

Norwich City Council Planning Services
Delegated Officer Report- App Ref : 24/01482/F

Site address:	Harford Centre Site A Hall Road Norwich NR4 6DG
Proposal:	Erection of 2no. drive- thru units (Restaurant and coffee shop).
Ward:	Lakenham
Case officer:	Vishnu Sainath - VishnuSainath@norwich.gov.uk
Expiry date:	17 February 2025 EoT agreed to 21 July 2025
Recommendation:	Approve

The proposal

- The proposal is to construct two single-storey drive-through restaurant units. Unit A is proposed to have an area of 280 m² for Wendy's, and Unit B is proposed for Starbucks, with an area of 201 m².
- Access to the development is proposed via the adjacent private road, with internal access roads serving both units.
- The units will feature mono-pitched roofs with solar panels. Unit A is located towards the south of the site and Unit B towards the north. The units are separated by a hedge boundary and each is surrounded by its own drive-through access road and dedicated parking area.
- Unit A will provide 12 car parking spaces, including 2 disabled bays and 2 EV charging bays. Unit B will provide 16 car parking spaces, also including 2 disabled bays and 2 EV charging points.

The site, surroundings

- The site is located approximately 4km south of the city centre, within a wider business park, to the south of Hall Road.
- The northwestern boundary of the site adjoins the highway embankments of Hall Road. To the southeast are a motor repair store and an auto parts store and warehouses on the southwest. To the west lies another vacant site, and to the northeast is a recently approved car rental business.
- Access to the site is via a private road on the east, which is shared with vehicle repair shops, an auto parts store, service areas of B&Q and the vehicle rental business.
- The site is located within an employment area, south of Allocation R1, designated for employment development, which includes the Porsche dealership and the livestock market

Constraints

- Employment area
- Former landfill site

Relevant Planning history

Ref	Proposal	Decision	Date
19/01145/DE M	Demolition of buildings.	AEGPD	08/11/2019

22/00530/F	Construction of 2no. buildings for use as either Class B8 trade counters or E(g)(iii) light industrial purposes, with associated infrastructure works.	APPR	11/11/2022
24/01482/F	Erection of 2no. drive- thru units (Restaurant and coffee shop).	PCO	

Representations

Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received

Consultation responses

The following consultation responses have been received:

Consultee: Environmental protection – Norwich city council

Comments:

I have reviewed documents submitted for 24/01482/F | Erection of 2no. drive-thru units (Restaurant and coffee shop). | Harford Centre Site A Hall Road Norwich NR4 6DG. Please could we include the following conditions:

With the exception of above ground clearance, demolition works and tree protection works, no development shall take place until the following components of a scheme to manage the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority as necessary:

- 1) A preliminary risk assessment which has identified:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site;
- 2) If the preliminary risk assessment identifies a potential unacceptable risk from contamination, a site investigation scheme and a full risk assessment, based on the preliminary risk assessment shall be undertaken, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The site investigation scheme and full risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
 - a) a survey of the extent, scale and nature of contamination
 - b) an assessment of the potential risks to:
 - (i) human health;
 - (ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - (iii) adjoining land;
 - (iv) controlled waters;
 - (v) ecological systems;
 - (vi) archaeological sites and ancient monuments.
 - c) an appraisal of remedial options and proposal of the preferred option(s). This must be conducted in accordance with the Governments guidance ‘ Land Contamination Risk Management’

3) If the site investigation scheme and full risk assessment identifies a need for remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks identified at 2) b) shall be submitted to the local authority and agreed to in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

4) Where a remediation scheme is submitted and approved under part 3) of this condition, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed, in writing, by the Local Planning Authority.

5) Where a remediation scheme is submitted and approved under part 3) of this condition, the local planning authority shall be given prior written notification of commencement of the remediation scheme works.

