



## **PLANNING APPLICATIONS COMMITTEE**

Date: **Thursday 5 June 2014**  
Time: **10.15am** (please note later start time of meeting to allow for a members' only session from 9.30am)  
Venue: **Mancroft room, City Hall**

### **COMMITTEE MEMBERS:**

#### **Councillors:**

Bradford (chair)  
Gayton (vice chair)  
Ackroyd  
Blunt  
Brociek-Coulton  
Button  
Grahame  
Jackson  
Little  
Neale  
Sands (S)

(1 vacancy)

### **FOR FURTHER INFORMATION PLEASE CONTACT -**

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Democratic services  
City Hall  
Norwich  
NR2 1NH

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## **AGENDA**

Page No.

### **1. Apologies**

### **2. Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to an item if the members arrive late for the meeting).

### **3. Minutes**

**5**

To agree the accuracy of the minutes of the meeting held on 8 May 2014.

**4. Planning applications** **31**  
(Report of the head of planning services)

**Purpose** - To determine the current planning applications as summarised on pages **27** of this agenda.

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 10am 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/>

**5. Performance of the development management service, 1 January to 31 March 2014 (Quarter 4, 2013-14)** **111**  
(Report of the head of planning services)

**Purpose** - To report the performance of the development management service to members of the committee.

**6. Performance of the development management service: Appeals: 1 January to 31 March 2014 (Quarter 4 2013 - 14)** **117**  
(Report of the head of planning services)

**Purpose** – That the report be noted.

**7. Performance of the planning enforcement Service, January to March 2014 (Quarter 4, 2013-14)** **123**  
(Report of the planning services)

**Purpose** - To report the performance of the planning enforcement service to members of the committee.

Please note:

- There will be an informal discussion for committee members only at 9.30am to discuss the performance of the committee, comment on what went well and what could be improved.
- The formal business of the committee will commence at 10.15am.
- 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 1pm and 2pm if there is any remaining business.

28 May 2014



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## Access



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## **PLANNING APPLICATIONS COMMITTEE**

**9.30am to 2.10pm**

**8 May 2014**

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Gihawi (substitute for Councillor Sands (S)), Jackson, Little, Neale and Storie

Apologies: Councillor Sands (S)

### **1. SITE VISIT TO GLADSTONE HOUSE, 28 ST GILES STREET, NORWICH, NR2 1TQ**

Members of the committee (as listed present above) undertook a site visit to Gladstone House, 28 St Giles Street, Norwich, before the start of the committee meeting at 9am.

### **2. DECLARATION OF INTERESTS**

Councillor Brociek-Coulton declared an other interest in item 5, Application no 13/01928/F land and buildings rear of and including 293 - 293A Aylsham Road Norwich, as the council's appointed member of the Broads Authority.

### **3. MINUTES**

**RESOLVED** to approve the minutes of the meeting held on 3 April 2014.

### **4. APPLICATION NOS 13/01296/F AND 13/01297/L GLADSTONE HOUSE, 28 ST GILES STREET, NORWICH, NR2 1TQ**

The head of planning services introduced the report and referred to the controversy of the application and pointed out that some of the issues that were controversial did not relate to planning matters. There were three points of the process which members should be aware of.

Firstly, the city council as local planning authority could lawfully determine both applications. The applicant was Ash Sakula Architects on behalf of the Writers' Centre Norwich, a literature development agency and registered charity. The council was a minority funder of the charity and appointed an observer to its board. There was no agency agreement. The council owned the freehold of Gladstone House which was leased to the charity on a long term lease similar to that for the Britons Arms, Elm Hill. There had been a suggestion that because of the council's involvement it could not determine the listed building consent and that the applicant

was a mere agent of the council. Legal advice had been sought and it was clear that there was no agency agreement. The applicant had made the application for its own sake and benefit and was not acting on instructions from the council. The regulations were clear and the council had no discretion but to determine the application itself rather than being required to refer it to the Secretary of State to determine it. Furthermore there was no duty to refer the application to the Secretary of State because it was not a Grade II\* listed building nor did it involve significant demolition. This was somewhat irrelevant, however, as the National Planning Case Work Unit had requested that the Secretary of State would like an opportunity to call in the applications should the council approve planning permission, which had been accepted. Therefore the recommendation was to approve the applications subject to giving the Secretary of State three weeks in which to call it in before any planning consents were released.

The head of planning services said that the planning application had been subject to extensive consultation which began at the end of September 2013. He explained the reasons for the applications being deferred from committee on 6 March 2014 and 3 April 2014. He confirmed that the proper notice had been served on 9 April 2014 and consultation had closed on 7 May 2014. All the representations received to 28 April 2014 had been summarised in the main report and those received after that date had been summarised in the supplementary report of updates to reports (which was circulated at the meeting). He considered that the consultation had been thorough and that there had been sufficient opportunity for people to submit representations.

In response to the complaint that the comments from the conservation and design officer had been ignored, the head of planning services said that the comments were available on the council's website as part of the planning consultation and although part of the planning service, conservation and design was a consultee. The conservation and design officer had viewed the proposals to the Grade II building as "substantial harm"; however there was disagreement between officers and the head of planning services had taken the overall view that the degree of harm amounted to "less than substantial harm". All the comments of the internal planning services were available on the council's website. These had not been ignored and, in part, had informed the report and the proposed conditions but on this key point had not been accepted.

The planner (development) officer presented the report with the aid of plans and slides. The head of planning services then referred to the report and presented the issues relating to listed buildings as set out in paragraphs 15 to 17, *Statutory duties relating to listed buildings, setting of listed buildings and conservation areas*, and the sections of the report under the heading, *Design, conservation and impact on listed building*. He advised members that if their conclusion was that the proposal would cause "substantial harm or total loss of" designated heritage assets, in accordance with the National Planning Policy Framework (NPPF); then they should refuse the applications. However he considered that the proposal would cause "less than substantial harm" to the listed building and that the applicant had given "clear and convincing justification" for the proposals and that this view was shared by English Heritage. The proposal to remove the 220 year old secondary staircase would cause some harm but was not the most significant feature of the building and should be weighed against the installation of a platform lift, allowing disabled access to all floors of the building and opening up the building to public use. The removal of brick work on the rear elevation would cause some harm to the fabric of the building but

was relatively minor and necessary to allow circulation to the court yard space and the café. He advised members that the most contentious part of the scheme was the proposal for the auditorium to the rear of the building and the loss of garden space. The garden was now only 15% to 20% of the original size that had comprised an orchard and bowling green. The view to the rear elevation had been harmed when the garden had been developed for the fire station in the 1930s and more recently, Old Barley Market. Whilst the loss of a private view was not a material planning consideration, it was worth noting that the garden building would disrupt the view of Gladstone House from the houses in Old Barley Market. The applicant's justification for the auditorium was that it was intended to use the building to stage showpiece events and was critical to the centre's operation. Members were also advised that the level of investment in the building that the proposal would deliver was unlikely to be matched by any other alternative proposed use that could be realistically envisaged at the current time.

Five members of the public then addressed the committee and outlined their objections to the proposals, which included: concern that the change of use was for an elite group; concern about emergency egress/access from the rear building; that access through the passageway was inadequate; that there had been no traffic impact survey in St Giles Street; that the auditorium was too large and overbearing; 321 people had signed a petition to object to the proposals; lack of publicity in the press about the proposals; that there should be the planning applications should be for Gladstone House and separate planning permission sought for the auditorium; that the auditorium is unnecessary and that there were alternative, underused venues, for events that the centre could use; that the harm to the building would be "significant" and that other buildings should be considered first, such as brownfield sites and derelict sites with land available for parking; and that the scheme should be redesigned by a local architect. There was some support for a nationally acclaimed writers' centre in Norwich.

A representative on behalf of the Norwich Society said that it supported the proposals in principle. The society would have preferred the front door to be used as the main entrance to the building [rather than encouraging access via the side and rear]. There were concerns about the narrow access on the east boundary. The auditorium would be overbearing and detract from the views of the rear elevation of Gladstone House. The society recommended that the committee deferred consideration of the proposals and that the architect redesigned the scheme.

Five people spoke in support of the application, including the writer of the original bid for funding and the chair of the Writers' Centre Norwich. The chair advised the speakers, in support of the application, that the committee would only take account of material planning considerations when making its assessment of the applications and to address their comments accordingly. The comments included: the value of the national centre and funding to the vitality of the city; that the location was perfect, situated in the arts and cultural quarter of the city and that the auditorium would provide a purpose-built venue for intimate events; the annex would provide accommodation for writers in residence; that the centre had funded local schools to provide books and would provide jobs for local people; the facility would provide public access to enjoy the listed building; that the garden of the building had already been reduced to 20% of its original size and that the proposals would therefore not harm it; and that, once operating, the centre would attract visitors nationally and internationally and could host literacy festivals, which would contribute to the vitality of the city.

The applicant then spoke in support of the application which had been developed over three years and explained that a key part of the development was to make the building sustainable. Other sites would not help deliver the ambition of the project. The scheme would allow public access to the building which was currently not available.

The head of planning services and the planner referred to the report and responded to the issues that had been raised by the speakers. A sequential test, looking at alternative venues, had not been a requirement for this application. Some of the issues surrounding emergency access would be dealt with under building regulations. The fire service had been consulted and was content with the safety of the access arrangements. There had been no traffic survey and it had not been required. The site was in a central location and the applicant had submitted a transport strategy. It was not possible to provide level access to the front entrance and therefore the applicant was keen to promote inclusive access to the building from the rear which was suitable for wheelchair users.

Discussion ensued in which the head of planning services, the planner and the planning solicitor (nplaw) referred to the report and answered members' questions. When commenting on the application members stated that, whilst they welcomed the funding of an international writers' centre in the city, their concern in assessing the applications was on the material planning considerations and their role as a member of the committee independent from the council's other involvement with the charity.

Members were advised that the architect's model was to scale and had been displayed at public consultation meetings. A member suggested that to mitigate concern about noise people should be prevented from congregating in the courtyard after 10pm. Members were advised that the management plan stipulated that external furniture would be removed from the courtyard after 10pm in order to discourage people from congregating in this area and that egress would be through the building and out the front door, except for disabled users. The management plan could be amended further to discourage people from congregating in the courtyard and members suggested that officers could discuss this with the applicant. There was a no smoking policy on the entire site. The adjacent Loch Fyne restaurant had a late night seating area and 10.30pm was not considered too late for this location. The auditorium itself would act as a noise buffer to the courtyard. Members were also advised that the "speakeasy" and the teaching/conference rooms could not deliver the same use as the proposed auditorium. There would be no more than 140 people on site. One member pointed out that the auditorium had only two spaces for wheelchair users. The "speakeasy" was not a public facility unlike the café and would provide a facility for users of the centre. A member was advised that condition 4 of the listed building consent contained provision for a photographic record of the building in its current state to be retained.

During discussion members considered the use of the narrow passageway. It was suggested that at present people used the opening in the side wall of the garden of Gladstone House to pass other pedestrians. It was noted that the times that it was its busiest, such as at the end of a performance at the theatre, most users were going in the same direction. The doorway was slightly recessed and would provide some scope for people to pass each other when it was closed but significantly more when it was open. The passageway might be widened as part of any future redevelopment



of the rear of City Hall but there were no plans for this at present and pinch points would remain where walls could not be moved.

The chair asked whether it was possible to separate out consideration of the proposals for the house and annexe from the development in the rear garden. The head of planning services advised that members should consider the applications in its entirety. The noise assessment was predicated on the baffling effect that the garden building would provide. The majority of the committee considered that the proposals for the house and annex were not controversial and that the applicant had provided justification for the "harm" to the listed building. However there was more concern about the impact of the garden auditorium.

