

Planning Applications Committee: 29th March 2012

Updates to reports for consideration.

The Government published the National Planning Policy Framework (NPPF) on Tuesday 27th March 2012 and it came into effect immediately. Copies of the full document are available for members.

At the same time, as specified in Annex 3 (page 58), numerous Planning Policy Statements, Planning Policy Guidance notes, Minerals Planning Guidance, the Circular 05/2005 on planning obligations and various advice letters have been replaced. Some important technical aspects from PPS25 Flood Risk and relating to minerals have been retained as a Technical Appendix to the NPPF. The national planning policies as specified in each of the reports before you today have therefore changed since the reports were written.

For each report I have now specified which of the twelve key headings in the NPPF are particularly relevant to each application, any specific mentions of cancelled advice and guidance specifically referred to in the text of each report is referred to below, and whether there is any substantive change in the national policy guidance would mean a different recommendation or a significant difference in the balancing of factors in forming the recommendation is specified for each case. In addition there may be changes to reasons for approval/refusal.

The NPPF is a material consideration in taking decisions. Paragraph 214 states that for 12 months existing polices approved under the Planning and Compulsory Purchase Act 2004 i.e. the Local Plan, Joint Core Strategy and East of England Plan carry full weight. After 12 months an assessment will have to be made about the due weight to be given to any extant polices that were adopted before March 27th 2012.

Paragraph 14 of the document (page 4) is key. It states:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:
approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted*

The key headings in delivering sustainable development in the NPPF are:

1. Building a strong competitive economy.
 2. Ensuring the vitality of town centres
 3. Supporting a prosperous rural economy.
 4. Promoting sustainable transport.
 5. Supporting high quality communications infrastructure.
 6. Delivering a wide choice of high quality homes.
 7. Requiring good design.
 8. Promoting healthy communities
 9. Protecting Green Belt land.
 10. Meeting the challenge of climate change, flooding and coastal change.
 11. Conserving and enhancing the natural environment.
 12. Conserving and enhancing the historic environment
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Application No: 11/00691/O **Page 21**
Wall Rd / Sprowston Rd

Updates:

Delete all national planning polices on page 26 and replace with:
NPPF:

4. Promoting sustainable transport.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change.
11. Conserving and enhancing the natural environment.
12. Conserving and enhancing the historic environment.

PPS1 and PPS3 have been revoked and replaced by the NPPF. Reference to these documents at paragraph 30 of the report is now superseded by the NPPF. This seeks to promote both the delivery of and a wider choice in high quality homes (NPPF section 6) and seek to optimise the potential of the site and appropriate density of development (for example NPPF para 58). It also promotes opportunities for community interaction and availability of facilities (NPPF para 69).

PPG24 has been revoked and replaced by the NPPF. Reference to the documents at paragraph 51 of the report is now superseded by the NPPF. This seeks to protect amenity standards (NPPF para 17) and to avoid and ameliorate against adverse noise impacts (NPPF para 123 and Noise Policy Statement).

The last paragraph of the reasons for approval should be amended to now read:

The decision has been made with particular regard to the National Planning Policy Framework; policies ENV7, ENG1, H2, T14 and WM6 of the East of England Plan 2008; policies 1, 2, 3, 4, 6, 7, 9 and 20 of the Joint Core

Strategy (March 2011); and saved policies EP1, EP16, EP17, EP18, EP20, EP22, SR3, SR7, SR12, HBE12, HOU6, HOU13, HOU18, NE8, NE9, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11 and TRA18 of the City of Norwich Local Plan (Adopted Version 2004) and to all material planning considerations

Response

It is not considered that the changes in national planning policies set out above have a significant impact upon the consideration of this application.

Correction:

Para 55

Reference to the current building regulation requirements should read 125 litres per person per day.

It is felt that the scheme could reasonably be designed to meet the additional sustainable homes Code 4 requirements at 105 litres. It would therefore be reasonable to impose a condition requiring the development to meet appropriate levels of water usage as promoted by JCS Policy 3.

Additional Representations:

None

Application No: 12/00231/VC Page 41
53 Earlham Rd

Updates:

National Planning Policy Framework

Delete all national planning policies on page 46 and replace with:
NPPF:

1. Building a strong competitive economy.
11. Conserving and enhancing the natural environment.
12. Conserving and enhancing the historic environment

The National Planning Policies set out in paragraph 13 of the report are no longer a consideration and instead the following sections of the NPPF are relevant in assessing this application:

- Paragraph 6 sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 sets out that the three dimensions to sustainable development are economic, social and environmental. Of particular relevance is that development should help build a strong, responsive and competitive economy and there should be accessible local services that reflect the community's needs. Paragraph 19 also sets out that the planning

system should do everything it can to support sustainable economic growth.

