

Planning applications committee

Date: Thursday, 09 February 2023

Time: 09:30

Venue: Council chamber, 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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City Hall
Norwich
NR2 1NH

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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

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 - 6

To approve the accuracy of the minutes of the meeting held on 12 January 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.

Summary of planning applications for considerations

7 - 8

Standing duties

9 - 10

4a Application no 2200385U 385 Bowthorpe Road, Norwich, 11 - 24
NR5 8AB

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



Planning applications committee

09:35 to 09:50

12 January 2023

Present: Councillors Driver (chair), Champion, Grahame, Lubbock, Peek, Sands (S), Thomas (Vi), Stutely and Young

Apologies: Councillors Sands (M) (vice chair), Bogelein (other council business), Davis and Thomas (Va)

1. Declarations of interests

Councillor Grahame, referred to item 3 (below) Application no 22/00906/F, 36 Cotman Road, Norwich, NR1 4AF and said that in her capacity as ward councillor for Thorpe Hamlet, she had worked with one of the objectors on an issue that was unrelated to this planning application. She could therefore approach the planning application with an open mind.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on 8 December 2022.

3. Application no 22/00906/F 36 Cotman Road, Norwich, NR1 4AF

The planning team leader presented the report with the aid of plans and slides. The neighbours to the rear of the property had objected due to concerns about overlooking, and it was therefore recommended that the planning permission should be conditional on the use of obscure glazing on the rear windows. Members were also advised that the structural integrity of the building was not a material planning matter and did not affect the planning application to convert the loft space. A building control surveyor had visited the site on behalf of the city council and structural works were required. The supplementary report of updates to reports (circulated at the meeting and available on the council's website) summarised an additional representation from an individual who had previously objected and the officer response, which confirms that the works would require Buildings Regulations approval.

During discussion the planning team leader answered members' questions. This included confirmation that the proposed works would not be expected to add to the existing structural issues of the building, given that building regulations approval would be required separately. Members were also advised that the proposed dormer windows were minor adjustments to the building. The dormer windows of neighbouring houses were not symmetrical. The dormer window to the rear was less

sensitive than the front of the building. The use of a hipped roof for the rear dormer would be larger than what had been proposed in the application.

A member commented that the applicant had also submitted another planning application to convert the top floor of the building into a single flat. The planning team leader explained that this was a separate planning application that would require consent. The local planning authority may ask for information relating to sound insulation as part of the application for a separate flat but was not appropriate for this application. Building control might require some of the structural works to be completed at the same time as the works proposed in this application.

In reply to a member's question, the area development manager referred to the heritage assessment set out in the report and explained that the building formed a small part of a conservation area (the heritage asset) and that this heritage asset would only be slightly affected by the proposal.

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

Councillor Stutely stated that he was not comfortable voting on this application given the concerns about the structural integrity of the building, particularly in relation to the lack of sound proofing between flats and considered that the applicant was likely to come back to committee with the other planning application.

Councillor Grahame said that she was concerned about the buildings' existing structural issues and that building control would be able to approve the proposed building works given the state of the building. Another member pointed out that the outstanding structural works was a separate issue which would need to be addressed. The planning team leader said that members' concerns could be relayed to the applicant, but it was not something that could be controlled as part of the planning application.

RESOLVED, with (Councillors Driver, Champion, Lubbock, Peek, Sands (S), Thomas (Vi) and Young) voting in favour and two members abstaining from voting (Councillors Grahame and Stutely) to approve application no 22/00906/F at 36 Cotman Road and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Rear windows to be obscure glazed
4. External Materials – details to be submitted

Informative

It is possible that the site to which the application relates is occupied by Protected Species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981 (amended). Should a Protected Species be found, works should stop immediately, and the developer needs to seek the advice of a suitability qualified ecological consultant and/or the relevant statutory nature conservation organisation.

