaking up the overall mass of the building and reducing the impact on neighbourhood amenity.

The chair moved and the vice chair seconded the recommendations as set out in the report.

Discussion ensued in which members reiterated their disappointment in the lost opportunity to retrofit this building to the highest energy efficiency available and hoped that the applicants would incorporate solar panels and green roofs at some stage in the future.

Councillor Grahame, Thorpe Hamlet ward councillor, said that she could not support this application given the concerns raised by the residents that could not be addressed through the prior approval application. She also expressed a desire for the applicants to increase the energy efficiency of this building to a higher standard.

Councillor Lubbock, who had expressed disappointment at the lack of opportunity to upgrade the energy efficiency of the building, also said that she could not support the application.

RESOLVED with 10 members voting in favour (Councillors Driver, Button, Stutely, Thomas, Champion, Bogelein, Giles, Everett, Peek and Maxwell) and 2 members abstaining from voting (Councillors Grahame and Lubbock) to approve:

- (1) application no. 21/00355/PDD - 1 Ferry Road Norwich NR1 1SU and grant prior approval subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. No occupation of the approved development prior to completion of all works approved in application 21/00428/F

Informative notes

- Risk of asbestos
- Trees within and adjacent to site protected by Conservation Area designation and tree preservation order

And,

- (2) application no. 21/00428/F - 1 Ferry Road Norwich NR1 1SU and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Materials to be agreed;

4. Bin and cycle store and cycle channel designs to be agreed and provided prior to first occupation;
5. Parking to be laid out as agreed prior to occupation;
6. Construction method statement to be agreed;
7. Landscape scheme to incorporate new soft landscaping, bat sensitive external lighting and removal/management of invasive species to be agreed;
8. Work to be undertaken in accordance with ecology survey mitigation recommendations, enhancements to be agreed;
9. Timing of vegetation removal to protect nesting birds;
10. No works affecting the external walls of the building shall be carried out other than in strict accordance with the provisions of Bat Surveys Report;
11. Bathroom windows to be obscure glazed;
12. Water efficiency.

Informative notes

- Risk of asbestos
- Trees within and adjacent to site protected by Conservation Area designation and Tree preservation order

(The committee had a short break at this point and reconvened with all members listed present as above.)

5. Application no 21/00665/F - Land and Garages Rear of 2 to 20 Hanover Road, Norwich

The planner presented the report with plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting, and two additional plans showing an amended redline for the application site, summarising a letter of objection sent to all members of the committee and clarifying that there were 9 parking spaces at Beaumont Place for zone S parking permit holders, and the officer response to the letter of objection. The applicant had provided full details of the materials and construction method which subject to planning permission being granted, this would enable work to commence immediately.

Councillor Oliver, Town Close ward councillor, addressed the committee and proposed that this development should be a car free development. It was accessible by bus routes and occupants could use the car club. The provision of one car park space to each dwelling appeared to be a disparity as existing residents were losing car parking spaces for the development. The space could be used for wildflower gardens and promote community cohesion or increase the floorspace of the dwellings rather than meet the minimum space standard.

The applicant said that this development was the last in a series of small sites being developed into affordable housing and was the same application as the previous one. Further car parking provision had been identified in Beaumont Place. He explained the delay in progressing this development due to Covid and a delay in

completing the land deal. Funding was in place. Subject to planning permission being granted a contractor could start on site next month.

During discussion, the planner and the area development manager referred to the report and answered members' questions. Members were advised that the layout of the development maintained pedestrian access through the site and to residents' rear gardens. Members were advised that damage to party walls was a civil matter that was subject to further discussion. The development would be subject to a construction method statement and considerate construction scheme (as set out in the proposed conditions nos 2 and 3. Members were advised that this site complied policy DM 32 and was well located to be a car free development. However, the applicant had requested that the site would be developed with one space for each dwelling. Members also asked whether there had been any further surveys of the car parking and noted that 12 garages and 29 surface car parking spaces would be lost and as mitigation replaced by only 9 spaces reserved for zone S permit holders at Beaumont Place.