Following the completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced. No occupation of the development shall take place until the verification report has been submitted to and approved in writing by the local planning authority, unless a revised timetable for submission of the verification report has been first agreed in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors, in accordance with paragraphs 196 and 197 of the NPPF, and policy DM11 of the Development Management Policies Local Plan 2014. The condition is pre-commencement as it is essential that the contamination on site is investigated and a remediation plan drawn up before construction commences to ensure that pollutants are not mobilised and to avoid and future harm to residents.

If, during development, contamination not previously identified is found to be present, then all works shall stop and no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the Council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with paragraph 197 of the NPPF, and policy DM11 of the Development Management Policies Local Plan 2014.

All imported topsoil and subsoil for use on the site shall either (a) be certified to confirm its source and that it is appropriate for its intended use or (b) in the absence of suitable certification, analysis of the imported material will be required along with evaluation against the derived assessment criteria for this site. No occupation of the development shall take place until a copy of the certification has been submitted to the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with paragraph 197 of the NPPF, and policy DM11 of the Development Management Policies Local Plan 2014.

Consultee: Arboricultural officer – Norwich city council

Comments:

No objections from an arboricultural perspective. Recommend condition TR7 - works on site in accordance with AIA/AMS/TPP.

Consultee: Highways- Norfolk County Council

Comments:

Thank you for consulting the highway authority and facilitating dialogue with the applicants regarding queries and concerns raised to date. This is a recommendation of refusal on transport sustainability grounds.

This proposal was discussed at the Norfolk County Council Developer Services 'Development Team' on 31st March 2025, an inter disciplinary meeting of colleagues to determine consensus on applications, where the resolution was: *"Objection regards lack of safe, suitable and sustainable means of access to both drive thru sites."*

The proposal for two drive thru units is located adjacent to Hall Road, with vehicular and pedestrian access proposed via the private road known as Neatmarket that leads from the adopted road with the same name that serves the Norwich Livestock Market/B&Q/The Range. This representation will cite the highway concerns, as well as matters that your authority may wish to consider affecting private roads.

It is matter of fact that the site had former office use, and that it would have generated a degree of traffic, however the proposed use will have a greater turn over and quantum of vehicular traffic compared to the former use. For this reason, in highway terms it is considered to represent an intensification of use of the site and will require safe and suitable means of access to the site.

Hall Road (C820) is a radial road connecting the Norwich outer ring road with the Ipswich Road (A140), that serves a mix of commercial and residential areas, a further education college campus (University Technical College Norfolk) is located further to the south. It is street lit and has a 30mph speed limit, adjacent to the site is a shared use pedestrian/cycle route of cross city

routes that forms part of the Norwich Local Cycling and Walking Infrastructure Plan. The site is slightly lower than Hall Road which has an embankment and as proposed will require a low height retaining wall, the highway boundary runs along the back of the footway until the retaining bank of the adjacent roundabout where it steps down towards this site.

As proposed the development seeks to provide a restaurant and coffee shop that has all means of access via a private road and footpath, there is no direct means of access proposed from Hall Road itself. The layout of the development can be considered insular in that the means of pedestrian and cyclist access is divorced from Hall Road.

In assessing development, Norfolk County Council as the highway authority takes in account the National Planning Policy Framework 1 Chapter 9 Promoting Sustainable Transport:

Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve: b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places; d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated; e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and

It is considered that the proposed development has not given due regard to the NPPF, as the reliance on the service road will create an unnecessary detour for pedestrians and cyclists wishing to access the site, including staff and customers. The adverse consequences are most significant for the following reasons:

- I. Staff and students at the UTCN (pupil capacity of up to 600) must walk around the perimeter of the site using the private road and path, which creates a lengthy diversion of around 360 metres, an approximate 4 minute walk in either direction. There is a risk that pedestrians will take short cuts across the edge of the site or the adjacent site where there is no formal path provision putting their safety at risk
- II. Cyclists using the shared use path on Hall Road will have difficulties given that they would need to leave this path and enter the highway at the roundabout junction. A Cyclist from the north would have to join Neatmarket, turn right across traffic, and then returning have to rejoin the path at the refuge island of the roundabout. A cyclists from the south e.g. from the UTCN would have to leave the shared use path and then encounter a pedestrian path along the southern side of Neatmarket.
- III. Those persons wishing to make use of local bus services on Hall Road will need to take an unnecessarily circuitous route from nearest bus stops, which make use of this mode less attractive.