CHAIR

Summary of planning applications for consideration**ITEM 4****09 February 2023**

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4a	22/00385/U	308 Bowthorpe Road	Stephen Polley	Change of use from Use Class E(a) to Sui-Generis - Hot Food Takeaway with associated works.	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

9 February 2023

Report of Head of planning services

Subject 22/00385/U – 308 Bowthorpe Road Norwich NR5 8AB

Reason

for referral Objections

4a

Ward:	Wensum
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk
Applicant	Mr Yaldiz

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

Main issues	Key considerations
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
Expiry date	17 March 2023
Recommendation	Approve



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

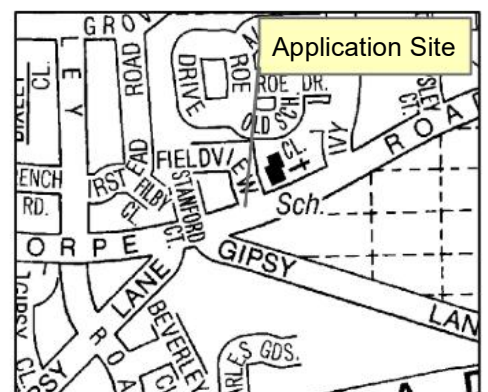
Scale 1:1,000



NORWICH
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 PLANNING SERVICES



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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 Earham 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. TPO 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.

Representations

8. 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

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 – Norwich City Council

10. 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:
11. “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

12. No objections from an arboricultural perspective.

Citywide Services – Norwich City Council

13. We would not be involved in this process as it is concerning a commercial property.

Transportation – Norfolk County Council

14. I haven't made a site visit yet, but in principle I would not wish to object in principle. Two things:

- 1) Cycle parking on the forecourt (2 sheffield stands) would be welcome
- 2) The rear parking needs a crossover – I appreciate the plan shows the vehicles using the extant crossover but presume this is shared parking to the rear.

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
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
 - 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

17. **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

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 – DM18, DM21, DM24, JCS19, NPPF Sections 5 & 11.
20. 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.
21. 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.
22. 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

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
24. 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.
25. 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

26. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
27. 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.
28. 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.
29. 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.
30. 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.
31. The nearest waste bin available for use by members of the public is located a short distance from the site, adjacent to the entrance to the neighbouring fish and chip shop takeaway. The small scale of the proposed change of use does not warrant an additional waste bin given the proximity to the site of the existing bin.

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.
34. The site is not served by any car parking spaces located on the site. There are instead areas on street parking within proximity of the site located on Bowthorpe Road and Fieldview. The building was given consent to be used as a retail unit operating within class E(a) of the use class order. The proposed use as a hot food takeaway does not increase the scale of the site, nor does it significantly change the way in which the site could be used. There are not currently any restrictions on the

hours of opening in place on the premises. As such for example, a takeaway business serving only cold food could operate without restrictions on the hours of opening or operation of the business. It is not therefore expected that the relatively small scale of the proposed business is substantially different to the extant consented use and as such, will significantly impact on the current parking situation within the area, including Fieldview to the east of the site.

35. The transportation officer has recommended that cycle parking is provided on site. The scale of the proposed use is no different from the consented use of the site for the provision of cycle parking to be formally required.
36. The transportation officer has noted that an area of hardstanding 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 parent property. 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.
37. 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

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.
41. In this case local finance considerations are not considered to be material to the case.

Conclusion

42. 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.
43. Further details of the extraction system are to be submitted prior to the commencement of any approved use and hours of use are restricted to ensure that harm is not caused to the residential amenities of the neighbouring property to the north.
44. 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;