Discussion ensued. A member pointed out that concerns about noise generated from the development and the amenity of the residents should be considered in the context of the location and other restaurants and premises operating in the area. Members were advised that the location was in the heart of the art and culture zone in the city's development plan to maximise the use of the city centre. There were parking controls in place and the change of use would enhance and not detract from the city's vitality. The majority of members welcomed the proposed use and its benefits to the city but noted that consideration of the application should be on its planning merits.

A member suggested that the auditorium could be sunk into the ground in order to reduce its impact and that he was not convinced that technical and accessibility issues could not be overcome. Some members considered that the design was a good structure, with the glass complementing the older buildings and facilitating a good view of the rear elevation of Gladstone House. Other members held reservations about the form and design of the building, which they considered to be detrimental to the setting of the listed building. The head of planning services and the planning solicitor advised members that if they were minded to refuse the application they should give some indication to the applicant as to whether it was the particular design or the principle of the auditorium development that was unacceptable. Members were advised against deferring consideration of the application. Several members considered that the principle of the proposal was acceptable except for the current design of the auditorium, which was considered to be overbearing and over-development. Other members were supportive of the proposal with some regret about the shading to the courtyard. One member considered that the structural changes to the listed building and the construction of the auditorium were inappropriate and unacceptable.

Councillor Neale proposed and Councillor Grahame seconded that planning permission and listed building consent should be refused on the grounds of the unacceptable detailed design of the auditorium building in the garden which, in terms of its scale and height would harm the character and setting of Gladstone House, without sufficiently clear and convincing reasons to justify such harm having been put forward by the applicant which in policy terms contrary to paragraphs 32 and 34 of the NPPF. On being put to the vote with 5 members voting in favour of refusal (Councillors Ackroyd, Brociek-Coulton, Grahame, Jackson and Neale) and 7 members voting against (Councillors Bradford, Gayton, Blunt, Button, Gihawi, Little and Storie) the motion was lost.

Councillor Gayton, the vice chair, then moved, seconded by Councillor Button, that the recommendations contained in the report, subject to requesting the head of

planning services to negotiate with the applicants to amend the management plan further to discourage use of the courtyard after 10pm.

**RESOLVED** with 8 members voting in favour (Councillors Bradford, Gayton, Blunt, Button, Gihawi, Grahame, Little and Storie), 3 members voting against (Councillors Ackroyd, Brociek-Coulton and Jackson) and 1 member abstaining (Councillor Neale) that:

- (1) Subject to receiving confirmation from the Secretary of State on whether he wishes to call in the application, or, if no confirmation has been received within three weeks of the committee resolution of the application, to approve application no 13/01296/F and grant planning permission subject to the following conditions:-
  1. Standard time limit.
  2. Development to be in accordance with plans.
  3. No works shall take place on the site in pursuance of this permission until the following details have been submitted to and agreed in writing with the local planning authority:
    - (a) details of all external joinery [to include the proposed main and service gates to the garden east wall, the proposed inward opening doors and split cill below 2 No. ground floor rear elevation windows of 28 St Giles Street, and all new external doors] to include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;
    - (b) details of proposed roof lights: round roof lights over proposed outdoor toilets (6 No.); and roof lights over lift shafts (2 No.) which should be flush fitting 'conservation' type roof lights;
    - (c) details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
    - (d) large scale details of proposed eaves and verges at a scale not less than 1:20;
    - (e) details of external decoration to render, joinery and metalwork;
    - (f) details and samples of external roofing materials (to inc. lead) including manufacturer, product name and colour;
    - (g) details and samples / sample panels of; brick, bond, pointing style, mortar mix and coping detail for: proposed garden south and east walls; new brickwork to south and west elevations of 'Annexe' building; new elements of brickwork to east wall of 'Annexe' building (inc. rubbing brick flat arch lintels over new 1<sup>st</sup> floor windows); and brickwork to proposed auditorium building and outdoor toilets & bin store buildings.
    - (h) details of rainwater goods (see informative for further detail)
    - (i) full details of the proposed external spiral staircase to 26 St Giles Street
    - (j) details of proposed Photovoltaic Panels – (to include sections (to show slim profile and flush fitting), roof attachment details, trade literature / images and structural calculations (to show that the historic roof (including any historic timber structural members) is capable of withstanding the proposed load).
    - (k) details of the proposed new garden walls (to east and south boundaries).
  4. No installation of any amplified sound equipment shall take place within the application premises unless details of the maximum noise levels, expressed in dB LAeq (5 minute) and measured at a point 2 metres from any loudspeaker forming part of the amplification system, have first been submitted to and

approved in writing by the Local Planning Authority. Thereafter the maximum noise levels from any amplified sound equipment within the premises shall not exceed those approved at any time.

5. No extract ventilation system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation flue outlet points and the type of filtration to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place unless the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the extract ventilation system shall be carried out in accordance with the scheme as agreed.
6. No development shall take place until a scheme specifying the maintenance schedule for the approved extract ventilation or fume extraction system specified in document/ drawing ref. [ ] has been submitted to and agreed in writing with the Local Planning Authority. Following installation, the maintenance of the system shall be carried out in accordance with the scheme as agreed.
7. The installation of any plant or machinery on the premises shall be in accordance with a scheme approved by the Council as Local Planning Authority for the reduction, where necessary, of the level of noise and vibration emanating from the premises.
8. No use of any plant or machinery shall take place on the premises unless it has been adequately enclosed with sound insulating material, and also mounted in such a way which will minimise transmission of structure borne sound, in accordance with a scheme to be first approved in writing by the local planning authority.
9. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building.
10. No use of the premises as the National Centre for Writing unless in full compliance with the approved Management Plan
11. No use of the premises as the National Centre for Writing shall take place until sound insulation measures have been installed in accordance with a scheme to be submitted to and agreed in writing by the local planning authority and shall be retained as such thereafter. The scheme shall satisfy the standards set out in par.5.1 of Section 5 of the Acoustic Assessment report ref.10872/1 [received 08 August 2013]
12. No use of the premises as the National Centre for Writing until a scheme for how the NCW will enable public access to the auditorium outside of events has been submitted to and approved in writing by the local planning authority. The auditorium shall thereafter be open to the public in accordance with the approved scheme.
13. The premises which form the subject of this permission shall not be open to the public, trading, nor have members of the public, as customers or guests on the premises with the exception of overnight guests staying in the two writers in residence apartments, after 22:30 hours and before 07:00 hours on any day.
14. No trade deliveries or collections including trade waste shall take place between the hours of 19:00hrs and 07:00hrs Monday to Saturday. There shall be no trade deliveries or collections on Sundays or Bank or Public Holidays.
15. The spiral staircase shall only be used for purposes of emergency exit from the writers in residence apartments and the respective doors leading from the

apartments to the staircase landing shall be designed to a standard to be submitted to and approved in writing by the local planning authority prior to installation.

16. No use of the development hereby approved shall take place until details have been submitted to and agreed in writing by the local planning authority of all external lighting for the site, including any security or other intermittent lighting. Such details shall include specifications for the lighting proposed, its location and position within the site, height and levels of illumination proposed. The details shall also specify that any external lighting includes cowlings, or other similar device, to ensure that the lighting only illuminates the site directly. The development shall be carried out in accordance with the details as agreed and retained as such thereafter.
17. No development shall take place in pursuance of this permission until a detailed landscaping scheme has been submitted to and agreed in writing with the Local Planning Authority (to include both soft and hard landscaping detail)
18. Scheme to be agreed and replacement tree to be replanted off-site within 12 months of the implementation of the proposal.
19. No development until 10 cycle stands have been provided off-site in accordance with a scheme to be agreed with the local planning authority
20. The Travel Information Plan shall be made available in accordance with the Plan as agreed and, once made available, shall be maintained thereafter in accordance with the agreed details.
21. Archaeology: No development until a written scheme of investigation has been submitted to and agreed in writing by the local planning authority.
22. Archaeology: Demolition/development in accordance with the written scheme of investigation
23. Archaeology: No occupation until site investigation and post investigation assessment completed
24. No development shall take place in pursuance of this permission until exact details for the provision of the renewable energy measures [photovoltaic panels] have been submitted to and agreed in writing by the local planning authority. No occupation of the development shall take place unless the renewable energy measures have been provided in full accordance with the agreed details and thereafter managed and retained.
25. The writers in residence apartments shall not be sold or leased as separate dwelling units
26. (a) No development shall take place, including any works of demolition, in pursuance of this permission until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.  
(b) The approved Statement shall be adhered to throughout the construction period.  
(c) The Statement shall provide for:
  - (i) the parking of vehicles of site operatives and visitors;
  - (ii) loading and unloading of plant and materials;
  - (iii) storage of plant and materials used in constructing the development;
  - (iv) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
  - (v) wheel washing facilities;
  - (vi) measures to control the emission of dust and dirt during construction; and

(vii) a scheme for recycling/disposing of waste resulting from demolition and construction.

Informatives:

1. Vehicle access to police lower ground car park shall not be used for purposes of loading/unloading.
2. Loading restrictions adjacent to Gladstone House.
3. Bins to be purchased by the applicant prior to occupation.
4. No eligibility for on-street parking permits.
5. Cycle stands and paving scheme – all costs to be met by applicant.
6. Street naming and numbering enquiries.
7. If any bats are discovered, all works should cease and advice be sought from Natural England before re-commencing.
8. Restricted building working hours.
9. Any signage must be the subject of an additional application for advertisement consent.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

(2) Subject to receiving confirmation from the Secretary of State on whether he wishes to call in the application, or, if no confirmation has been received within three weeks of the committee resolution of the application, to approve application no 13/01297/L and grant listed building consent subject to the following conditions:-

1. Standard time limit:
2. Development to be in accordance with plans:
3. No works shall take place on the site in pursuance of this permission until the following details have submitted to and agreed in writing with the local planning authority:
  - (a) details of all internal joinery [to include proposed bi-fold doors for spine walls, and proposed double doors adjacent to basement staircase], at a scale of not less than 1:20 and horizontal/frame sections at not less than 1:2;
  - (b) details of proposed levelling of basement floor (to produce level access);
  - (c) details of proposed internal service routes and re-wiring;
  - (d) schedule of internal finishes to walls, ceilings and floors;
  - (e) details of proposed alterations to hinging / opening direction of historic doors
  - (f) details of proposed alterations to 1790s splayed plinth course limestone capstones to the plinth of the rear elevation
  - (g) details of any secondary glazing proposed for the sash windows of 28 St Giles Street elevations at a scale of not less than 1:20 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2;

The development shall be carried out in accordance with the detail as approved.