The applicant has provided a site layout diagram showing that to achieve a new shared use access path from Hall Road towards the development would be excessively long given the need for suitable gradients and landings to conform with Building Regulations. However this plan offered no revision to the proposed layout of the drive thru layouts. It is not considered that the applicant has embraced the vision led approach cited in the NPPF.

Matters affecting private land that are for the LPA to consider:

- The landscaping plan shows a margin between the highway boundary of Hall Road and the drive thru sites that has no landscaping proposed. This is likely to become unkempt, overgrown and subject to wind blown debris over time without suitable management. A private hedgerow in this location has been stripped out recently. It will be necessary for a safety fence to be installed along the top of the retaining wall to prevent pedestrians seeking an unsafe short cut from Hall Road towards the units.
- The road layout adjacent to the entrance to the drive thru units has an exceptionally substandard form with regard to the adjacent site access currently used by Thurlow Nunn. Traffic has extremely substandard intervisibility and non standard confluence that is considered to put road users at exceptionally high risk of conflict. It is considered wise that the Norwich City Council Health and Safety officer responsible for private sites is consulted.
- The vehicular circulation and layout of Unit B is considered to be extremely problematic, given that the customer using the drive thru is likely to drive across exiting vehicles to manoeuvre into the drive thru lane. Then given the location of the customer service point which is in close proximity to the entrance to the site, there is a high risk that vehicles will queue back onto the site access road for Unit A. Congestion, delay and frustration is likely. These problems would be avoided if the circulation and layout of Unit B was amended so that vehicles could enter the drive thru lane with greater ease and queue within the site to achieve greater capacity.
- Walking between Unit A and B is not intuitive or convenient. For example if a group of customers wishes to park in one unit and some wishes to go to the other on foot. At present a pedestrian has a circuitous route and is likely to cross the paths of vehicles within the drive thru lanes.

Therefore, I recommend refusal of this application for the following reasons:

SHCR 01 amended

The proposed development does not adequately provide for pedestrians / cyclists / people with disabilities (those confined to a wheelchair or others with mobility difficulties).

Contrary to Development Plan Policies.

SHCR 33 amended

The proposal conflicts with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework and Chapter 5 of Norfolk's Local Transport Plan 4 Strategy 2021-2036. Informative It is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences, or walls will not be permitted on highway land. The highway boundary may not match the applicant's title plan.

For further details please contact the highway research team at highway.boundaries@norfolk.gov.uk

Following the comments the layout has been amended to include the active link and the reconsulted

Comments:

Thank you for providing updated drawings for the above development that now includes what is described as an 'active travel link' from Hall Road into the site between the two drive thru units.

The applicant has not provided dimensions of the width or gradient of the proposed ramp. However based on comparison with other features on the site such as width of the car parking spaces, it seems likely that the proposed ramp is approximately 1.8metres in width. It is unclear if there is a step or small sloped landing at the top of the ramp at Hall Road. The ramp would terminate at a site footway between the two units, it has the appearance of a footway for sole use by pedestrians, rather than shared use with cycles.

Whilst the provision of a direct walking route into the site from Hall Road is to be welcome in principle, it does not appear to be suitable for shared use with cycles that requires a 3 metre width. Our vision of Hall Road is a sustainable travel corridor serving employment and residential areas. The shared use path along Hall Road that we named a Pedalway, is designed to connect places of work, services and facilities to adjacent neighbourhoods and to provide a cross city network of high quality walking and cycling routes. The NPPF supports this approach to join up transport infrastructure and sustainable development.