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



South Elevation Existing



East Elevation Existing



North Elevation Existing



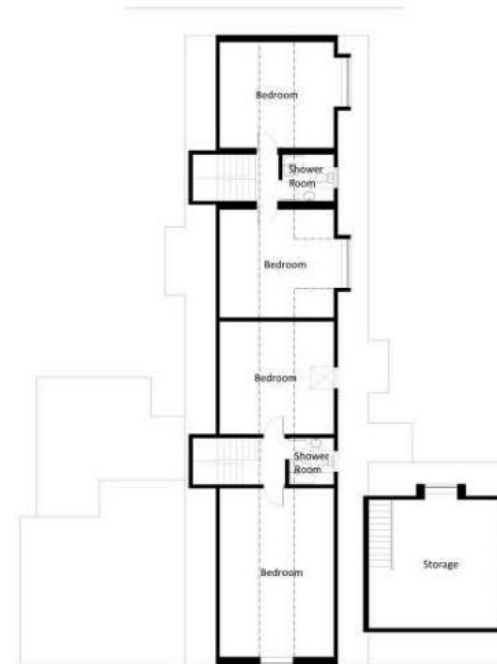
West Elevation Existing



0.0 1.0 2.0 3.0 4.0 5.0 6.0 7.0 8.0 9.0 10.0 [M]
Metres @ 1:100 @ A1



Ground Floor Plan Existing

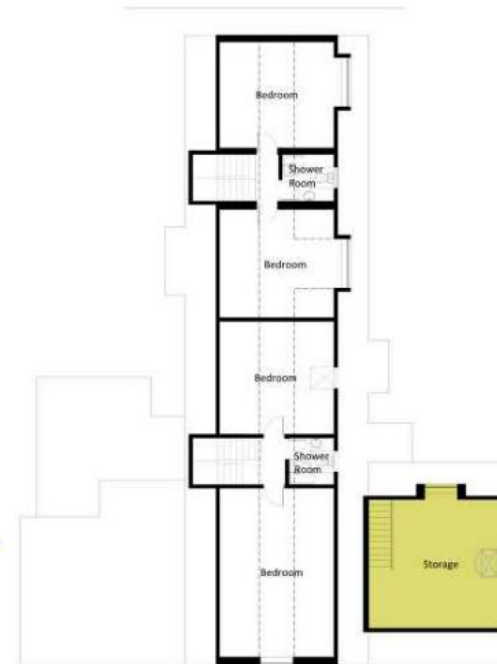
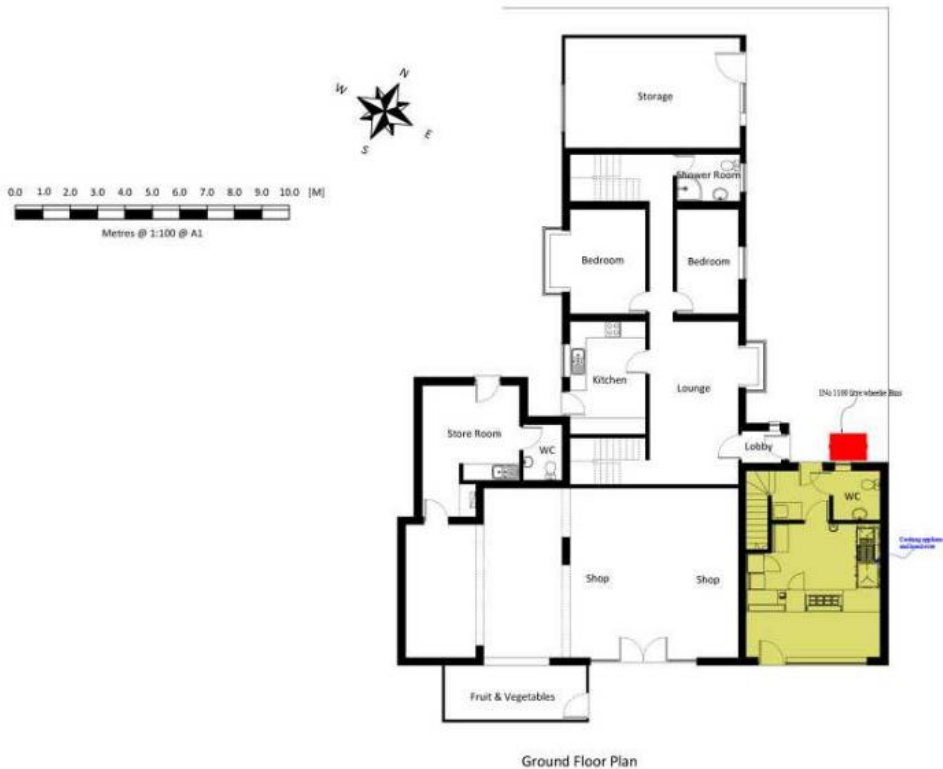
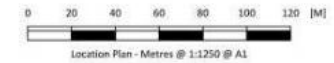


First Floor Plan Existing

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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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.