4. The developer shall afford reasonable access to a historic building consultant to allow for a full photographic survey [to include: the 1790 service staircase (all floors of the staircase, associated service corridors with timber panelled walls and historic roof light above); full rear elevation as viewed from end of garden; and detail of 1790s rear ground floor sash windows and limestone plinth detail below - to be converted to sashes with gates below] on site to be carried out before and during the course of works hereby approved. No works shall take place until details of the consultant, the type and manner of access to be provided, the level of survey proposed and the submission and presentation of the survey results have been agreed in writing with the local planning authority and the works shall be carried out in accordance with those details as approved.
5. The demolition of: (a) the 1790 brick work and 1790s splayed plinth course limestone capstones to the plinth of the rear elevation below the rear ground floor sash windows of 28 St Giles Street; (b) the removal of the tripartite sash window from the ground floor east elevation of 26 St Giles Street; (c) the demolition of portions of the spine walls of the basement, ground floor and first floor of 28 St Giles Street; (d) the demolition of part of the basement hallway wall 28 St Giles Street (e) the demolition of the 1790s service stairwell (f) The demolition of any elements of the south and west elevations of 26 St Giles Street, shall be carried out by hand *[by hand-held tools]* only and the works shall provide for the retention and storage for re- use of *[bricks for any 'making-good' the rear elevation brickwork of 28 St Giles Street and east elevation of 26 St Giles Street and the re-use of the tripartite sash window at first floor on east elevation of 26 St Giles Street]*.
6. The demolition hereby permitted shall not take place until a contract for carrying out the works of redevelopment on the site has been made and planning permission granted for the redevelopment for which the contract provides. Evidence of this contract shall be provided to and approved in writing by the local planning authority prior to any demolition being undertaken
7. Any damage caused to the listed buildings (28 & 26 St Giles Street) by the works hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority and the making good in accordance with the scheme as agreed shall take place within three months of the approval of the scheme.
8. No works shall take place on the site in pursuance of this consent until a detailed scheme of work outlining the proposed measures of protection for the following features, which shall enable them to remain undisturbed in their existing position and fully protected during the course of the work on the site, has been submitted to and approved in writing by the local planning authority:
  - (a) The 1790 mahogany staircase (ground, first and second floor) and panelled mahogany dado (up to first floor);
  - (b) The 1790 service flight of the main staircase (ground floor to basement);
  - (c) 1790s Timber ceiling joists in basement;
  - (d) 1790s splayed plinth course limestone capstones to the plinth of the rear elevation;
  - (e) Sash windows and timber shutters,
  - (f) Internal doors, door cases and fan lights;
  - (g) External door cases (2 No.);
  - (h) External stone steps to the front porch of 28 St Giles Street;
  - (i) Internal stone steps and stone flags within the front vestibule;
  - (j) Fireplaces;
  - (k) Timber panelling, dados, skirting, ceiling roses and cornices;

- (l) Any historic floorboards and or parquet flooring;
  - (m) historic floor finishes such as pammments, quarry tiles and floor bricks.
- The development shall be carried out in accordance with the details as approved.
9. No works shall take place on site until a structural engineer's report, setting out the nature of and suggested remedial work to *(a)Install photovoltaic panels on the historic roof structure (b)Remove the historic cast iron structural support pillar adjacent to the foot of the basement stairwell (c)Remove the 1790s service stairwell and install a platform lift and (d)Remove the 1790s masonry from below two of the 1790s ground floor rear sash windows (e)Remove portions of the spine walls at basement, ground floor and first floor (f)remove part of the basement hallway wall to 28 St Giles Street (g)Remove / re-build the south and west walls of the 26 St Giles Street, whilst providing structural support for the historic east elevation of the same building (h)Remove the large tripartite sash window from the ground floor of the east elevation of 26 St Giles Street and install it in the first floor of the same elevation*, is submitted to and agreed in writing by the local planning authority. All works shall be carried out in accordance with the report as agreed.
  10. No works to treat or prevent damp, rot or timber infestations shall be undertaken until a specification has been submitted to and agreed in writing with the local planning authority. All works on site shall be carried out in accordance with the specification as agreed.
  11. No works to remove paint (or staircase surface finishes) internally or clean the building externally shall take place until:
    - (a) a specification outlining the proposed methodology has been submitted to and agreed in writing by the local planning authority; and
    - (b) a sample area showing the proposed paint removal or level of clean has been agreed in writing with the local planning authority.

All such works on site shall be in accordance with the details as agreed.
  12. No works to repoint the external brickwork or stonework shall take place until:
    - (a) details of the extent of repointing have been submitted to and approved in writing by the local planning authority; and
    - (b) a sample panel of not less than 1 metre square to show the proposed mortar composition and colour and the method of pointing has been prepared on site, inspected and approved in writing by the local planning authority.

All such works shall be carried out in accordance with the details as agreed.
  13.
    - (a) No works shall take place on site until details of any proposed methods of fire protection, sound proofing and insulation for the walls, floors, ceilings and doors, including 1:5 sections through walls and ceilings, 1:20 elevations of doors and 1:2 scale moulding sections have been submitted to and agreed in writing by the local planning authority.
    - (b) All existing original doors shall be retained and where they are required to be upgraded, no such upgrading shall take place until a schedule and specification of works has been submitted to and agreed in writing by the local planning authority.
    - (c) Self-closing mechanisms, if required, shall be of the concealed mortice type.
    - (d) All works of fire protection, sound proofing and insulation shall be carried out in accordance with the details as agreed.

Informatives:

1. Double opening 'doors' below ground floor sash windows on rear elevation of No.28 to be inward opening (as annotated on 'Proposed South Elevation' plan and in the Design and access statement), not outward opening as shown on 'Proposed Ground Floor' plan).
2. Baby changing facilities (a wall-mounted hinged table and nappy bin) should be provided within a ground floor disabled toilet, as a minimum.
3. Any signage (internal or external) would need to be applied for in a separate Listed Building consent and/or Advert consent.
4. Any secondary glazing would need to be applied for in a separate Listed Building consent
5. Historic floor, ceiling and wall finishes on all four floors of 28 St Giles Street should be retained as existing.
6. All new brickwork to 26 St Giles Street to match the brickwork of 28 St Giles Street.
7. Rainwater goods shall be cast iron for 26 & 28 St Giles Street, and cast iron or cast aluminium for the new auditorium building.
8. Fireproofing – Any fireproofing measures would need to be applied for in a separate Listed Building Consent application. The applicant is advised that there may be limitations to what alterations can be made to the listed building in order to achieve this, for instance all historic doors will need to be retained (including the less architecturally 'sophisticated', but equally historically interesting and important 1790s two panelled 'service' doors on the second floor and any historic doors to the basement).
9. Acoustics - The Acoustics Assessment (17.07.2013) submitted by the applicant mentions a number of potential physical interventions for acoustic attenuation measures for 28 St Giles Street. Any such measures will require a separate Listed Building Consent, as they have not been included in the current application. Any such LBC should include a full Acoustics Survey of the listed house, so that the need for such interventions can be demonstrated. The applicant should be advised that some of the physical alterations mentioned in the acoustics assessment, already submitted, may not be appropriate for this Listed Building. The advice below (provided by the conservation and design officer on 6.11.13), identifies specific areas of the acoustics assessment that need further investigation in a full acoustics survey and that may not be permissible within 28 St Giles Street, in any future LBC application:

'Sound Insulation' requirements identified by the applicant in the acoustics assessment, for which detailed plans and a Full Acoustics Survey would be required, before they could be assessed:

- Non-opening front windows with secondary glazing and mechanical ventilation or acoustically attenuated ventilators – *Limitations – secondary glazing may be possible, but mechanical ventilation may be too damaging to fabric.*
- Floor/ceiling sound insulation – *Limitations - some of the rooms are thought to have parquet flooring, most ceilings have ceiling roses and cornices.*
- Basement wall insulation - *Limitations - vaulted brickwork walls/ceilings, wall mouldings and historic door cases.*
- New solid wooden close-fit doors and seals to seminar rooms, offices and writers spaces – *Limitations – All historic doors must be retained, there may or may not be limited scope for adaptations to upgrade.*



‘Acoustic Absorption’ requirements identified by the applicant in the acoustics assessment, for which detailed plans and a Full Acoustics Survey would be required, before they could be assessed:

- Wall panels, suspended absorbers (from ceilings), sound curtains/drapes on walls – *Limitations – potential damage to interiors and detrimental effect on historic and architectural character of the listed building (especially for suspended absorbers from ceiling).*
- The annexe part of the proposed café is identified as needing ‘significant areas of acoustically absorbent finishes to control reverberant noise levels’ – *There are few constraints in the annexe, but there are limitations to providing the same level of acoustic absorption in the café room within 28 St Giles Street with sash/doors open all the time.*

(The committee had a short break at this point.)

## **5. APPLICATION NOS 13/01540/VC LAND AND BUILDINGS ON THE NORTH EAST OF KING STREET, NORWICH**

(Councillor Brociek-Coulton had declared an other interest in this item.)

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of an additional letter of representation and the officer response and details of comments from Councillor Price, Thorpe Hamlet ward councillor.

A member of the public spoke on behalf of residents of Spooners’ Row and outlined their concern that the proposed moorings would create problems with anti-social behaviour and security, whereas previously approved locations of the temporary moorings for de-masting were located 1.5m from the bank, in the river bank. These locations had been endorsed by the committee and the Planning Inspectorate on appeal and should be implemented, and therefore the committee should refuse the application.

Discussion ensued in which the planner, together with planning team leader, and the planning development manager referred to the report and answered members’ questions. Members considered that the original permission and the previously approved locations for the posts 1.5m into the river from the river bank had been upheld by the Planning Inspectorate on appeal and therefore should be implemented and enforced if necessary. The current proposal was considered to provide access to the riverbank which could lead to anti-social behaviour (noise, longer periods of mooring) and would be detrimental to the residents’ security by people climbing the grilles and fencing. The residents’ management committee could consider changing the fencing to increase security but this was outside the remit of this application. The committee considered that the revised proposals were unacceptable due to the security implications. Members considered that, given the breach of condition and the fact that an acceptable scheme had been agreed that it would be appropriate to take appropriate enforcement action to secure the implementation of the approved 2010 scheme. Financial reasons were not sufficient justification for the new

proposal. A member expressed concern that technical issues for installing mooring posts into the river bed had been overcome. Officers advised that they were not aware of any technical issues in the installation of the posts.

Councillor Gayton moved and Councillor Brociek-Coulton seconded that the application be refused because the proposed scheme would increase access to the bank and potentially lead to anti-social behaviour and be detrimental to the security of the adjacent flats and was therefore unacceptable. The planner suggested the wording for the refusal in policy terms which was accepted. Members concurred that subject to the committee voting for refusal, the chair would move that authority was given to undertake enforcement action to ensure the implementation of the mooring provision as set out in condition 9 of planning permission 04/00274F and the details agreed via 10/01696/D.

**RESOLVED,**

- (1) unanimously, to refuse application no 13/01540/VC land and buildings on the North east of King Street, Norwich:

“The layout of the proposed scheme for mooring provision would increase the potential for people to unlawfully access the site and engage in anti-social behaviour. The associated iron fencing provides a climbing aid to trespassers wishing to gain access to the balcony areas of the adjacent apartments and would harm security at the site. The proposed scheme for moorings is therefore considered unacceptable and would be contrary to the city council's duty to minimise the potential for crime, disorder and public nuisance as required by Section 17 of the Crime and Disorder Act 1998 as well as policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014, emerging policy DM3 of the regulation 22 pre-submission Development Management Policies Development Plan Document 2013 and objectives of the NPPF.”

- (2) unanimously, to authorise enforcement action of planning condition 9 of planning permission 04/00274F (failure to provide moorings in accordance with scheme to be submitted and approved prior to first occupation of development) to secure the moorings scheme approved under detailed approval 10/01696/D and authorize the head of planning services to take legal proceedings, including prosecution if necessary.

(The committee adjourned for lunch at 12.50pm and reconvened at 1.30pm.)

**6. APPLICATION NOS 14/00324/F AND 14/00332/L LAND TO THE REAR OF 39 UNTHANK ROAD, NORWICH**

The planning development manager explained that it was proposed to defer consideration of this item due to an error in the consultation arrangements.

**RESOLVED** to defer consideration of application nos 14/00324/F and 14/00332/L Land to the rear of 39 Unthank Road, Norwich, to the next meeting.

**7. APPLICATION NOS 13/01928/F LAND AND BUILDINGS REAR OF AND INCLUDING 293 - 293A AYLSHAM ROAD, NORWICH**

(Councillor Neale declared that he would not take part in the determination of this item as he had not been present when the previous application had been considered by the committee.)

The senior planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to reports which was circulated at the meeting, and asked members to note the changes to the conditions set out in this report. Members were advised that consequential changes to the numbering of the conditions.