- Paragraph 131 of the NPPF sets out that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with the more significant the asset, the greater the weight should be.
- Paragraph 123 of the NPPF sets out the planning considerations in relation to noise. This sets out planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

Response

It is not considered that the changes in national planning policies set out above have a significant impact upon the consideration of this application. The reasons for approval should however remove the reference to PPS1, PPS4, PPS5 and PPG24 and should instead include reference to the National Planning Policy Framework.

Additional representations

One further letter of representation has been received from the residents of 43 Earlham Road. Their comments are as follows:

Object to extending the use of the forecourt until 10.30pm. The forecourt is directly overlooked by bedroom windows and whilst the workshop's customers may enjoy sitting on the forecourt, the amenity of the closest residents should be the key consideration.

The Workshop should be satisfied with the compromise position reached by the recent licensing decision which requires the area to be clear by 9.30pm. Even that decision was generous when you consider that the previous prevailing position under planning and licensing was that the area could only be used until 8pm.

We are concerned at the gradual erosion of the restrictions affecting this property. It was a shop, it became a restaurant and most recently it has been allowed to operate as a bar. Meanwhile long term residents have left as a result of the 'trial period'.

The workshop is a popular local establishment but this decision is not about a popularity contest: the amenity of residents should be paramount. All of the houses adjoining the property have objected. I understand that the application

has been recommended for approval, how can that be in these circumstances?

Response

The representation does not raise any new issues but adds further weight to the objections already received. The application has been recommended for approval on the basis that condition three is revised to state that the forecourt can only be used until 9.30pm from 1st April to 30th September in any year.

Comment from Council's solicitor

The proposed wording of condition 3 could technically mean that it would be feasible to use the forecourt between 00.01 and 21.30. Suggested rewording of the condition is as follows:

“Notwithstanding Condition 2 above, the forecourt shall not be used as part of the restaurant before 9am (09:00 hours) or after 8pm (20:00 hours) on any day of the week, except that the forecourt may be used as part of the restaurant between 9am (09:00 hours) and 9:30pm (21:30 hours) on any day from 1st April to 30th September in any year.”

Response

The wording of the condition should be amended to that which is suggested above for clarification.

Comment from agent

The agent has confirmed by email that their clients are content to abide by the restriction of the use of the forecourt to 9.30pm as recommended in the report.

Response

Members to note

Application No: 11/02156/F
Peel Mews / Mulberry Close

Page 53

Updates:

Delete all national planning policies on page 55 and replace with:
NPPF:

1. Building a strong competitive economy.
7. Requiring good design.
8. Promoting healthy communities.
11. Conserving and enhancing the natural environment.

PPS1, PPS5 and PPG24 have been revoked and replaced by the NPPF. Reference to the advice within these documents contained within the report is now superseded by the NPPF.

This seeks to ensure the planning system does everything it can to support sustainable economic growth and advises that significant weight should be placed on the need for this support (NPPF section 1, paragraph 19).

The NPPF attaches great importance to the design of the built environment and good design is seen as a key aspect of sustainable development, indivisible from good planning and should contribute positively to making places better for people (NPPF section 7, paragraph 56).

Paragraph 123 of the NPPF sets out the planning considerations in relation to noise. This sets out planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

At paragraph 10 in the report reference to PPG24 should be replaced with NPPF section 11 paragraph 123.

The Conclusions, paragraph 18 in the report should replace reference to PPS1, PPS5 and PPG24 with the National Planning Framework.

The reasons for approval should be amended to now read:

The 2 alleyways to Mulberry Court and Peel Mews are not major thoroughfares. Their primary purpose is for local residents to access these developments. An alternative route via Coslany Street across and across to Oak Street via St Miles Bridge is available nearby and offers an acceptable alternative walking route, meaning that there is very little or nil detriment to pedestrians to access the site via alternative routes. The proposed design of the gates incorporates elements of the design of the existing split barriers and is considered to sit comfortably with the appearance of the existing building and will not appear out of place in the wider street scene or Conservation Area. The application includes details of the type of mountings that will fix the gates to the walls and these include acoustic rubber spacing blocks to ensure that any vibration does not transmit through the building structure. In addition, a rubber strip buffer will be placed on the edge of the opening section of the gate so that when it closes it also has a buffer. A hydraulic self closer is proposed to ensure that the gates close slowly and automatically thereby reducing the potential for any harsh closing. The proposals are therefore considered to be in accordance with the objectives of the National Planning Framework, policies ENV6 and ENV7 of the East of England Plan (May 2008), policies 2 and 6 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and saved policies HBE8, HBE12,

EP22 and TRA14 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

Response

It is not considered that the changes in national planning policies set out above have a significant impact upon the consideration of this application.

Application No: 12/00113/F Page 61
2 Christchurch Rd

Updates:

Delete all national planning policies on page 64 and replace with:
NPPF:

1. Building a strong, competitive economy
4. Promoting sustainable transport.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment.
12. Conserving and enhancing the historic environment.

