



Mr Western
Lucas+Western Architects Ltd
21 Town Green
Wymondham
NR18 0PN

Application Number
PF/18/1603

Date Registered
29 August 2018

Sheringham

NOTICE OF DECISION

Town and Country Planning Act 1990 The Town and Country Planning (Development Management Procedure) (England) Order 2015

Location: 1 High Street, Sheringham

Proposal: Variation of Condition 2 and 3 of planning permission PF/17/0192 to allow a change of use of Unit 0.2 from A3/A1 (Restaurant/Shop) to A3/A5 (Restaurant/Hot food and Takeaway) and the demolition of existing building prior to submission of details of the construction contract

Applicant: Huddies Ltd

NORTH NORFOLK DISTRICT COUNCIL, in pursuance of powers under the above mentioned Act hereby **PERMIT** the above mentioned development in accordance with the accompanying plans and subject to the conditions specified hereunder:

- 1** The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** This permission is granted in accordance with the plans first submitted with this application (drawing numbers) 1372.02 and 1372.12 Rev M and the plans first submitted with planning application PF/17/0192 (drawing numbers) 1372.04 and 1372.05 and the amended plans submitted as part of that application (drawing numbers) 1372.15 Rev J and 1372.16 Rev F received by the Local Planning Authority on 8 August 2017.

Reason:

To ensure the satisfactory layout and appearance of the development in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

- 3 Within a period of not more than 34 weeks from the start of demolition of the existing building a final signed contract for the site's redevelopment, which indicates a start date for the commencement of the development on site, together with the anticipated programme for sites redevelopment shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure the site's prompt redevelopment following demolition, to avoid a detrimental impact on the character and appearance of the conservation area and visual amenity of the neighbourhood, in accordance with Policies EN 8 and EN 4 of the adopted North Norfolk Core Strategy.

- 4 Within a period of not more than 3 weeks from commencement of demolition on site precise details of the site hoardings (inclusive of height, design, and colour) shall be submitted to and agreed in writing by the Local planning Authority; within 12 weeks from the start of demolition of the site hoardings shall be erected around the whole boundary of the site and the site left in a neat and tidy condition. The hoardings shall thereafter be retained in situ to the satisfaction of the Local Planning Authority until such time that the re-development of the site is progressed.

Reason:

To avoid a detrimental impact on the character and appearance of the conservation area and visual amenity of the neighbourhood, in accordance with Policies EN 8 and EN 4 of the adopted North Norfolk Core Strategy.

- 5 There shall be no works of demolition or construction, machinery operation, nor materials delivery or disposal, pursuant to the development hereby permitted, outside the hours of 0700 and 1800 on Mondays to Fridays, or between 0800 and 1300 on Saturdays, or at any time on any Sunday, Public or Bank Holiday.

Reason:

To protect the amenity of neighbouring residents in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

- 6 There shall be no commencement of either demolition or construction of the development hereby permitted until such time as an Environmental Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the following:

- Materials and waste storage; and,
- Dust and noise suppression techniques.

For the duration of all phases of the demolition and construction, all traffic and activities associated with the development shall comply with the approved Environmental Management Plan.

Reason:

To ensure the provision of adequate off street parking during the redevelopment period and to prevent extraneous material being deposited on the highway in the interests of highways safety, and to protect local residential amenity, in accordance with Policies CT 5 and EN 4 of the adopted North Norfolk Core Strategy.

- 7** There shall be no commencement of construction works beyond foundation levels within the development hereby permitted until the following details have first been submitted to and approved in writing by the Local Planning Authority:

- (a) samples of all proposed external brickwork;
- (b) samples of all proposed external roofing materials;
- (c) samples of all proposed external cladding, including finished texture and colour;
- (d) details of eaves, verges, soffits and rainwater goods;
- (e) details (to a 1:20 scale) of window designs and specifications, including appearance, materials, colour, joinery, depth of reveals;
- (f) details (to a 1:20 scale) of door designs and specifications, including colour, appearance and materials; and,
- (g) details (to a 1:20 scale) of balcony designs and specifications, including colour, appearance and materials;

The development shall then be constructed in full accordance with the approved details.

Reason:

In order for the Local Planning Authority to be satisfied that the materials to be used will be visually appropriate for the approved development and its surroundings, and to protect and enhance the character of the conservation area, in accordance with Policies EN 4 and EN 8 of the adopted North Norfolk Core Strategy and Chapter 10 of the North Norfolk Design Guide.