**RESOLVED** unanimously (with Councillor Neale not participating in the voting for the reasons stated above) to approve Application no 13/01928/F: Land and buildings rear of and including 293-293A Aylsham Road, Norwich, and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement by 23 May 2014, to include the provision of contributions to street tree provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

Implementation and construction requirements

1. Development to commence within 3 years;
2. Development to be in accordance with the approved plans and documents;
3. Tree protection measures required during development;
4. Construction works on the foodstore shall not commence until the sub-soil / near-surface contamination, and groundwater / floating product / dissolved phase contamination within the site has been remediated and treatment has been completed in accordance with the measures set out within the remediation method statement report AFH/10.042/OPPCond11/RMS/Rev01 (dated and received 06 September 2012 and as approved through application 12/00441/D), to the written approval of the Local Planning Authority in consultation with the Environment Agency, unless otherwise first agreed in writing by the LPA.

Operational requirements of the supermarket / foodstore

5. The development shall provide a maximum of 2,117sq.m. net retail floorspace, of which no more than 423sq.m. / 20% floorspace shall be used for comparison goods sales, whichever is the greater;
6. There shall be no future subdivision of the retail store into smaller units, and the comparison retail floor space provided shall not be accessed separately to the convenience floor space, nor shall it be operated by a different retailer to that of the convenience floor space, and nor shall it be operated separately to the convenience floor space;
7. There shall be no mezzanine floorspace added to the store, even though the usual permitted development allowance of 200sq.m;
8. Opening hours restriction of 0700 – 2300 hours Monday – Friday, and 0900 – 1800 Saturday, and 1000 – 1700 Sundays and Public Holidays, and outside of those times there should be no trolley manoeuvring or other servicing in the general car park;

9. No servicing and reversing alarms to be used on delivery and servicing vehicles, and details of reverse warning system to be agreed by the LPA prior to first use;
10. All engines to be switched off in delivery / servicing vehicles and auxiliary motors (e.g. on fridges) when vehicles are stationary;
11. Loading and servicing to only take place in the designated delivery yard accessed from the northern access route only, and all deliveries and loading to take place directly into the delivery bay collection area, unless otherwise agreed in writing by the LPA;
12. No deliveries to the store (with the exception of daily newspapers), nor refuse disposal from the store to take place outside the hours of 0700-2000 Monday – Saturday, and 1000-1700 hours on Sundays / Bank Holidays.
13. Upon first use of the store, the Travel Plan to be implemented and carried forward.

Details to be agreed prior to commencement of development

14. Contamination of subsoil - there shall be no commencement of the development hereby permitted until the details of a verification plan intended to confirm the completion of the remediation method statement in relation to sub-soil / near-surface contaminants (as required by Condition 4 of this permission) and implemented thereafter.
15. Contamination of subsoil – contamination works to be completed and a verification report based on Condition 15 shall be submitted to and approved in writing by the LPA in consultation with the Environment Agency. Details to include results of sampling and monitoring agreed by Condition 14 pursuant to the remediation method statement required by Condition 4.
16. Contamination of subsoil – (a) a long-term monitoring system agreed for near-surface/sub-soil contamination shall be agreed and commenced, (b) monitoring reports shall thereafter shall be supplied; (c) on completion of monitoring, a final report shall be submitted and approved.
17. Contamination of groundwater / floating product / dissolved phase – (a) a Detailed Quantitative Risk Assessment (DQRA) of the remaining groundwater / floating product / dissolved phase contamination to be agreed; (b) a remediation strategy scheme consequent to any contamination or residual risk as required relating to the outcome of the agreed DQRA required by Condition 17(a) to be agreed; (c) a verification plan to confirm completion of any remediation strategy required by Condition 17(b) to be agreed;
18. (a) a verification plan to be agreed detailing how verification reports shall demonstrate completion of the remediation works for groundwater / floating product / dissolved phase contamination as required by Condition 4 and Condition 17(b), which shall provide details of the data that will be collected in order to demonstrate that the works set out in the Condition 4 remediation strategy, and any additional works as may be required by Condition 17(b), are complete. (b) the verification reports to be approved, to include sampling and monitoring as agreed by Condition 17(c);
19. Contamination of groundwater / floating product / dissolved phase – (a) a long-term monitoring system shall be agreed; (b) monitoring reports shall thereafter be supplied; (c) on completion of monitoring, a final report shall be submitted and approved.
20. General contamination – A precaution measure used to agree a scheme for remediation of in the event of discovering any unknown contamination;
21. Surface water drainage scheme to be agreed and provided;

22. Landscape plan, boundary treatments, tree planting and irrigation details to be agreed and provided, and landscape management details to be agreed;
23. Biodiversity enhancement measures to be agreed and provided;
24. Details of materials of the supermarket to be agreed;
25. Details of the materials of the substation and sprinkler tanks to be agreed;

Details to be agreed and provided prior to first use / occupation

26. Details of solar panels to be agreed and provided thereafter;
27. A scheme for fire hydrants to be agreed and provided thereafter;
28. Submit and agree a revision to on-street parking controls (including more double-yellow lining to prevent on-street parking causing congestion) and relocation of the existing bus stop, and provide thereafter;
29. Highways and access works to be designed in detail, to be based on the designs shown on approved plan 12/239/TR/004 Revision H, dated 24.04.2014 and received 01.04.2014): (a) enhanced safety of the existing pedestrian refuge crossing south of the site; (b) providing the southern access into the site featuring both a pedestrian refuge and a 'raised table' crossing; and (c) the raised reinstatement of the footpath and a shared-surface access drive from Aylsham Road into the north of the site for servicing and delivery vehicles;
30. (a) An access scheme to be designed for serving allocated housing site R23 to the north; (b) such land to be reserved for that future access thereafter.
31. CCTV positions, detail, appearance and their field of view;
32. External lighting scheme, including being wildlife-friendly and compatible with neighbouring residential amenity;
33. (a) Employee cycle store and security lighting, and (b) Visitor / shopper cycle racks;
34. Car parking management plan to include a minimum 3 hours free car parking for the public irrespective of shoppers' patronage;
35. There shall be no installation of any plant or machinery, flues or fume extraction or ventilation equipment until the type and location and noise characteristics are agreed;

#### Informative notes

1. Planning obligation and Section 106 Agreement advice;
2. CIL advice;
3. Tree protection measures advice;
4. Sustainable urban drainage system advice from the Environment Agency;
5. Design advice from Norfolk Constabulary;
6. Fire hydrant advice from the fire protection officer;
7. Construction good practice advice.

#### Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. Following negotiations with the applicant and subsequent amendments, including extensive discussions, negotiations and amendments at the pre-application stage, the application has been approved subject to appropriate conditions, fulfilment of the Section 106 legal agreement, and for the reasons outlined in the planning applications committee report.

- (2) if a satisfactory S106 agreement is not completed prior to 23 May 2014, that authority be given to the Head of Planning Services to refuse planning permission for Application No. 13/01928/F: Land and buildings rear of and including 193-193A Aylsham Road, Norwich, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of street trees and a travel plan bond arrangement, the proposal is unable to provide the necessary street trees to replace those lost as part of the development and to form part of the streetscape landscaping required to make the scheme acceptable, and is unable to ensure the scheme will fulfil its travel plan requirements to ensure the scheme is as sustainable as possible and able to satisfactorily promote travel to the site via non-car means of transport, and as such is contrary to saved policies NE4, NE9, TRA12 and HOU6 of the adopted City of Norwich Replacement Local Plan (2004) and policies 4 and 11 of the adopted Joint Core Strategy (2014).

## **8. APPLICATIONS NOS 14/00224/MA 19 LEOPOLD ROAD, NORWICH, NR4 7AD**

The planning team leader (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports as a further representation had been received from an objector.

Members sought clarification that the building line would be in line with the adjacent terraced buildings. It was noted that there would be on-street parking.

**RESOLVED** unanimously to approve Application No 14/00224/MA 19 Leopold Road Norwich NR4 7AD and grant planning permission, subject to the following conditions:-

1. Commencement of development by 20th June 2015;
2. Development to be in accord with drawings and details;
3. Details of facing and roofing materials; boundary treatment, walls and fences; external lighting; joinery and glazing to rear of unit 1;
4. Details of cycle storage, bin stores;
5. Details of off-site highways works;
6. Details of Landscaping, planting and site treatment works;
7. Water efficiency measures;
8. Site contamination investigation and assessment to be carried out and if contamination is found a scheme of remediation and mitigation to be agreed and carried out. Should during development, contamination not previously identified be found development is to cease pending details to deal with contamination;
9. Details of contamination verification report; and
10. Monitoring and maintenance of contamination and implementation of any contingency action required.

Article 31(1) (cc) statement:

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the application stage the

application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

#### Informatives

Considerate construction and timing to prevent nuisance;

Protection suggested in relation to gas ingress;

Materials removed from site should be classified and disposed of at suitable licensed facilities.

### **9. APPLICATION NO 14/00477/F 9 ELLA ROAD, NORWICH, NR1 4BP**

The planner (development) presented the report with plans and slides, including an aerial view of the site.

The adjacent neighbour addressed the committee outlining his concerns regarding the development which comprised: concerns about overlooking and overshadowing of his property and loss of privacy; that the changes to the roof, gutter and windowsill would require access from his property; and that the site was too small for the proposed development.

The agent spoke on behalf of the applicant (the owner of 7 Ella Road) and said that the proposal had been redesigned to mitigate the neighbour's concerns. The side windows were for light rather than ventilation and it would be possible to change the design of the guttering so that it was "secret" or enclosed.

The planner informed the committee that the side windows would be obscure glazed and were fixed. There were no windows on the side of the detached property at no 9 Ella Road. He proposed that there was an additional condition to ensure that the guttering was hidden as proposed by the agent.

**RESOLVED** with 11 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Button, Gihawi, Grahame, Jackson, Little, Neale and Storie) and 1 member voting against (Councillor Brociek-Coulton) to approve 14/00477/F 9 Ella Road and grant planning permission, subject to the following conditions:-

1. STLC (3 years).
2. In accordance with the approved plan.
3. Detail of the guttering to be agreed.
4. External facing materials.
5. Landscaping.
6. Bin and cycle store details.
7. Side windows fixed shut and obscure glazed.
8. Removal of permitted development rights.
9. Water conservation.

#### Informatives

1) CIL

2) Considerate Construction

#### Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan,

national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

**10. APPLICATION NO 13/01873/F 1 AND 2 HOLMWOOD RISE, NORWICH, NR7 0HJ**

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting. A tree protection plan had been submitted which was considered acceptable. The officers recommended that condition 3 was amended as set out in the supplementary report.

During discussion the planner answered questions and showed the location of the driveway of the adjacent property in Stanley Avenue, 20m from the proposed development.

**RESOLVED**, unanimously, to approve Application No 13/01873/F and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years).
2. In accordance with the approved plans.
3. No works shall take place on site prior to the installation of the protective tree barriers in line with the tree protection plan received 29 April 2014. These barriers shall be maintained during the course of works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the barrier.

Informatives:

1. Considerate construction
2. CIL

**11. APPLICATION NO 14/00030/F FIELDGATE TOWN, CLOSE ROAD, NORWICH, NR2 2NB**

The planning development manager presented the report with the aid of plans and slides. Members were advised that the supplementary report of updates to reports which was circulated at the meeting contained a correction to paragraph 16 of the main report, which should state that the two windows to the bedroom would be obscure glazed and fixed, and the high level window to the bathroom would be obscure glazed. Condition 6 would therefore need to be amended.