Councillor Stutely, Town Close ward councillor, said that whilst the assessment of parking provision must be assumed to be correct at the time, he considered that the situation of the closure of the car park was intolerable for car users and that usage had increased to heavy use. He had worked with officers to provide an additional 9 spaces at Beaumont Place but pressure on parking was a material concern. The proposal for this site to be car free and provide an additional 4 car parking spaces for permit holders would help alleviate residents' concerns. He had worked with officers to identify the 9 spaces at Beaumont Place and pointed out that on safety grounds there needed to be better parking enforcement in the area. The planner pointed out that it was not possible to condition that the development was car free as the applicant would need to amend the proposed application accordingly.

Members were also advised that the case history of the site, ie, that a similar planning application had been approved, was a material planning consideration.

The chair moved and the vice chair seconded that the application should be approved as set out in the report.

Councillor Stutely said that there was no material reason to vote against this development of affordable housing, but that he would be abstaining from voting because the applicant should consider making this a car free development out of good neighbourliness to existing residents. This was an opportunity to take vehicles out of the city road network.

Discussion ensued in which members noted that the occupants of the new dwellings would not be eligible to apply for parking permits in accordance with the agreed policy. A member pointed out that the occupants of this ground floor affordable housing might specifically require access to a car, for instance wheelchair users. Members noted that there were no material changes to the application and welcomed the scheme to provide much needed affordable housing and expressed a desire for its construction to be as soon as possible.

RESOLVED, with 11 members voting in favour (Councillors Driver, Button, Thomas, Lubbock, Champion, Grahame, Bogelein, Giles, Everett, Maxwell and Peek) and 1 member abstaining from voting (Councillor Stutely) to approve application no

21/00665/F - Land and Garages Rear of 2 to 20 Hanover Road Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans (including material details, landscape scheme, ecology report and construction method statement);
3. All construction traffic to use approved route;
4. Contamination investigation;
5. Hard landscape scheme (including car and cycle parking and bat and bird boxes) to be implemented prior to first occupation;
6. Landscape maintenance;
7. Previously unidentified contamination;
8. Imported topsoil;
9. Water efficiency.

Informative note:

- The new dwellings will not be entitled to parking permits (the Hanover Road housing permits, or for the adjacent controlled parking zone on-street permits).
- Asbestos advice

6. Application no 21/00494/F – Chamberlain House, 5 Guildhall Hill, Norwich

The planning team leader (case officer) presented the report with the aid of plans and slides.

During discussion the planning team leader referred to the report and answered members' questions. Members were advised that the proposal was that the applicant paid the ongoing maintenance of the silver maple tree for 20 years and it was confirmed that the tree was the subject of a tree preservation order. Tree works would be in accordance with an arboricultural method statement to protect the tree roots during construction. The proposal for a car free hotel had taken into consideration the future road network changes for Exchange Street and the Norwich Lanes. A member noted that architectural gems might be uncovered during the refurbishment of the building, but members were advised that control of this could not be controlled through this planning permission. Members were advised that the applicant's ecology survey had not identified any bat roosts and that bird boxes for three species of bird would be required to provide ecological enhancement.

Members also expressed concern that the development might impact on the temporary pavement licences for premises in the vicinity and were advised that the legitimate use of the highway took precedence over these temporary licences to provide additional seating during the pandemic. However, it was pointed out that many premises would be seeking to make these licences permanent. Members were also advised of the energy efficiency of the building with the use of air source heat pumps.

The chair moved and the vice chair seconded that the application be approved as set out in the report.

During discussion a member commented that the hotel could increase the footfall in the Norwich Lanes and provide a steady stream of new customers to businesses, benefiting the city centre. Other members said that this was a good scheme for the city would bring users into the pubs, restaurants and shops in the city centre and was accessible by sustainable public transport or taxis. Visitors to the hotel would contribute to the vitality of the city.