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

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

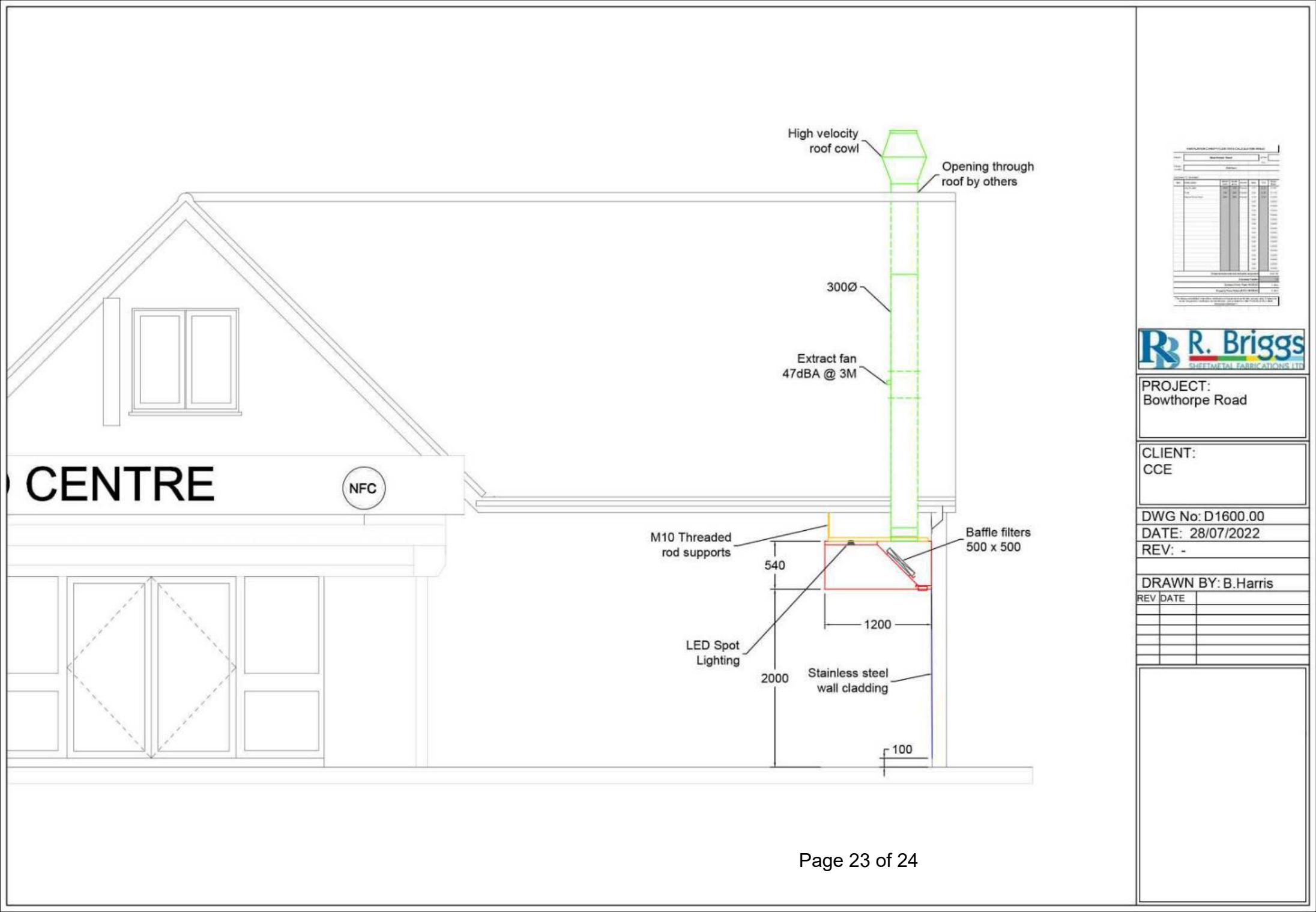


CLIENT:
CCE

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

DRAWN BY: B.Harris

REV	DATE



VENTILATOR CHECKLIST FOR CALCULATION SHEET				
Item	Material	Qty	Unit	Notes
1	High velocity roof cowl	1	EA	
2	Opening through roof by others	1	EA	
3	300Ø	1	EA	
4	Extract fan 47dBA @ 3M	1	EA	
5	M10 Threaded rod supports	1	EA	
6	LED Spot Lighting	1	EA	
7	Stainless steel wall cladding	1	EA	
8	Baffle filters 500 x 500	1	EA	



PROJECT:
Bowthorpe Road

CLIENT:
CCE

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

DRAWN BY: B.Harris

REV	DATE