As proposed pedestrians could enter the site in a more direct route and could walk to the drive thru units, although the walking route to Unit B is somewhat convoluted and inconvenient. The difficulty with a ramp of this width is that it puts pedestrians in conflict with cyclists who may also wish to use it, this is contrary to LTN 1/20 and Inclusive Mobility guidance. For these reasons the proposed ramp is not considered support the NPPF and does not facilitate sustainable development. The recommendations of refusal provided previously still stand.

Assessment of planning considerations	
Principle of development	<p>GNLP 6: The economy</p> <p>DM1: Sustainable Development principle for Norwich</p> <p>DM16: Supporting the needs of the business</p> <p>DM18: Promoting and supporting centres</p> <p>DM24: Managing the impacts of hot food takeaways.</p>

The proposed site is currently vacant. There is an existing permission (Ref: 22/00530/F) for the construction of two units for either Class B8 (storage/distribution) or Class E (light industrial) use. The applicant has submitted a marketing and feasibility assessment indicating that the approved employment development has received limited interest, suggesting a lack of market demand. Policy DM16 says

“Proposals that provide for or assist in the creation of high-quality employment and business development, support inward investment, the adaptation and expansion of local firms, and enable accessible and equitable job opportunities for all will be permitted where consistent with the overall sustainability objectives set out in Policy DM1 and other policies of this plan. Employment areas defined on the Policies Map will be prioritized for employment uses and other forms of economic development, provided they do not conflict with the requirements of Policy DM18 regarding town centre uses or Policy DM19 regarding city centre office development. Proposals should not prejudice the function of the employment area or undermine committed proposals for its redevelopment or regeneration.”

Proposals for new employment development, including the expansion of established businesses and the upgrading, improvement, or redevelopment of existing premises, will be permitted within all defined employment areas, subject to the adequate protection of neighbouring amenity and living conditions, in accordance with Policy DM2.”

The current proposal is for the erection of two drive-thru units – one for a restaurant and one for a coffee shop. Restaurants and hot food takeaways are classified as main town centre uses. The drive-thru function is integral to the proposal and facilitates takeaway collection. In terms of use class, the proposal is considered *sui generis*.

In accordance with Section 7 of the NPPF and Policy DM18, main town centre uses should be located within defined centres. This aligns with policies GNLP6 and DM1, which aim to minimise the need to travel, reduce reliance on private car use, and support the vitality and viability of existing centres. The proposed site lies outside any defined centre; the nearest is Hall Road Retail Park, approximately 950 metres to the north.

Policy DM18 and paragraph 87 of the NPPF require a Sequential Assessment for town centre uses proposed outside defined centres. Applicants must demonstrate that no suitable and available sites exist within or on the edge of defined centres before considering out-of-centre locations.

The applicant has submitted a Sequential Test, which identifies that a minimum site area of 0.4 hectares is required to meet operational needs, including the provision of two drive-thru units with adequate parking and circulation space. The area of search included the city centre and large district centres such as Anglia Square and Riverside. However, the assessment does not identify specific alternative sites within or on the edge of these centres, nor does it provide clear evidence explaining their unavailability or unsuitability.

It is acknowledged that a site of 0.4 hectares is relatively large in the context of district centres, and suitable alternatives are therefore limited. In assessing site suitability, regard must be had to the NPPF and Planning Practice Guidance, which advises that some flexibility should be applied to format and scale. However, case law and appeal decisions

confirm that alternative forms of development cannot be considered in Sequential Tests. Therefore, only sites suitable for this specific proposal for two drive thru units.

The drive-thru function requires vehicular access, which further limits the number of potentially suitable sites within or on the edge of defined centres. Taking into account the specific operational requirements, site size, and the hierarchy of centres in the southern part of the city, it is accepted that identifying a sequentially preferable site within a reasonable timeframe would be extremely difficult. Accordingly, the content and conclusions of the Sequential Test are considered acceptable.