**RESOLVED**, unanimously, to approve Application No 14/00030/F Fieldgate, Town Close Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plans
3. Weatherboarding and windows in accordance with details submitted
4. Details of roofing materials and facing brick prior to commencement



5. Details of Air Source Heat Pump (including noise levels)
6. The two windows to the bedroom will be obscure glazed and fixed, and the high level window to the bathroom will be obscure glazed.
7. In accordance with AIA (including replacement planting)

Informatives:

1. Development is CIL liable
2. Protective fencing for trees

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

**12. GARY HOWE, PLANNING TEAM LEADER (DEVELOPMENT)**

**RESOLVED** to record the committee's gratitude to Gary Howe for his contribution to the work of the committee and his long service with the council's planning services and to wish him well on his retirement after 42 years' service.

CHAIR



# Applications for submission to planning applications committee

## ITEM 4

5 June 2014

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4(1)	14/00324/F &14/00332/L	31	Land to rear of 39 Unthank Road	Tracy Armitage	Erection of 1 No. three bedroom dwelling.	Objections	Approve
4(2)	14/00388/F	53	137 Unthank Rd	John Dougan	Demolition of buildings and erection of shop, café and flat	Objections	Approve
4(3)	14/00396/F	73	Little Timbers 2 South Park Avenue	John Dougan	Erection of 1 no. eight person house in multiple occupation (HMO)	Objections and Member referral	Approve
4(4)	14/00269/F	87	240 Hall Road	Joy Brown	Erection of dwelling.	Objections	Approve
4(5)	14/00574/F	97	510 Earlham Road	Lara Emerson	Demolition of garage and erection of two storey rear and side extension, bin store and cycle store.	Objections	Approve
4(6)	14/00509/F	105	2A Kingston Square	Lara Emerson	Installation of front and rear dormer windows at first floor level.	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  
**Date** 8 May 2014

**Report of** Head of planning services  
**Subject** 14/00324/F Land to the rear of 39 Unthank Road Norwich  
14/00332/L Land to the rear of 39 Unthank Road, Norwich

**Item**  
**4(1)**

## SUMMARY

<b>Description:</b>	Erection of 1 No. three bedroom dwelling.	
<b>Reason for consideration at Committee:</b>	Objections received	
<b>Recommendation:</b>	14/00324/F - Approve, subject to conditions 14/00332/L - Approve, subject to conditions	
<b>Ward:</b>	Nelson	
<b>Contact Officer:</b>	Tracy Armitage	Senior Planner - Development 01603 212502
<b>Valid Date:</b>	6 March 2014	
<b>Applicant:</b>	Mr & Mrs J Deacon	
<b>Agent:</b>	Dennis G Black	

## INTRODUCTION

### The Site

#### Location and Context

1. The site comprises land used as part of the domestic curtilage of 39 Unthank Road, a semi-detached grade II listed building. There are two ancillary buildings on the site: located in the north-west corner of the site a brick built former coach house, currently used as a garage/store, and; towards the middle of the site a detached prefabricated garage structure. Within the site a gravel surface provides vehicular access to the garage buildings and this gives way to soft planted garden areas to the east and west. The northern boundary of the site is delineated by a brick wall approximately 2.3m in height. Beyond this boundary is a pedestrian passage which provides access to the rear gardens of no. 25, 27 and 29 Grosvenor Road. To the west of the site is Harold Mackintosh House set within a spacious landscape setting, this boundary is delineated by a laurel hedge and two mature beech trees. A close boarded fence forms the boundary of the site with 37 Unthank Road.
2. Vehicular access to the site is gained from Unthank Road via a shared driveway which also provides access to 41 Unthank Road and to the rear of 43-47 Unthank Road. The driveway is part gravelled, giving way to a grass surface.
3. The area has a mature residential appearance characterised by mid to late Victorian terraced housing and villas set on large garden plots.

## **Constraints**

4. The site is within Heigham Grove Conservation Area
5. No 37 and 39 Unthank Road comprise a pair of Victorian villas – jointly Listed, Grade II.
6. No 41 – 45 Unthank Road comprise a terrace of 3 Victorian villas – jointly Listed, Grade II
7. There are two category A mature beech trees on the application site
8. Land to the rear associated with Howard Mackintosh House is designated as Urban Greenspace and as Open space in the current and emerging Local plan.

## **Planning History**

9. No relevant planning history.

## **Equality and Diversity Issues**

There are no significant equality or diversity issues.

## **The Proposal**

10. Conversion and extension of former coach house for use as a dwelling. It is proposed to convert the existing building to provide bedroom accommodation, through the internal installation of a first floor, staircase, insertion of two rooflights and a new window opening on the southern elevation.
11. Single storey additions are proposed to the east and south of the coach house building to provide living accommodation. A flat roof, timber frame construction is proposed with walls faced with colour washed lime render. Two roofing materials are proposed sedum over the main living rooms and principal bedroom and single ply membrane over the dining room and circulation corridor.
12. A detached garage/cycle store is proposed adjacent to the proposed gravel driveway. This is of a similar design and form to the extensions proposed to the coach house, incorporating a flat roof / lime render/timber cladding.
13. Chain link fence and shrub planting is proposed along the new boundary to be created with 39 Unthank Road.
14. Both pedestrian and vehicular access is proposed via the existing shared driveway which leads from Unthank Road.

## **Representations Received**

15. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. In addition given that listed building consent is sought, the development has been advertised in the press and through site notices. Eight letters of representation were received in response to the first period of consultation. Following amendment, the plans were subject to re-consultation and eight letters were received. The table below summarises issues raised.
16. In addition correspondence was received from an adjoining owner regarding details of the access route and access rights. Furthermore a joint letter of representation was received



from six neighbouring households. This letter was sent directly to members of Planning application committee and included a formal complaint and a detailed critique of the officer report scheduled for consideration at 7 May 2014 meeting. The formal complaint raised criticisms over the consultation process and influenced the decision to withdraw the applications from that committee and to carry out a further period of publicity. The issues table below includes new objections raised in this letter and where appropriate the report has been amended to provide further clarification. It should be noted that many of the comments made in the letter disagree with the detailed appraisal of the proposal, the assessment against policy and the weight given to material considerations, the weight given to the various policy and material considerations and the balance of judgement is ultimately a matter for members to consider.

17.

Issues Raised	Response
Proximity to neighbouring properties – Amenity impact (loss of light/privacy/overlooking/odour) of existing proposal plus potential further impact in the future if extensions are added or alterations are made through the exercise of permitted development rights  Development fails to comply with adopted policy of providing for a high standard of amenity for existing residents  Loss of sense of peace and tranquillity	Para. 47-54  Recommended that planning condition removing permitted development rights is imposed.
Notice incorrectly served on owners with an interest in the land	Notice has been re-served
Impact of proposed access – safety considerations/noise/air/light pollution resulting from increased pedestrian and vehicular traffic	Para 52 and 60
Impact on view from adjacent properties	Para 50
Loss of green space/garden space - which affords properties on Grosvenor Road with 'borrowed' light and landscape	Para. 50
Light pollution – current 'dark space'	Lighting condition recommended
Noise – from use of garden area and from within the new property	Para 51
Odour associated disposal of foul waste and proposed package treatment plant.	Original proposal to use package treatment plant has been amended and a connection to the main drainage network is now proposed
Poor design – sprawling flat roof extensions/incongruous feature within Conservation Area	Para 38 and 39
1989 application for development at the Elms (49-77 Unthank Road) refused – impact on listed buildings/conservation area/amenity of adjacent	Development consisted of 68 sheltered housing units and 6 retirement bungalows. Materially different in form

residents/loss of trees	and scale to the proposed development.
Impact on the significance of the listing building The proposed development, fragmentation of the curtilage and the divorcing of the coach house from the host building, will cause substantial harm, contrary to national policy and S66 of the Planning(Listed Buildings and Conservation Areas) Act 1990	Para 30, 35-46
Proposed use and extensions to coach house compromise architectural/historic character Overwhelm curtilage listed building and will conceal historic significance Coach house is already in its optimum viable use Alterations are incongruous with listed coach house, host listed houses and wider Conservation Area	Para 35-46
Sub-division of the plot not consistent with form and character of conservation areas/historic boundaries of listed buildings The sub-division of the plot in 1998 should not be seen as a precedent for approving current application Impact harmful to the Conservation Area and contrary to national policy and S72 of the Planning(Listed Buildings and Conservation Areas) Act 1990	Para 36-38
Insufficient public benefits to justify harm to heritage assets	Para 45
Impact of development on trees – damage to root network, loss of permeable surface Proposed specialist construction method insufficient to protect the trees from damage Development will prejudice the survival of the trees	Para 55-59
Impact of trees on future dwelling and occupiers – health and safety risk/susceptible to wind damage and fork failure/cause anxiety to occupiers/ overshadowing/overbearing/result in unacceptable amenity levels.  Future pressure for trees to be removed.  Contrary to adopted policy to safeguard trees – trees significant features within Conservation Area	Para 57-59
Impact of development on bats	Para 61
Loss of garden space/environmental asset/space for wildlife	Para 61
Will set a precedent for garden/piece-meal development within Conservation Area	All applications are individually assessed having full regard to planning

	merits, development plan policies and other material planning considerations.
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Norwich Society: Objection - Application is of a poor design and detrimental to the conservation area in general and to its immediate neighbours in particular. Example of garden grab; large flat roof inappropriate; use of sedum does not compensate for expanse; overlooking from adjacent houses

Norfolk Fire and Rescue Service – Vehicle access should be provided in accordance with the Building Regulations

## Consultation Responses

18. Highways Officer: proposal is suitable in transportation terms for its proposed location. Details of access, parking provision, bike storage and bin storage are acceptable.

19 Tree Protection Officer: No objection - on the basis of the proposed mitigation measures and subject to the imposition of appropriate conditions the application should be achievable in arboricultural terms. 20 Natural Areas Officer: Requested further information regarding the beech trees and the existing prefabricated garage in terms of potential value as bat roosting sites. This has now been received and is satisfactory. Recommends biodiversity enhancements including indigenous shrub planting and artificial bat roost boxes and an informative regarding site clearance.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### National Planning Policy Framework:

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 12 Conserving and enhancing the historic environment

#### Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2014)

- 2 Promoting good design
- 3 Energy and Water
- 4 Housing delivery

#### City of Norwich Replacement Local Plan (adopted 2004)

- NE3 Tree Protection
- NE9 Comprehensive landscaping scheme and tree planting
- HBE 8 Development in Conservation Areas
- HBE9 Listed Buildings and development affecting them
- HBE 12 High quality of design, with special attention to height, scale, massing and form of development
- HOU13 Criteria for other housing sites proposals
- TRA6 Parking standards
- TRA7 Cycle parking
- TRA8 Provision in development for serving
- EP22 Protection of residential amenity

### Supplementary Planning Documents and Guidance

### **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

### **Emerging DM Policies**

#### **Development Management Policies Development Plan Document – Regulation 22 submission version (April 2013).**

Please note that these policies were submitted to the Planning Inspectorate on 17<sup>th</sup> April 2013 and have now been subject to formal examination. Some weight can now be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given

DM2 Ensuring satisfactory living and working conditions

DM3 Delivering high quality design

DM4 Providing for renewable and low carbon energy

DM6 Protecting and enhancing the natural environment

DM7 Trees and development

DM9 Safeguarding Norwich's heritage

DM12 Principles for all residential development

DM30 Access and highway safety

DM31 Car parking and serving

### **Other Material Considerations**

- Written Ministerial Statement: Planning for Growth March 2011
- Localism Act 2011
- Planning (Listed Buildings and Conservation Areas) Act 1990:  
Section 66 General duty as respects listed buildings in exercise of planning functions  
Section 72 General duty as respects conservation areas in exercise of planning functions.
- The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

"Any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits ... or Specific policies in the NPPF indicate development should be restricted".