RESOLVED unanimously to approve application no 21/00494/F and grant planning permission, subject to the satisfactory completion of a legal agreement, and, subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed, including detailing of windows, doors and junctions between the existing building and the extension;
4. Landscaping scheme to be agreed;
5. Artwork to be agreed;
6. Construction management plan to be agreed;
7. Archaeological investigations to be agreed;
8. Surface water drainage scheme to be agreed;
9. Travel information plan to be agreed;
10. Delivery and servicing plan to be agreed;
11. Blue plaque – location to be agreed;
12. Schedule of works relating to protection of adjacent listed buildings;
13. Cycle storage product specification to be agreed;
14. Bird boxes to be agreed;
15. No site clearance during bird nesting season without consent;
16. Plant and machinery and extract ventilation to be agreed;
17. Arboricultural supervision for work involving the planter;
18. Arboricultural works to be carried out by a qualified arborist;
19. Works in accordance with submitted tree documents;
20. Unknown contamination – halt work and report;
21. Air source heat pumps and water efficient components to be installed in accordance with energy & sustainability statement.

Informatives:

- Separate advertisement consent may be required;
- Listed building consent may be required;
- Highway works require consent;
- Asbestos disposal;
- Anglian Water have assets on or near to the site.

CHAIR

Summary of planning applications for consideration**ITEM 4****12 August 2021**

Item no	Application no	Location	Case officer	Proposal	Reasons for consideration at committee	Recommendation
4(a)	21/00679/F	457 - 465 Dereham Road	Katherine Brumpton	Change of use from former petrol station shop (E) to Hot food takeaway (sui generis) and installation of extraction vent	Objections	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

12 August 2021

Report of Head of planning and regulatory services

Subject

Application non 21/00679/U at 457 - 465 Dereham Road,
Norwich

4(a)