In addition to passing the Sequential Test, Policy DM18 requires that out-of-centre developments align with the sustainability objectives of Policy DM1, including minimising travel demand and promoting sustainable transport. The site is located within a predominantly commercial area with nearby residential neighbourhoods and is accessed from Hall Road – a principal arterial route into the city. The site is well-served by regular bus services on both Hall Road and Ipswich Road and includes pedestrian and cycle access along Hall Road.

The layout has also been amended to introduce a pedestrian ramp directly connecting Hall Road to the site, enhancing active travel access. It is recognised that the drive-thru element will attract private car use regardless of location, and this mode of transport is estimated to account for around 50% of trade. Therefore, it is unlikely that relocating the proposal to a defined centre would significantly reduce car dependency.

The existing employment area is characterised by vehicle-oriented businesses, such as car dealerships, service stations, and auto repair facilities. The immediate surroundings include a car repair shop to the south and a recently approved car rental facility to the west, reinforcing the compatibility of this use within the local context.

In terms of compliance with Policy DM18, it is accepted that there is no sequentially preferable site currently available that meets the operational requirements of the proposal. Furthermore, the drive-thru nature of the development inherently limits its suitability within defined centres. Policy DM24 requires that hot food takeaways do not result in unacceptable environmental impacts and that they provide safe and convenient access without harming highway or pedestrian safety. These considerations are addressed in later sections of this report.

The proposal would create approximately 70 full-time and part-time jobs, contributing to local employment and offering economic benefits. While the development is for a main town centre use in an out-of-centre location, it has been demonstrated that no more suitable or sustainably located sites are available. The scale and nature of the proposal are not considered significant enough to harm the vitality or viability of existing centres.

Accordingly, the proposal is not considered to conflict with Policies DM18, DM1, DM16, or GNLP6. It is also supported by the employment generation benefits and compatibility with the existing commercial context of the site.

Design <ul style="list-style-type: none"> - Height, scale and form - Materials and details - Local distinctiveness and character 	GNLP2: Sustainable Communities DM3: Delivering high quality design NPPF Section 12
<p>The proposed layout includes two drive-through units: Unit A, designated for Wendy's, with a floor area of 280 sqm, and Unit B, designated for Starbucks, with an internal floor area of 201 sqm. Unit A is located on the southwest side of the site, and Unit B is positioned towards the northeast. Both units feature drive-through routes and parking spaces, including individual EV charging bays and accessible parking.</p> <p>The layout has been amended to incorporate an active travel link from Hall Road, designed for both pedestrians and cyclists. This link will be approximately 1.8 metres wide. Both units are positioned parallel to each other, with separate drive-through lanes and individual parking facilities.</p> <p>The units are proposed with mono-pitched roofs clad in corrugated sheets, incorporating roof lights and PV panels. The principal elevations will primarily feature buff brickwork and profiled grey cladding. Bold red accents are proposed for Unit A, while Unit B will feature rectilinear cladding panels, vertically textured stone, and timber-style cladding. The proposed scale and form of the units are considered acceptable. The materials and construction style are in keeping with the surrounding area, and the overall design is expected to have a minimal impact on the local context.</p>	
Amenity <ul style="list-style-type: none"> - Impact on neighbouring occupiers (overlooking, overshadowing, outlook) - Impact on occupiers of subject property - Noise & disturbance 	DM2: Ensuring satisfactory living and working conditions NPPF Section 12
<p>The site is bordered by commercial buildings on both sides. To the northeast is a car rental facility, and to the southwest are vehicle repair services, all located within the designated employment area. Residential areas lie further to the west, on the opposite side of Hall Road, but they are unlikely to be significantly impacted by the proposed development. The proposed buildings are relatively typical in scale for the area and are not expected to result in any notable overlooking or overshadowing. Similarly, the proposed uses are not anticipated to have any significant impact on neighbouring properties.</p> <p>The proposed opening hours for Wendy's are 7:00 am to 11:00 pm, seven days a week, including Sundays and bank holidays. For the coffee shop, the proposed hours are 6:00 am to 11:00 pm from Monday to Saturday, and 7:00 am to 9:00 pm on Sundays and bank holidays. These proposed opening hours are considered acceptable and supported.</p>	