## **Principle of Development**

### **Policy Considerations**

21. The site comprises garden land within a primarily residential area. With reference to Policy DM12 the land is not subject to any policy designation which specifically restricts residential development. Under national planning policies new housing development should be located within accessible locations on, where possible, previously developed land. The site is in an existing residential area with good connections to both the city centre and the local centre on Unthank Road. The proposed development would however be on non-previously developed land, as private residential gardens are excluded from the NPPF definition.
221. In such instances the National Planning Policy Framework recommends that local planning authorities set policies within development plans to protect gardens from development where it is considered necessary. Under the emerging Development Management Policies this issue has been considered but no policy is proposed. Instead it is recommended that development is considered in terms of visual impacts, impact on biodiversity and residential amenity, along with any other relevant planning considerations.
23. The key considerations in relation to this development proposal are:
- Whether the development preserves, enhances or better reveals the significance of designated heritage asset – in this case no 37-39 Unthank Road and the Heigham Grove Conservation Areas
  - Whether the development will result in satisfactory living conditions for existing neighbouring occupiers and future occupiers of the new dwelling
  - Whether the development will result in the long term protection of existing trees on the site
  - Whether access to the dwelling is satisfactory in terms of function and design
24. In relation to the first consideration above, the following statutory duties relating to listed buildings, setting of listed buildings and conservation areas are relevant:

S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides: "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".

The Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings 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.

S72 Listed Buildings Act 1990 provides: "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". It should be noted that The *Barnwell Manor* case principles (see above) are of similar application in the context of s72 duties, also, - i.e

considerable importance and weight is to be given.

### **Other material planning considerations**

25. The Norwich Policy Area does not currently have a 5 year land supply and therefore Local Plan policies for housing supply cannot be considered up-to-date. As a result the NPPF requires planning permission to be granted for sustainable development unless:
- ☐ "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or
  - . Specific policies in the NPPF indicate development should be restricted".
26. The sustainability of the proposed development is discussed in the following paragraphs along with heritage policies of the NPPF which specifically relate to development affecting listed buildings and conservation areas.

### **Assessment of heritage assets and significance**

27. Both the Planning (Listed Buildings and Conservation Areas) Act and the NPPF attach significant importance to the conservation of historic assets and require decision makers to have special regard both to the desirability of preserving listed building and their settings and the character or appearance of conservation areas
28. In assessing this application there are a number of heritage assets to consider: the heritage value of the building proposed for conversion; the listed buildings of 37-39 Unthank Road and their setting; adjacent listed buildings (41-47 Unthank Road) and their settings and the Heigham Grove Conservation area.
29. The coach house building is curtilage listed and located within the L shaped garden area of 39 Unthank Road. The OS map of 1884 indicates the building dates from the late 19<sup>th</sup> century and was originally L shaped in plan form with a small lean-to and covered yard. The historic maps indicate the coach house within the curtilage of no 37 Unthank Road accessed via two tracks; the wider and principal access running along the northern boundary of no 37 and a secondary access across the rear of no 39. The building was modified sometime during the mid-20<sup>th</sup> century possibly coinciding with a change of use from a coach house to more of a garage use which has continued through to the present day. It is understood that in 1998 the coach house was acquired by the owners of no 39 Unthank Road, together with the land forming an extension to the garden.
30. Two elevations of the coach house, mainly the east and south, have been extensively modified during the 20<sup>th</sup> century. The east elevation contains Fletton brickwork and timber infill which dominate the elevation. From map evidence and evidence of scaring on the building it can be deduced that an additional building was attached to this elevation that has since been demolished. The only area of original brickwork on this elevation is on the upper areas of the gable end. Approximately half of the south elevation has replacement brickwork with a crude blind gothic arch. While these changes are evolutions of the building they do nothing to add to the character or value of the structure. The north and west elevations remain relatively complete and original. It is considered that the building has limited architectural value and that the significance of the building is created by its association with 37 and 39 Unthank Road.
31. Number 37 and 39 Unthank Road are listed as a pair of mid C19 yellow brick houses. The listing description focuses on the architectural elements of the buildings including the form and detailing of sash windows, pilasters, projecting porches and bays. Each property has

a generous mature rear garden. A brick garden wall along the north boundary of no 37 separates the plot from the adjacent higher density Victorian terraces. The gardens, the wall and the coach house building, contribute to the setting of 37 and 39 and reflect the status and wealth of the occupiers of these villas in the mid to late C19. It is considered that the significance of the listed buildings is primarily focused on the architectural merits of the facades of the pair of houses. The spacious landscaped gardens, the wall and the ancillary buildings contribute to the significance of the listed buildings, reflecting the historic and current residential function and allowing for the buildings to be both visible and appreciated.

32. Both the site and its surroundings are within the Heigham Grove conservation area. The Heigham Grove Conservation Area Appraisal indicates two relevant character areas. No 37 and 39 along with properties on Unthank Road and land to the rear, fall within an area characterised by '*mid to late 19<sup>th</sup> century villas*'. The coach house itself along with adjacent properties on Grosvenor Road fall within an area characterised by '*medium sized 19<sup>th</sup> century terraces that are varied in character*'. The pattern of development in the former character area is low density, with large residential properties occupying spacious/mature garden plots. This contrasts with the adjoining area characterised by terraces properties, where plot sizes are far smaller and densities significantly higher.
33. The site predominantly falls with the 19C Villa character area the significance of which lies in both the age and quality of the buildings and the green spaces created by the gardens and tree coverage. It should be noted that many of the buildings within the locality are either statutorily or locally listed. Of particular note is the terrace of 41-47 Unthank Road which is grade II listed and located directly to the south of the application site boundary. The listing description for these properties focuses on the architectural elements of the terrace

### **Impact of the development on heritage assets**

34. In considering impact it is necessary to have full regard to duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant policies of the NPPF. Both require considerable importance and weight to be given to the desirability of preserving designated heritage assets and their settings. The NPPF recognises that the protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (para 6, 7 and 14). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alterations to them or by development in their setting (paragraph 132). Furthermore, para 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of heritage assets should be treated favourably. Saved Replacement Plan Policy HBE9 and emerging Policy DM9 require all development to have regard to the historic environment and maximise opportunities to preserve, enhance, or better reveal the significance of designated assets. It is therefore in this context that the impact of the development on the significant elements of the statutory designated heritage assets has been considered.
35. The development proposal will result in the removal of the coach house and associated land, from the ownership of either 37 or 39 Unthank Road. As a consequence the curtilage of both properties will be permanently reduced and the function of the coach house as an ancillary building through ownership will cease. In considering the principle of this separation and the impact on the significant elements of 37-39 Unthank Road, account has been taken of a number of matters including: the change in ownership of the coach

house and associated land in 1998; the extent of garden curtilage retained to the rear of 37-39 Unthank Road, and; any consequences for the functioning of no 39 Unthank Road.

36. The change in ownership of the coach house in 1998 resulted in the historic use of that building by the owners of 37 Unthank Road ceasing. At that time the ownership boundaries of both properties changed - the garden area of 37 Unthank Road was shortened and that of no 39 extended to create an L shape. English Heritage in their document 'Enabling Development and Conservation of Significant Places', provides guidance to local authorities on how to consider proposals to fragment listed buildings from their curtilage and their listed curtilage structures. The advice indicates that whilst there is no legal sanction to stop such fragmentation, where such division does occur local planning authorities should take a firm line against granting consent for any development which could be considered detrimental not only to the asset or its setting but also to its long-term viability.
37. However, in this particular instance it is considered that the proposed sub- division and the loss of the ancillary building would not be detrimental to the architectural significant elements of the listed buildings nor their setting. Although it is acknowledged that the setting of these buildings contributes to their significance, the scheme allows for this setting to be substantially maintained given the length of private gardens retained (no 37 = approx. 48m. No 39 = approx. 30m). Both properties will retain an open rear aspect and rear views of the pair of villas will remain uninterrupted. No 39 would retain parking facilities within its reduced curtilage and therefore the functioning of neither property would be compromised. It should also be noted that it is not proposed to erect a new solid boundary between the new plot and number 39 Unthank Road. Instead a soft landscaped boundary is proposed consisting of a chain link fence and native shrub planting and this will blur the division of the garden space. The will allow the visual relationship of the coach house as a historic ancillary building to number 37 and 39 to be retained. On the basis of these considerations the subdivision it not considered detrimental to the listed buildings or their setting nor long-term viability.
38. In relation to the curtilage listed coach house the proposals have sought to: minimise alterations to the historic fabric of the coach house and adjoining listed boundary wall; design the extensions in a manner that allows a clear differentiation between historic and new elements, and; create a domestic curtilage which responds to the landscape context. The alterations to the original fabric comprise the insertion of one window and two small conservation style roof lights and are considered acceptable. Although the extensions significantly increase the footprint of the coach house (36sqm) by approx. 104 sqm, the single storey height of the additions reduces visual impact. Other than a minor extension, in a location where historically a lean- to structure existed, the extensions step away from the brick boundary wall, allowing the listed wall to continue to be visible as a curtilage feature. In contrast to the brick and slate construction of the coach house, the principal facing materials of the extensions will be lime render and sedum. The design approach is intended both to be sustainable and low impact, allowing the coach house to be viewed as the original core building and minimising the visual impact of the additions on 37 and 39 Unthank Road. In this regard the Council's Conservation and Design officer considers the design approach to be successful.
39. Representations have been critical of the new build additions to the coach house. Reference is made to their extent, design and the swamping impact on the historic building. The analysis set out in the preceding paragraph seeks to respond to such criticism. It should be noted that the Council's Conservation and Design officer considers the coach house to have very limited heritage value in its own right. Modern alterations to



the west and south elevations have eroded the character of this former coach house which originally would have had a simple functional appearance. The scheme successfully retains the original fabric of the coach house building and replaces poorly altered elevations with extensions that are based on a coherent contemporary design.

40. The design approach is also considered sympathetic to the conservation area setting. As described previously the significance of this part of the conservation area is intrinsically linked to the quality and age of the buildings and the landscape setting. Although the site is situated behind properties on Unthank Road and Grosvenor Road and therefore is not widely visible – the site is visible to a number of residents living within the conservation area. However, the single storey form of development and the proposed materials will minimise visual impact. Large garden areas to the rear of 37-39 Unthank Road will be retained along with the existing mature beech trees. It is considered that these design parameters pay special attention to the desirability of preserving the character and appearance of the conservation area as the development has responded to the significant elements of the designated heritage asset.
41. Vehicular and pedestrian access to the site relies on a shared track which is jointly owned by no 39 and 41 Unthank Road. The access is part gravelled/part grass and provides a rear access route for the occupiers of 39-47 Unthank Road. The proposals include the extension of the gravel surface. Plans have been submitted indicating that existing soft planting will be maintained either side of the access route and confirm that a hard kerb edge will not be created. The existing landscaping given its maturity and height will continue to give the access an informal appearance and as such the works will have minimal impact on the setting of no 41 Unthank Road, a grade II listed building.
42. Saved Replacement Plan Policy HBE9 and emerging Policy DM9 require all development to have regard to the historic environment. Both the Listed Buildings Act 1990 and the NPPF attach significant importance to the conservation of historic assets and require decision makers to have special regard both to the desirability of preserving listed building and their settings and the character or appearance of the conservation areas.
43. Representations received in relation to this application have suggested that the proposals will be incongruous with the listed coach house, the host listed houses and the character of the wider conservation area. It is also suggested insufficient weight has been attached to the desirability of preserving the listed buildings and that the harm to the designated heritage assets is not justified by public benefit or the securing optimum viable use.
44. Para 132 of the NPPF advises that *‘when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.’* In this instance the coach building has low heritage value and is located some distance from the host listed buildings. The significance of the host listed buildings will not be substantially harmed by the development given that the architectural merits of the facades are unaffected and the significant surrounding gardens will only be reduced marginally while retaining a visual association. The scale and form of development will neither cause substantial harm to the listed buildings nor the character and appearance of the conservation area. However, it is accepted that without development the full extent of the historic curtilages of the listed building would be retained and the coach house would remain in an ancillary domestic use, as such the development is considered, in the context of the NPPF, to result in less than substantial harm.
45. Paragraph 134 of the NPPF requires that where a development will result in less than

substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case given the low heritage value of the coach house and the level of impact of the proposals on the host building and the conservation area, the public benefit of delivering new housing is considered to outweigh the less than substantial harm to these heritage assets. In addition the dwelling will make a contribution to the shortfall in the 5 year land supply within the Norwich policy area. In relation to the optimum viable use of the former coach house, the existing domestic garage use has resulted in a number of alterations that have diminished the significance of the original structure. The proposed use secures conservation of the original coach house fabric and is considered an acceptable use of this building of limited heritage value.