- 8** There shall be no use or occupation of the development hereby permitted until the refuse storage areas have first been provided and made available for use in accordance with the capacity and locations shown on approved plan 1372.12 rev L, and shall be retained as such thereafter.

Reason:

To ensure appropriate refuse collection and sustainable travel arrangements and to provide an appropriate standard of amenity for future residents in accordance with Policies EN 4 and CT 6 of the adopted North Norfolk Core Strategy.

- 9** Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off street parking during construction in the interests of highway safety, in accordance with Policy CT 6 of the adopted North Norfolk Core Strategy.

- 10** Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council Highway Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

- 11** For the duration of the construction period all traffic associated with the construction of the development shall comply with the Construction Traffic Management Plan and use only the Construction Traffic Access Route and no other local roads unless approved in writing by the Local Planning Authority in consultation with the Highway Authority

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with Policy CT 5 of the adopted North Norfolk Core Strategy.

- 12** Notwithstanding any details submitted with the application, no development shall be carried out until such time as details of proposed surface water disposal from the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason:

To ensure that satisfactory drainage is provided for the development in accordance with Policy EN10 of the adopted North Norfolk Core Strategy.

- 13** Prior to the first of use of any of the commercial premises hereby permitted for a use falling within Use Class A3 and A5, a scheme for a kitchen extractor system shall be submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include measures to control noise and odour from the extractor system. The scheme as approved shall be installed prior to the first use of the A3 and A5 premises to which the approval relates and shall be maintained thereafter.

Reason:

To control the noise dust or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

- 14** Prior to the first use of any of the premises hereby permitted, full details of any ventilation, air conditioning, refrigeration or mechanical extractor systems or any other plant and equipment to be installed as part of the approved development, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall specify measures to control noise/dust/odour from the equipment. The use of the premises hereby permitted shall not be commenced until such time as the equipment has been installed in full accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority). The equipment shall be maintained in accordance with the approved details thereafter.

Reason:

To control the noise, dust or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

- 15** No extractor or ventilation system shall be installed at the premises subject to this planning permission, unless a scheme for noise and odour control has first been submitted to and approved in writing by the Local Planning Authority. The system shall be installed and thereafter maintained in full accordance with the approved details.

Reason:

To control the noise, dust or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

- 16** Prior to the installation of any external lighting, details shall first be submitted to and approved in writing by the Local Planning Authority. The designs of any external lighting shall be proposed to a bat-friendly specification, and shall thereafter be installed in accordance with the approved details.

Reason:

In the interests of protecting the visual amenity and character of the conservation area, to protect the residential amenity of neighbours, and to minimise the impacts on existing and enhanced foraging and roosting habitats for bats, and to avoid light pollution in accordance with Policies EN 4, EN 8, EN 9 and EN 13 of the adopted North Norfolk Core Strategy, as amplified by paragraph 3.3.70 of the explanatory text.

- 17** No deliveries shall be taken at or despatched from the site outside the following times, 7.00 hours to 19.00 hours on any day.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

- 18** The commercial premises hereby permitted and those permitted as part of planning permission PF/17/0192 shall not be open to customers/public outside the following times, 07.00 hours to 23.00 hours on any day.

Reason:

To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text and to protect the character of the countryside in accordance with Policy SS 2 of the adopted North Norfolk Core Strategy.

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Decision Date 18 October 2018



Phillip Rowson, Head of Planning
Acting under Delegated Authority
On Behalf of the Council

Please Note:

Please be aware that if dischargeable conditions have been imposed on this permission a fee will be payable in accordance with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008. At the time of print the fee for each request is £116.00. However, there is no limit to the number of conditions which can be discharged in any one request. Applications can be submitted on a form available on the website or by letter. If you require any further clarification please telephone (01263) 516150 or e-mail planning@north-norfolk.gov.uk

Notes relating to decisions on planning applications

1. This decision refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.

2. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

* some of the above may not apply to this application

3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of part IX of the Town and Country Planning Act 1990 and as amended by part III of the Planning and Compensation Act 1991

(a) The statutory requirements are those set out in Section 78 of the Town and Country Planning Act 1990.

Please Note:

The designation of addresses, or any changes to existing addresses, must be approved by the Council. Please contact the Corporate Property Data Unit at the Council's Cromer Headquarters in this connection - telephone 01263 516048 /516013 or e-mail : llpg@north-norfolk.gov.uk