Reason

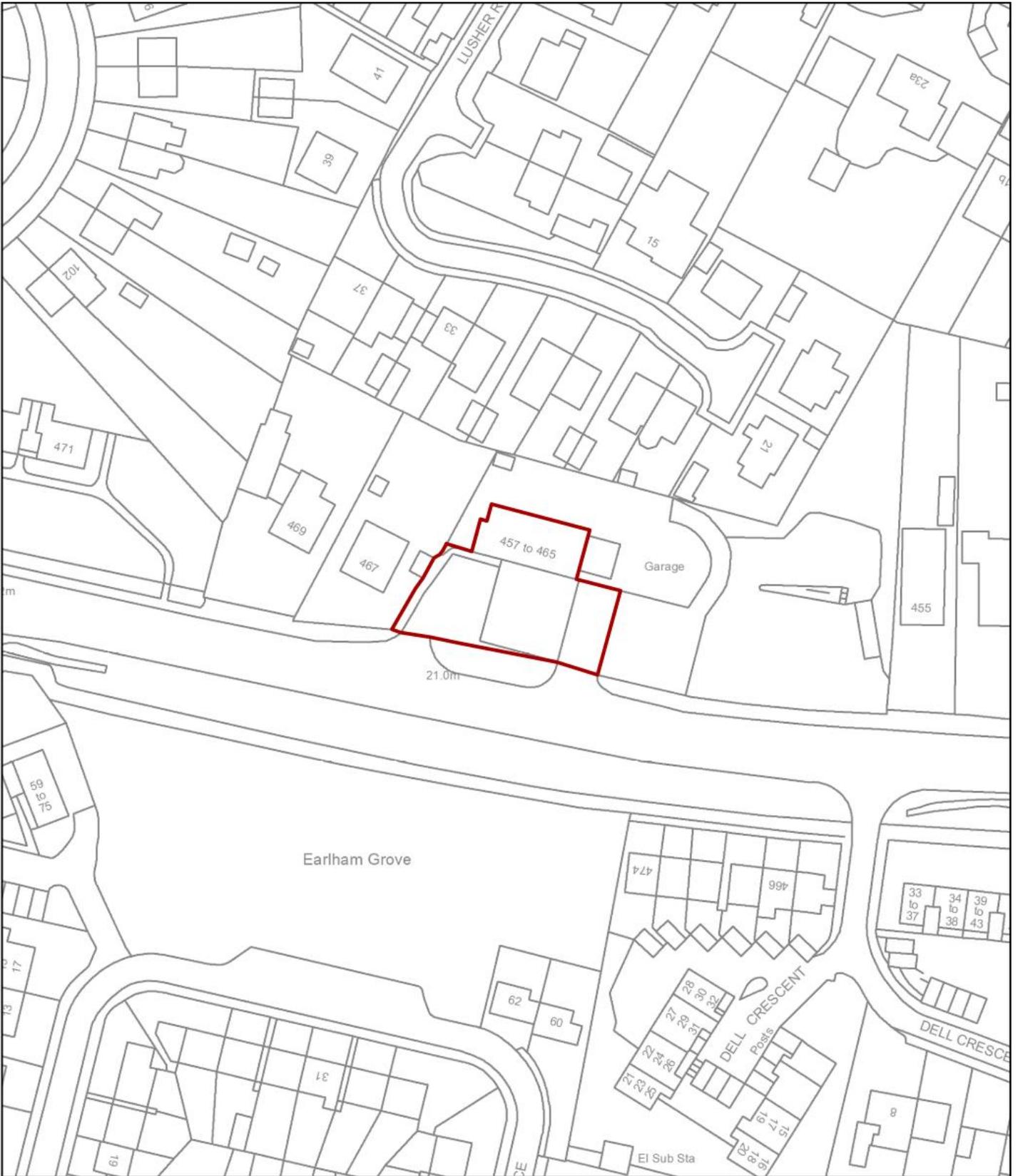
Objection

for referral

Ward	Wensum
Case officer	Katherine Brumpton katherinebrumpton@norwich.gov.uk
Applicant	Mr T Karim

Development proposal		
Change of use from former petrol station shop (E) to Hot food takeaway (sui generis) and installation of extraction vent		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1 Principle of development	Location of takeaway
2 Design	Flue and cycle storage
3 Amenity	Impact upon adjacent residential neighbours
4 Transport	Access and provision of cycle/refuse storage
Expiry date	17 August 2021
Recommendation	Approve



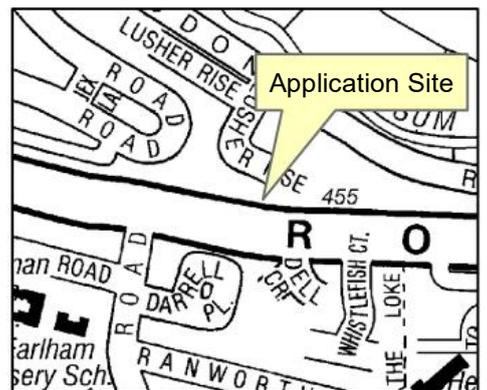
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Planning Application No 21/00679/F
 Site Address 457-465 Dereham Road

Scale 1:1,000



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The site is currently used as a hand car wash business and a garage (vehicular repairs etc). The site was previously used as a petrol station, and the canopy and shop remain and are used for the car wash business. The former shop is accessed from the same level as Dereham Road. There is a basement level accessed from the rear which is used by the garage. There is also a caravan/porta cabin on site and a shipping container. There are two vehicular accesses onto Dereham Road. The site has a retaining wall along some of the three sides and is bordered with wire mesh fencing to the front elevation facing the road. There is a triangular area of vegetation in the northeast side of the site which does not appear to be used as part of the commercial uses.
2. Residential dwellings border the site to the west, north and east. They are a mixture of single storey and two storey dwellings.

Constraints

3. Site is effectively level with Dereham Road, however the land then falls down both to the rear (north) and to some extent on both the sides (west and east). As such there are retaining walls within the site, along the east, north and west of the site.