46. In accordance with Section 66 and 72 of the Act considerable importance and weight has been given to the desirability of preserving the setting of the heritage assets and their settings. It is considered that the significance of the listed buildings and conservation area is sustained and that the use of the coach house for residential purposes is sustainable and indeed will make a positive contribution to local character and distinctiveness.

### **Impact on Living Conditions**

47. The proposal results in the introduction of an independent dwelling into a rear garden location previously only used for ancillary purposes. The coach house building directly abuts the site boundary and alterations and extensions to it will be in close proximity to existing residential properties, in particular 37 Unthank Road and 25-29 Grosvenor Road. In addition access to the site crosses the frontage of no 41 Unthank Road which directly fronts onto the shared driveway. The impact of the proposed building work and the introduction of residential activity on the amenity of neighbouring property has been the focus of a number of representations.
48. Replacement Local plan policy EP22 and emerging policy DM2 seek to ensure that new development provides for a high standard of amenity to existing or potential residential premises in the vicinity.
49. No 27 and no 29 Grosvenor Road are terraced properties that are located to the north of the application site. The properties have modest rear garden approx. 6.5m in length and are separated from the application site by a rear access passage. The coach house immediately abuts the rear access passage along with the listed brick wall which ranges in height from 2.5m to 3.2m. A single conservation style roof light is the only alteration to the north elevation of the coach house. This provides light to a first floor landing and obscure glazing is proposed.
50. The proposed single storey extensions range in height between 2.5m to 2.8m. Other than a minor bathroom addition, the extensions are set in from site boundaries by a minimum of 1.5m. Given the scale and siting of the additions and the height of the boundary wall the extensions are unlikely to be visible from the ground floor windows and garden areas of no 25, 27 and 29 Grosvenor Road and there will be no resulting overshadowing or overlooking impact. The extensions will be visible to neighbours from upper floor windows. However, the outlook will be of a single storey flat largely sedum covered roof. Other than a single aspect roof light facing away from the boundary no structures are proposed at first floor level.
51. The proposed garden area is indicated as extending both to the front and side of the dwelling. The use of this amenity space by future occupiers is likely to give rise to some external noise. However, having regard to the existing garden use of the land and the

location of this site within a residential area, any increase in noise levels is likely to be marginal and acceptable.

52. 41, Unthank Road is an end of terrace property which faces the proposed access to the site. The principal elevation of the property fronts on to a gravel driveway, which is jointly owned by the owners of 39 and 41 Unthank Road and owners of 43-49 have access rights. Although there are garage style out-building's sited to the rear of 43-49 it is unclear the extent to which they are accessed by or used for the storage of vehicles. Given the constrained manoeuvring areas and the current soft surface, vehicular use is assumed to be negligible. The application site is currently accessible by cars and at the time of the site visit a car was garaged within the coach house building. The introduction of an independent dwelling is very likely to result in the increase in vehicular use of the driveway above existing levels, as the driveway will be the sole means of access for the owners and any visitors. This is likely to result in increased noise associated with the more frequent comings and goings from the site. Although this is likely to result in some loss of amenity for the occupiers of no 41 Unthank Road, given the existing shared use of the driveway, the increase is not considered to be of a level to justify refusal on loss of amenity grounds. In the event of planning approval a planning condition restricting the installation of lighting along this access route is considered necessary in order to minimise impact.
53. Subject to the qualification set out above, it is considered that the development substantially complies with the requirements of policy EP22 and DM2 and adjoining residents living on Grosvenor Road will continue to experience good levels of amenity.
54. A number of representations have highlighted the impact of future alterations and extensions that could be carried out to the proposed dwelling though the exercising of permitted development rights. It is recommended, in the event of planning permission being granted for a dwelling on this site, that given both the sensitivity of the location and the close proximity of neighbouring properties, permitted rights that normally extend to domestic properties should be removed. This will allow any future alterations to be fully assessed both in terms of design and impact on neighbours.

## **Trees**

55. There are two mature beech trees located within the curtilage of the application site. The trees are classified as category A and have a high amenity value. The trees are in good condition and make a significant contribution to the character and appearance of the surrounding area. Indeed the trees are identified as part of the natural character of the Heigham Grove conservation area in the adopted Conservation Area Appraisal. Policy NE3 and emerging policy DM7 requires trees to be retained as an integral part of the design of development. Where a development is proposed within the tree root protection area, policy requires provision to be made for their care and protection throughout the duration of the development with mitigation being put in place to ensure that development works do not have a harmful impact.
56. The majority of the new building work is proposed outside of the canopy spread of the existing trees. However, most of the proposed garage structure and approximately a third of the proposed additions to the coach house fall within the root protection area of the two beech trees. The planning application has been accompanied by an Arboricultural Impact Assessment. As originally submitted the Council's Tree Protection Officer was not satisfied that this provided the necessary evidence and mitigation recommendations to ensure that the trees on the site would be safeguarded into the future.

57. In response to advice from the Tree Protection Officer the details of the proposal have been revised and a detailed foundation scheme has been submitted. The revised approach seeks to minimise excavation within the root protection area by proposing a floor slab above ground level supported by mini piles. This method confines surface disturbance to 50mm and allows for supporting piles to be driven in locations to avoid the existing root network. In addition the proposal seeks to compensate for the reduction in permeable ground within the root protection area, through the use of a rainwater harvesting system which will divert water captured from roof areas to the tree roots beneath. The council's Tree Protection Officer has indicated that this approach is appropriate and that the details set out in an accompanying Arboricultural Method Statement (AMS) are also acceptable. The council's Tree Protection Officer has confirmed that subject to the imposition of suitable tree protection conditions the existing trees will be retained as an integral part of the design of development.
58. A number of representations have highlighted the scale of the existing trees and the overshadowing impact they will have on the proposed residential plot. The submitted Trees Constraint Plan confirms that given the location and scale of the trees the property and the associated amenity space will be overshadowed at times during the day. Representations suggest this will impact on the liveability of the dwelling and that this along with concerns over damage/insurance cover may rise to future applications for the trees to be removed. The susceptibility of beech trees, in particular, to fork failure is also highlighted.
59. The beech trees are in good condition and with the permission of the council, have been subject to responsible management by the present owner/applicant. The trees have been crown lifted and although this has created a sense of openness, they are and indeed will remain the dominant visual feature on the site. However, the fact that the detailed design approach has recognised the trees as a significant natural asset and the low impact, green design, along with the mature trees will make this development distinctive and set it apart from other developments. The result is a new dwelling which will offer future occupiers a distinctive place to live and one many would consider offers benefits in terms of lifestyle and wellbeing. The applicant intends to live in the new dwelling himself but any future occupiers would also be aware of the trees on the site, their protected status and would be responsible for their retention and safe management. There is the risk that the approval could lead to future pressure for the trees to be removed. However, any future tree works would be subject to control since consent from the council would be required. Given the significant amenity value of the trees there would remain strong grounds in the future for the trees to be safeguarded. On the basis that the trees are an integral component of the scheme and the benefits associated with the development as a whole, a refusal focused on possible future pressure for removal is not considered fully substantiated.

## Transport and Access

60. The Local Highways Officer has confirmed that the proposal is suitable in transportation terms. The gravel drive is considered satisfactory for access purposes and there is space within the site to provide parking for both cars and cycles. Given the scale of the proposal and the number and speed of vehicle movements the development raises no unacceptable safety concerns.

## Other matters

61. Representations indicate that the site along with adjoining gardens and green spaces are used by bats for foraging purposes. Given the nature of the building work, existing buildings and trees have been investigated to establish whether they are used for roosting purposes. The Council's Natural Areas Officer has considered the survey findings submitted by the applicant's ecological consultant and is satisfied that the existing trees and buildings on the site are of negligible value to protected species. On this basis no specific mitigation is required. The applicant has proposed to install artificial roosts to enhance the value of the site to the local bat population.

## Local Finance Considerations

62. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

Financial liability?	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band.
Community Infrastructure Levy (CIL)	Yes	£75 per sqm

## Conclusions

63. It is considered that the proposal constitutes sustainable development. An existing building will be re-used and extended to create a new dwelling in a location where the future occupiers will enjoy both good amenity levels and be within a convenient walking distance of a full range of facilities and services. The impact of the development on designated heritage assets has been fully assessed. It is considered that the development has responded positively to the constraints of the site and that the relevant heritage assets and their settings will be substantially preserved. The development has been designed to minimise impact on adjoining neighbours and the existing beech trees. The dwelling will make a minor positive contribution to addressing the existing shortfall in the 5 year housing land supply. The development is therefore 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.

## RECOMMENDATIONS

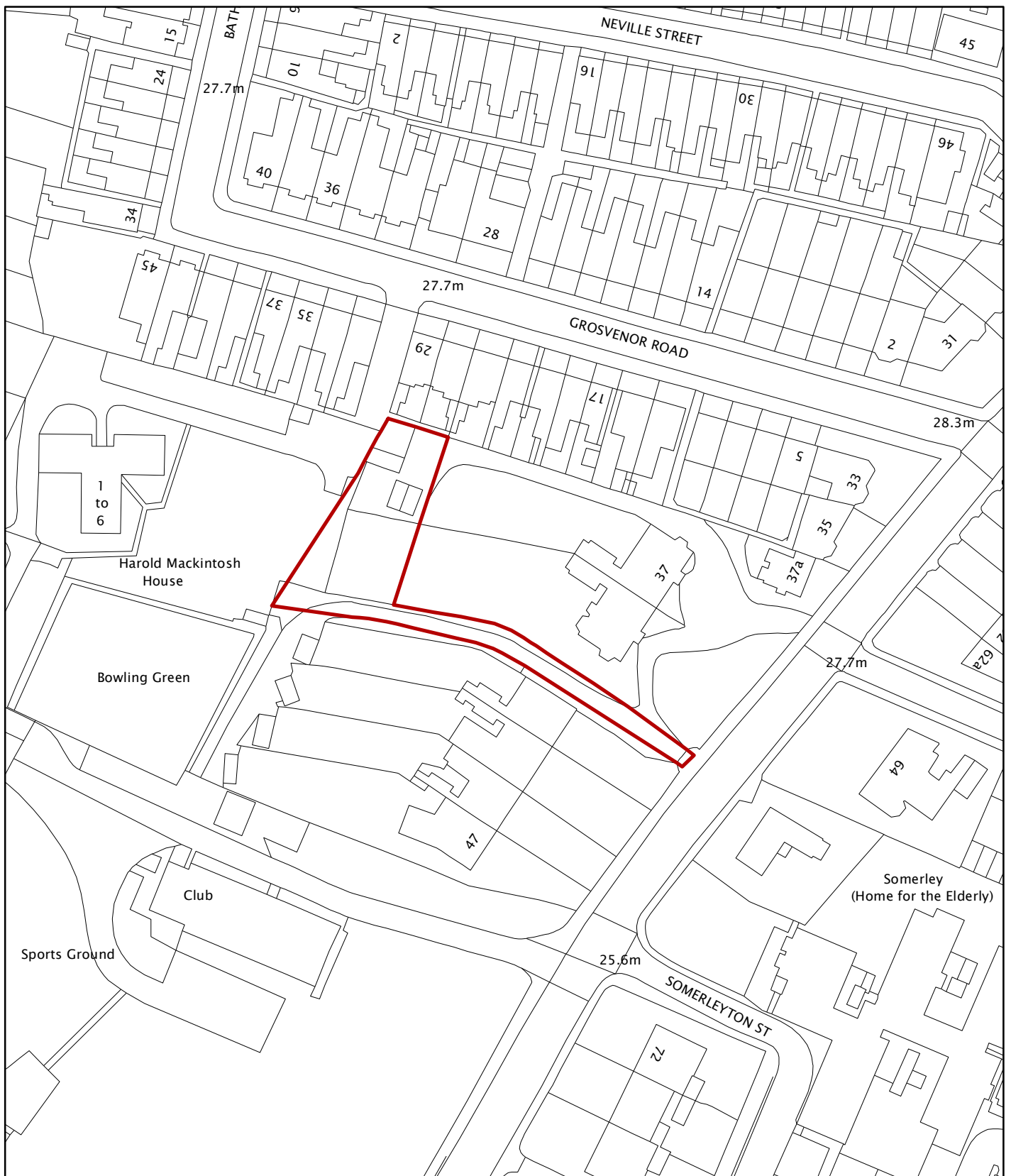
To approve:-

(1) Application No 14/00324/F at land to the rear of 39 Unthank Road and grant planning permission, subject to the following conditions:-