Trees - Impact on trees	GNLP 3: Environmental Protection and Enhancement DM7: Trees and development NPPF Section 15
<p>An Arboricultural Impact Assessment has been submitted as part of the application. The scheme has been reviewed and supported by the Arboriculture Officer. The Category B trees on site, including a Sycamore and Silver Birch, will be retained and protected. No tree removals are proposed in the report. To accommodate the proposed parking bay and main access road, Tree T8 will require some trimming and root pruning. The proposed scheme of works has been reviewed and will be secured by condition.</p>	
Landscaping - Provision of open space - Treatment of open space	GNLP 3: Environmental Protection and Enhancement DM3: Delivering high quality design DM8: Planning effectively for open space and recreation NPPF Sections 12 & 15
<p>There is an existing landscape buffer between Hall Road and the site along the north-western boundary, as well as along the north-eastern boundary. An additional parcel of land exists between the site boundary and the highway, which lies outside the red line boundary but is included within the blue line. As this land falls outside the application site, no landscaping scheme has been proposed for it. Although the Highways Officer has suggested a planting and maintenance scheme for this area, A scheme of landscaping and maintenance for this area is advisable; however, as it lies outside the scope of this application, it will be conditioned.</p> <p>The submitted site layout indicates landscaping primarily along the site boundaries, including the planting of trees and low-level vegetation. A detailed landscaping scheme, covering planting, hard surfacing, lighting, and boundary treatments, will be secured through a planning condition.</p>	

Transport <ul style="list-style-type: none"> - Access and egress - Provision of adequate car/cycle parking - Refuse storage 	GNLP2: Sustainable Communities GNLP4: Strategic Infrastructure DM28: Encouraging sustainable travel DM30: Access and highway safety DM31: Car parking and servicing NPPF Section 9
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A detailed Transport Statement has been submitted and reviewed by the Highways Officer. One of the key concerns raised was the absence of a dedicated active travel link for pedestrians and cyclists from Hall Road to the site. The initial proposal suggested creating a pedestrian route via the private access road, similar to the vehicular access. However, the applicant has since revised the layout. The latest plans now include a dedicated pedestrian ramp on the western side of the site, directly connecting to Hall Road.

The proposed ramp will have a width of 1.8 metres and is intended for use by pedestrians, cyclists, pushchairs, and wheelchair users. Upon reconsultation with the Highways team, it was noted that the ramp's width and gradient may not be sufficient to safely and comfortably accommodate both cyclists and pedestrians simultaneously. In response, the applicant has confirmed that cyclists will be required to dismount while using the ramp, and this will be enforced through appropriate signage.

Taking into account the nature of the development, the existence of a secondary pedestrian and cyclist route via the private road, and the physical constraints of the site, the proposed active travel link is considered acceptable. Additionally, internal pedestrian footpaths are provided within the site to ensure safe road crossings. While a wider access road would be preferable, the proposed arrangement is considered satisfactory given the circumstances.

Concerns were also raised regarding the absence of a landscaping scheme on the northwest parcel of land between Hall Road and the application site. However, this land lies outside the red line boundary of the application and is therefore beyond the scope of this development. A safety fence will likely be required to prevent uncontrolled pedestrian access from Hall Road, and boundary treatments for the site will be secured by planning condition.