Relevant planning history

4. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
21/00677/A	Display of 1 no. externally illuminated fascia sign	Pending Consideration	

The proposal

5. The application seeks permission to change most of the building on site to a takeaway. The intention is to retain the car wash business during the day, with the takeaway opening as the car wash business closes. No changes to the garage are proposed. The car wash business would have access to the facilities during the day (namely the toilet) and store the materials in the existing porta cabin.
6. The proposed development was initially submitted as a change of use application. The comments from Environmental Protection were discussed with agent, following which revised plans have been received. The revised plans include a flue on the roof and indicate refuse and cycle storage locations. The type of application has changed to a minor as a result of the proposed external works.
7. An application for the associated advertisement has also been submitted alongside this (21/00677/A). The triggers have not been met for this application to be determined at Committee. If the recommendation of approval is accepted for this full application, the advertisement consent application will be determined under delegated powers.

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
The market is saturated; there are already 4 kebab style takeaways within this area. Existing takeaways would suffer.	This is not a material planning matter
Cause more traffic congestion, including vehicles crossing the bus lane.	See main issue 4
Noise pollution would increase, already experienced from the car wash and workshop at the site. Noise could come from extractor fans in addition to comings and goings.	See main issue 3
Odour from the kitchen (<i>original plans</i> – concern that the extractor unit is on the rear wall)	See main issue 3
Increase in number of rats if waste disposal isn't sufficient.	See main issue 4
Under provision of toilet facilities for staff	There are no minimum levels of provision under planning for this type of development.
Building has been deteriorating at the rear and current staff urinate in the yard.	See main issue 1. The behaviour of staff is undesirable; there are existing facilities and there will be under the proposed development too.
Existing users sometimes have bonfires at the site.	This may result in an offence which Environmental Protection would address under separate legislation.
Could lead to additional takeaways at the site.	This is speculative and any future development would be subject to planning processes.

Consultation responses

9. 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

Original plans

10. Request additional information in relation to any plant equipment to be installed, to include odour management equipment
11. Contaminated land conditions needed if ground is to be broken

Revised plans

12. Roof top extraction could help with odour dispersal, a spinning cowl or similar would be recommended. Exact details can be conditioned now.
13. Bin storage area is located in a suitable location away from residential neighbours.

Highways (local)

14. The site has two points of vehicular access, adequate space for vehicles to enter, park and exit in a forward gear and adequate visibility in both directions. Therefore, no objection on highway grounds.

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
 - JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS8 Culture, leisure and entertainment
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
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
 - DM3 Delivering high quality design
 - DM11 Protecting against environmental hazards
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM18 Promoting and supporting centres
 - DM21 Protecting and supporting district and local centres
 - DM24 Managing the impacts of hot food takeaways
 - 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 July 2021 (NPPF):**
 - NPPF2 Achieving sustainable development
 - NPPF4 Decision-making
 - NPPF6 Building a strong, competitive economy
 - NPPF7 Ensuring the vitality of town centres
 - NPPF9 Promoting sustainable transport
 - NPPF11 Making effective use of land

- NPPF12 Achieving well-designed places

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 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

19. Key policies and NPPF paragraphs – DM24, JCS.
20. DM24 advises that hot food takeaways will be permitted where;
- a) *“the proposal would not give rise to unacceptable environmental effects which could not be overcome by the imposition of conditions; and*
 - b) *the proposal has safe and convenient access and would not be detrimental to highway or pedestrian safety.”*
21. These points are addressed below within the amenity section and transport section respectively. It is recommended that conditions are used to restrict opening hours if necessary, which is discussed below in main issue 3.
22. The supplementary text within this policy provides further advice on suitable locations for takeaways. It indicates that locations within defined centres will generally be preferred in order to prevent less accessible locations being used for takeaways, which could attract car borne customers into residential areas and add to problems of noise and disturbance, parking and highway safety.
23. Whilst the site is not within a defined centre it is on a A classified road, and would not result in additional traffic into quieter more residential areas as access would be directly off Dereham Road. As discussed below in more detail the site is large enough to accommodate customers from both cars and cycles without causing parking and highways safety concerns. Impacts to residents in terms of noise and disturbance are discussed below in the amenity section.