PPS1, PPS4, PPS5 and PPS9 have been revoked and replaced by the NPPF. Reference to the advice within these documents contained within the report is now superseded by the NPPF.

This seeks to ensure the planning system does everything it can to support sustainable economic growth and advises that significant weight should be placed on the need for this support (NPPF section 1, paragraph 19).

It also seeks to promote both the delivery of and a wider choice in high quality homes, within sustainable, inclusive and mixed communities (NPPF section 6, in particular paragraph 50) and create healthy, inclusive communities (NPPF section 8, in particular paragraph 70).

It also promotes sustainable transport and states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (NPPF section 4, paragraph 32) although it goes on to say that the location of developments should minimise the need to travel, maximise the use of sustainable transport modes and give priority to pedestrian and cycle movements and have access to high quality public transport facilities (paragraphs 34 and 35).

The NPPF attaches great importance to the design of the built environment and good design is seen as a key aspect of sustainable development, indivisible from good planning and should contribute positively to making

places better for people (NPPF section 7, paragraph 56). In terms of its core planning principles, paragraph 17 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

It also states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on biodiversity and providing net gains where possible (NPPF section 11, paragraph 109). In determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and avoid, mitigate or compensate for significant harm resulting from development (paragraph 118).

Local planning authorities need to assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on the heritage asset, to avoid or minimise conflict between the conservation of the heritage asset and any aspect of the proposal (NPPF section 12, paragraph 129). It goes on to state that, in determining applications, the desirability of new development to make a positive contribution to local character and distinctiveness should be taken into account (paragraph 131). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 1332).

Response

It is not considered that the changes in national planning policies set out above have a significant impact upon the consideration of this application.

Additional Representations:

None

Application No: 12/00314/A Page 75
24 City Rd

Updates:

Delete all national planning policies on page 76 and replace with:

NPPF:

1. Building a strong, competitive economy
7. Requiring good design
12. Conserving and enhancing the historic environment.

PPS1, PPS5 and PPG19 have been revoked and replaced by the NPPF. Reference to the advice within these documents contained within the report is now superseded by the NPPF.

This seeks to ensure the planning system does everything it can to support sustainable economic growth and advises that significant weight should be placed on the need for this support (NPPF section 1, paragraph 19).

The NPPF attaches great importance to the design of the built environment and good design is seen as a key aspect of sustainable development, indivisible from good planning and should contribute positively to making places better for people (NPPF section 7, paragraph 56).

It states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, but that controls should be efficient, effective and simple. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local authority's detailed assessment and should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts (paragraph 67).

Response

It is not considered that the changes in national planning policies set out above have a significant impact upon the consideration of this application.

Additional Representations:

None

Application No: 11/02192/C Page 81
Public Convenience, St Saviour's Lane, Norwich

Updates:

Delete all national planning policies on page 83 and replace with:
NPPF:

1. Building a strong, competitive economy.
12. Conserving and enhancing the historic environment.

Replace Paragraph 9 on page 83 with the following:
Paragraph 129 of Section 12 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 132 of the NPPF states that the significance of the heritage asset can be harmed or lost through destruction of development within its setting. Paragraph 133 makes it clear

that where a proposed development will lead to harm to the significance of the heritage asset, local planning authorities should refuse consent. Policy 1 of the Joint Core Strategy sets out that heritage assets and the wider historic environment will be conserved and enhanced through the protection of structures which contribute to their surroundings and Policy 2 seeks to promote good design.

Replace Paragraph 10 on page 84 with the following:

The demolition of the Public Convenience must therefore be assessed against the consequential impact upon the significance of the wider Conservation Area and upon the setting of the Grade I listed St Saviour's Church, which is located adjacent to the application site.

Replace references to PPS1 and PPS5 in paragraph 15 on page 84 with reference to Section 12 of the National Planning Policy Framework (March 2012).

Replace references to PPS1 and PPS5 in the 'Reasons for Approval' on page 85 with reference to Section 12 of the National Planning Policy Framework (March 2012).

Response

It is not considered that the changes in national planning policies set out above have a significant impact upon the consideration of this application.

Application No: n/a **Page 89**
15 Prince of Wales Rd

Updates:

Delete all national planning policies on page 89 and replace with:
NPPF:

2. Ensuring the viability of town centres
8. Promoting healthy communities
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment.

Although paragraph 23 promotes town centres and para 69 mixed-use neighbourhoods this has to be tempered by the importance of enduring that uses are compatible and para 123 emphasises the harm on health and quality of life and the importance of mitigating noise impacts whilst ensuring that the restrictions imposed are not unreasonable. The action proposed is consistent with the NPPF.

Graham Nelson
Head of Planning Services 29 March 2012