The site will be accessed from Hall Road via a private road, which is shared with adjacent establishments including a car rental facility, a motor garage, and the service areas of the B&M store. Historically, the site has been used for office purposes and has an extant permission for two B2/B8 warehouse units, both of which would have generated some vehicular traffic. While the current proposal is expected to generate more traffic than the previous office use, the Transport Statement concludes that the development will generate up to 12 additional vehicle trips during weekday peak hours and up to 23 trips during weekend peak hours. These levels of additional traffic are not considered to have a significant impact on the surrounding highway network.

In terms of parking provision, the Starbucks unit will provide 16 car parking spaces, including 2 disabled spaces and 2 EV charging points. The Wendy's unit will offer 12 car parking spaces, also including 2 disabled and 2 EV charging bays. Covered cycle parking will be provided for both units. Given the drive-through nature of the businesses, the proposed parking and access arrangements are deemed appropriate.

The Transport Statement also demonstrates suitable access for service vehicles, with delivery and refuse collection times staggered between the two units to avoid operational conflicts. These arrangements have been reviewed and are supported.

In summary, the applicant has responded positively to feedback by revising the site layout to include an active travel link and addressing key recommendations from the Highways Officer. While some limitations remain due to site constraints, these do not justify refusal of the application. Overall, the transport and access proposals are considered acceptable.

Flood Risk

- Sequential test
- Risk assessment
- Surface water

GNLP2: Sustainable Communities
DM5: Planning effectively for flood resilience
NPPF Section 14

The proposed drainage strategy is supported. The drainage strategy complies with standards surface water generated by the proposed development can be attenuated on site in the extreme climate change event and discharged into the underlying soils. The proposals for the site do not increase on or offsite flood risk and are therefore compliant with policy.

Biodiversity

- Protected species
- Protected sites

GNLP3: Environmental Protection and Enhancement
DM6: Protecting and enhancing the natural environment
NPPF Section 15

A pre-development and post-development habitat survey report, along with Biodiversity Net Gain (BNG) calculations, has been submitted with the application. The site is currently vacant, with some existing vegetation identified as medium-distinctiveness grassland. The current ecological value of the site is calculated at 2.28 habitat units and 0.00 hedgerow units.

Based on the proposed site layout, including retained and newly introduced on-site vegetation, the post-development value is estimated at 0.43 habitat units and 0.03 hedgerow units. This would result in a net loss of -1.85 habitat units and a gain of 0.03 hedgerow units. The net percentage change for on-site habitats equates to a loss of -81.33%.

The proposed development does not meet the habitat trading rules and fails to achieve the minimum 10% biodiversity net gain required under the Environment Act 2021. Given the limitations of the site for delivering adequate on-site mitigation, off-site biodiversity credits will be necessary to meet policy requirements. These will be secured through an appropriately worded planning condition.

An Ecological Impact Assessment submitted with the application concludes that the site's wildlife value is considered to be low at the neighbourhood scale. The proposed mitigation measures include semi-natural planting, such as berry-bearing native trees and plants, to enhance food availability for wildlife. Trenches should be filled in and pipework closed off before the end of each working day, or a ramp should be left from the base of the trench to the surface to allow any animals that fall in to escape. These measures will be secured via condition.

Contamination - To ground water - To future receptors	DM11: Protecting against environmental hazards NPPF Section 15
The site is located within 250 meters of a former landfill site. Permissions for developments or changes of use in this area are subject to Policy DM11. The proposal has been reviewed by the environmental protection and a detailed scheme to manage the risks associated with contamination of the site has been recommended which will be secured via a condition.	

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar

(b) River Wensum SAC

Potential effect: (a) Increased nitrogen and phosphorus loading

(b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads & Wensum SACs, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

In addition, the discharge for the relevant WwTW is downstream of the SAC.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

Equality and diversity issues

There are no equality or diversity issues.

Local finance considerations

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

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

Approve subject to the following conditions set out in decision notice.

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.

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 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.

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- (3) The Court of Appeal has held that this means considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.