Main issue 2: Design

24. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 126-136.
25. The proposed external alterations relate to a flue and proposed refuse and cycle storage. The changes to the advertisements are considered under application reference 21/00677/A.
26. The details of the flue have not been provided at this stage but are shown as a relatively standard scale and sited in the centre of the roof. The existing building is a former petrol station, with the canopy still in place. Although in use, the site could be improved in terms of both maintenance and design. The proposed alterations

are considered to be relatively minor and would not harm the existing character of the building or the site. The proposal may indeed result in an improvement to the site as it would result in additional investment and upgrading.

27. The cycle storage is discussed further below. The details of the refuse storage would be agreed via condition.

Main issue 3: Amenity

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 130.
29. Following the submission of revised plans the proposal incorporates a proposed ventilation stack which would be located approximately in the centre of the roof. The stack would be approximately 1m above the roof.
30. The proposed change of use could have an impact upon the residential amenity of the neighbours, in particular to the adjacent residential neighbours.
31. The location of the flue and it's height should result in a good level of dispersion of odour from cooking. With a suitable condition requiring the details of the extraction to be submitted and agreed upon, the impact in terms of food odour upon the neighbours is considered acceptable and to comply with both DM11 and DM24.
32. The proposed opening hours are 17:00 until 24:00. The hours are considered suitable for the location and comparable to other takeaways in the city.
33. Whilst it is acknowledged that the proposal will have some impact upon the neighbouring residents this is mitigated by the layout of the site, with the proposed takeaway and associated comings and goings located to the front away from the majority of the neighbours. Furthermore, the proposed conditions would reduce the impact further and ensure that any noise and odour are minimised, ensuring compliance with the above policies.

Main issue 4: Transport

34. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 104-113.
35. The proposed use as a takeaway will result in vehicular movements to and from the site at regular intervals during the evening. The existing use as a car wash and car sales business also attracts regular movements. The concerns expressed by some of the representations are noted in terms of traffic. The road is relatively busy, being part of the A1074. The site benefits from 2 vehicular accesses and ample space for cars to enter, park and exit in a forward gear. With an established commercial use on site, a good amount of space for vehicles to manoeuvre and no objection from the Highway Officer, the change in use is not considered to conflict with the above policies.
36. The site plan indicates 10 parking spaces can be used in conjunction with the takeaway, in addition to the provision of 4 covered cycle storage spaces. This level of provision meets the requirements within the DMLP.

37. The cycle storage would be a curved polycarbonate style shelter with tubular style supports inside to attach bikes to. The store would be located along the western boundary. The design is considered to be both suitable for the location and functional.
38. The proposed bin storage would be located to the southeast of the front elevation, with the plans indicating a timber screen. This is considered to be a suitable location, and the screening will improve the visual amenity.

Other matters

39. The agent has confirmed that no ground is to be broken as part of this application. As such the risks of the development being impacted by the potentially contaminated land are considered minimal. An informative will be added to advise the developer that there is a risk should any future development requiring breaking of the ground.

Equalities and diversity issues

40. There are no equality or diversity issues.

Local finance considerations

41. 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

42. The proposed change of use and associated alterations to a takeaway will have some impact upon neighbouring residents. However, with the proposed conditions the impact is considered to be minimised and at an acceptable level.
43. 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 21/00679/U at 457 - 465 Dereham Road and grant planning permission subject to the following conditions:

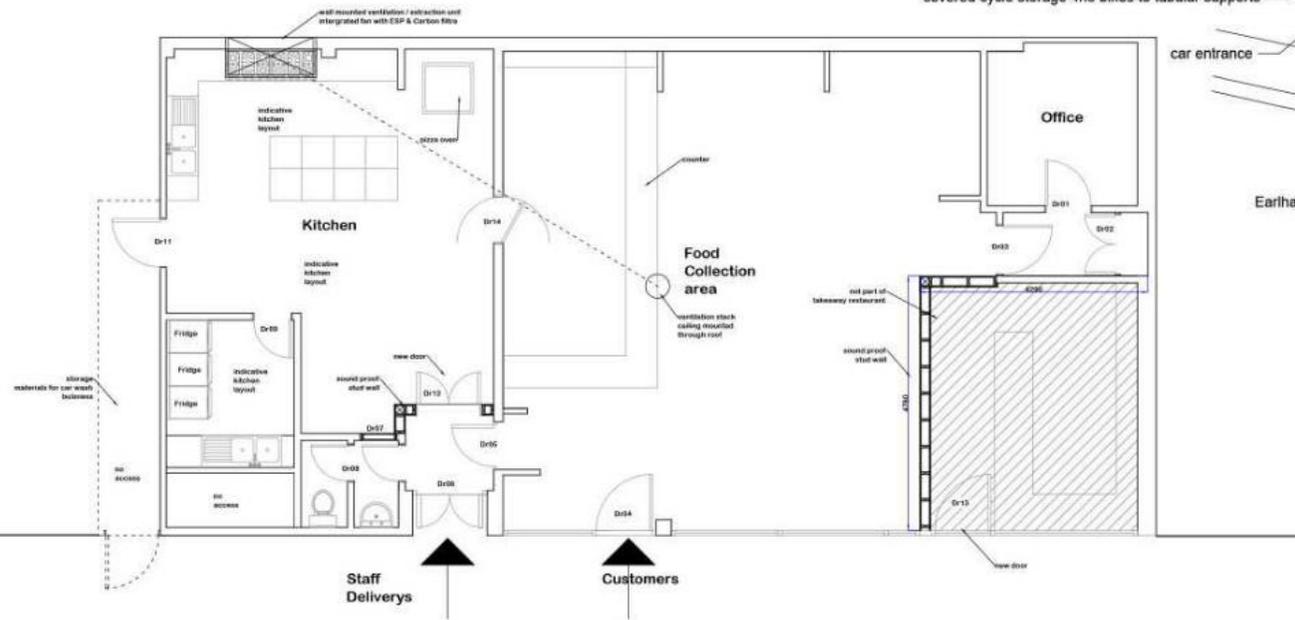
1. Standard time limit;
2. In accordance with plans;
3. Restrict opening hours for the public (no access between 24:00 and 17:00)
4. Specified fume extraction scheme to be installed (details to be submitted)
5. Provision of cycle parking and bin storage

Informatives

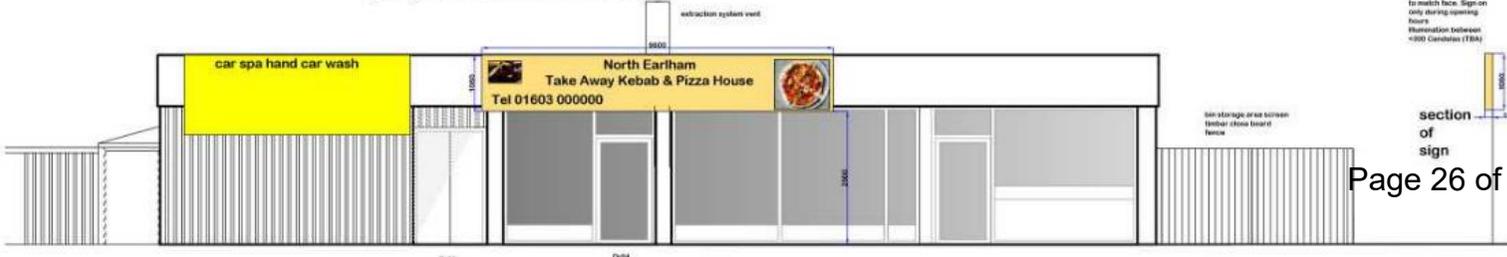
1. Contamination

scale 1.50

proposed layout
ground floor (split level)



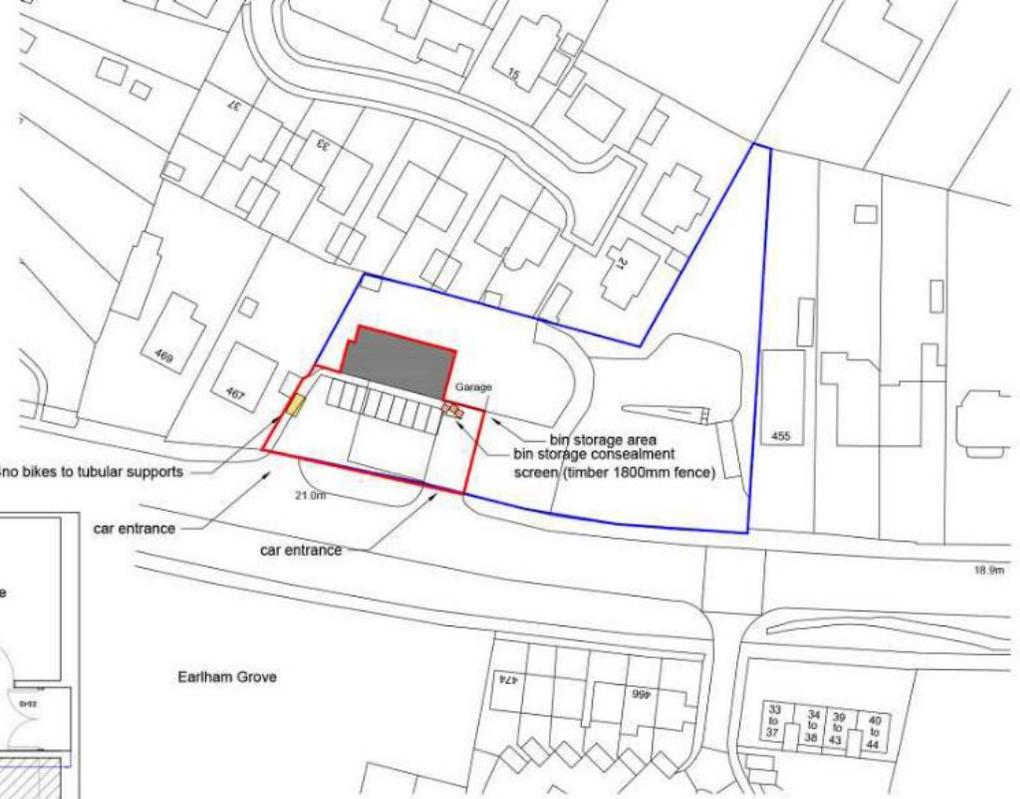
proposed front elevation



New signage Acrylic face / back light via fluorescent tube (blue aluminium frame color to match face. Sign on only during opening hours. Illumination between 1800 Candelas (18k)

section of sign

site plan
scale 1.500



Plan ID	14-07-2021 Adjusted Plan
Plan ID	14-07-2021 Bin Storage / Ventilation / Sign detail revised
Plan ID	07-07-2021 Bin Storage / Cycle Storage / Sign detail revised
[Signature]	
<p>djdesigns limited 1 FERRY LANE POSTWICK NORWICH NORFOLK NR13 5HL TELEPHONE 01603 437075 e-mail djdesigns@btinternet.com</p>	
PROJECT	Farmer Petrol Station Site 457-465 Denham Road Norwich
CLIENT	Mr T Karim
DESIGN	Proposed Elevations and Layouts
SCALE	1:50
DATE	10th May 2021
<p><small>This document is the property of djdesigns limited. It is to be used only for the purposes for which it is intended and no responsibility is accepted for any use of the information contained herein for any other purpose. The user of this information is advised to seek professional advice from a qualified professional before using it for any other purpose. djdesigns limited is not responsible for any loss or damage caused by the use of this information. © djdesigns limited 2021</small></p>	
<p><small>Under the provisions of the Party Wall Act 1999 (and amendments) the proposed work hereby notified hereby has been completed with the terms and conditions of the Party Wall Act</small></p>	
<p><small>Under the provisions of the current Health & Safety, CDM regulations the employer must apply themselves that they have complied with the terms and conditions of the Health & Safety CDM regulations</small></p>	