1. Standard time
2. In accordance with the submitted plans and details
3. Prior to commencement - detailed plans/specification to be submitted and approved; external lighting (including restrictions on lighting to the access), all external joinery (including roof lights), sedum roof construction/management, soffit cross-section, rain water goods.
4. Material samples/details of lime render mix
5. Details of all tree protection measures/mitigation
6. Detailed landscaping scheme/hard surfaces/bio-diversity enhancements
7. Implementation of access and parking arrangements prior to first occupation
8. PD rights removed – fences/out buildings/extensions/roof alterations/insertion of windows

(2) Application No 14/00332/L at land to the rear of 39 Unthank Road and grant listed building consent, subject to the following conditions:

1. Standard time
2. Details of mortar/brick type where repairs to coach house /boundary wall are necessary
3. Details of any replacement slates



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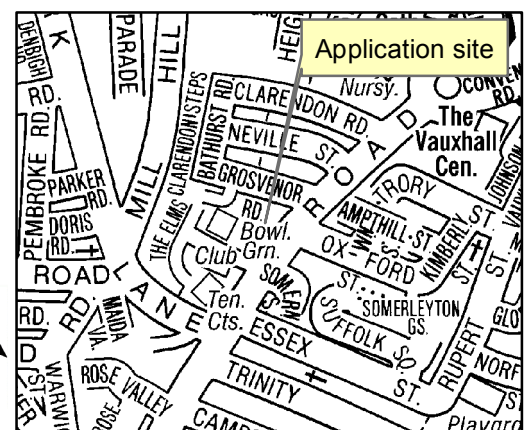
Planning Application No 14/00324/F & 14/00332/L  
 Site Address Rear of 39 Unthank Road

Scale 1:1,000



**NORWICH**  
 City Council

PLANNING SERVICES



14 00324F

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Revised

14 APR 2014

Planning Services

OPACIE GRADING  
TO REEFLIGHT  
OVER LAMENING  
  
BRICKWORK & SLATES  
TO EXIST BUILDING  
RETAINED & REPAIRED

NORTH

EXTA BRICK  
WALL TO BOUNDARY.

SOUTH

STO RENDA OR SIMILAR TO WALLS  
BRONZE ALUMINIUM DOORS,  
WINDOWS & FASCIES

A - EXIST SLOPING WHEEL SPOT

OBSCURE

**Dennis  
BLACK**  
associates

Architects

2 Hethersett Road, East Carlton, Norwich, NR14 8HX  
Tel & Fax: 01508 570696

job

PROPOSED DWELLING  
REAR 39 UNTHANK ROAD  
NORWICH

drawing

ELEVATIONS  
SKETCH VIEW

Organisational Development

15 APR 2014

Post Room

scale

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SKETCH VIEW



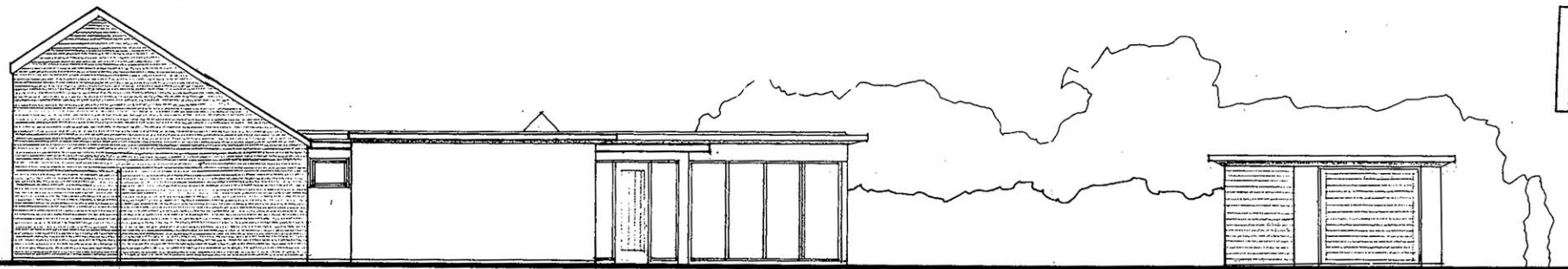
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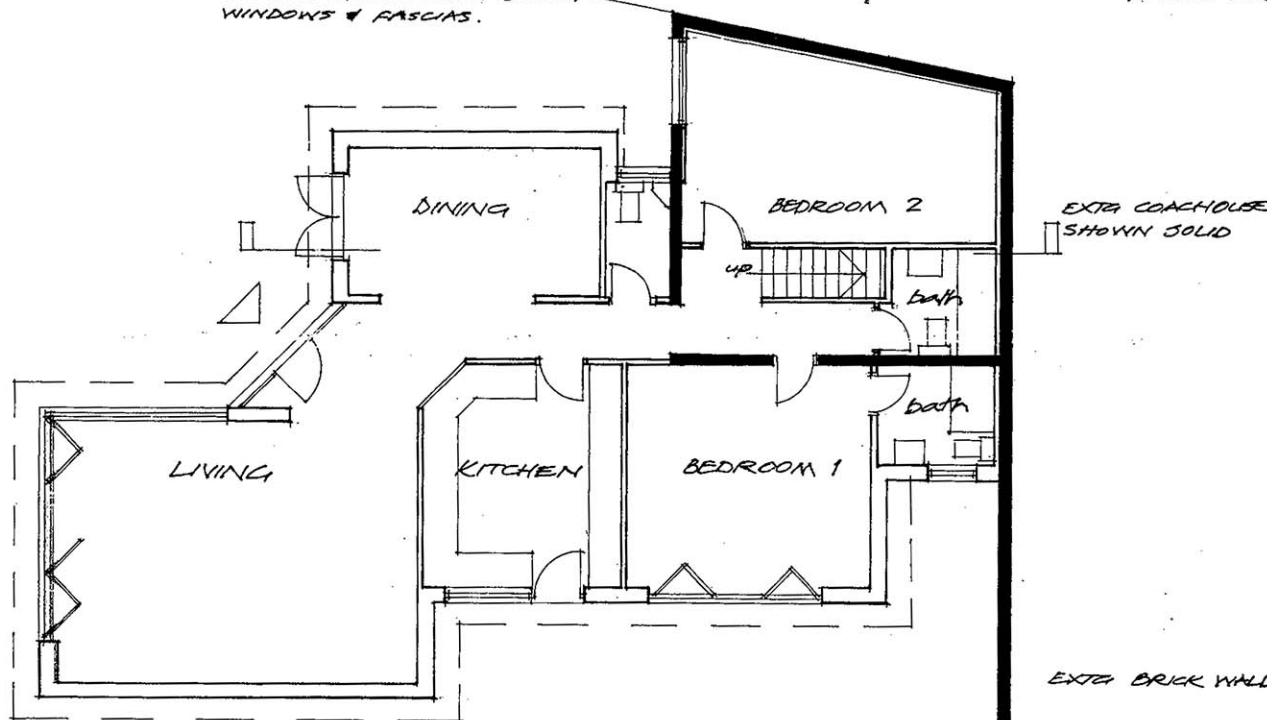
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14 APR 2014  
Planning Services



WEST  
OPAQUE GLAZING TO FIXED WINDOW  
STO RENDER OR SIMILAR TO WALLS  
BRONZE ALUMINIUM DOORS, WINDOWS & FASCIAS.  
TIMBER CLADDING TO SHED AREA  
TIMBER GARAGE DOORS



GROUND FLOOR

EXTRA CLOSE BOARDED FENCE

49

A. NW WINDOW TO BED 2 OMITTED 080414

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Tel & Fax: 01508 570696

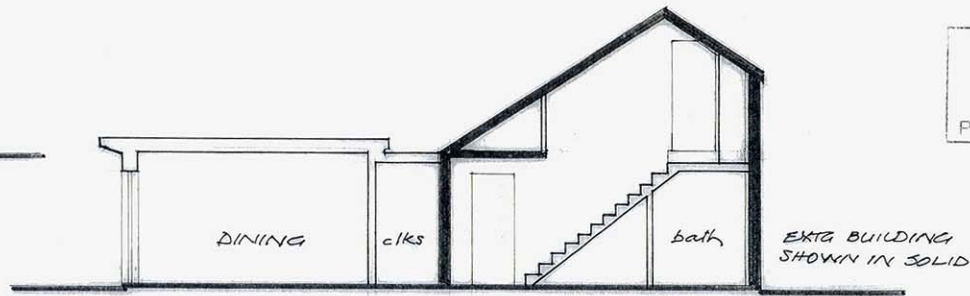
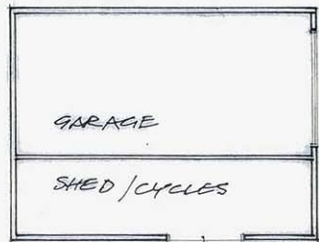
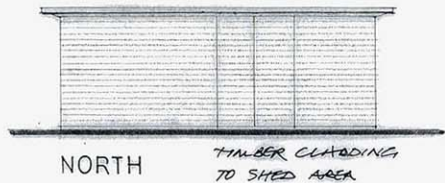
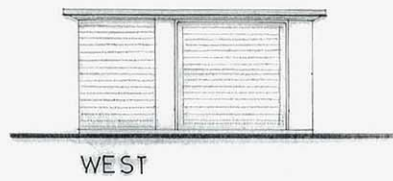
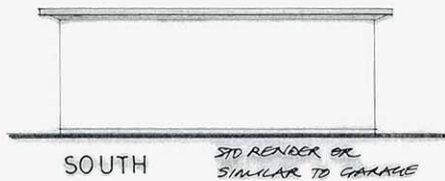
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PROPOSED DWELLING  
REAR 39 UNTHANK ROAD  
NORWICH

drawing  
GF PLAN  
ELEVATION

Organisational Development  
1.5 APR 2014  
Post Room

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14 00324F

Revised

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14 APR 2014

Planning Services

A. GARAGE MOVED 500mm to N  
INCLUDING EXISTING SERVICES  
LINE SHOWN 140414

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job

PROPOSED DWELLING  
REAR 39 UNTHANK ROAD  
NORWICH

Organisational Development

15 APR 2014

Post Room

drawing  
LOCATION PLAN  
SITE LAYOUT  
SECTION  
GARAGE

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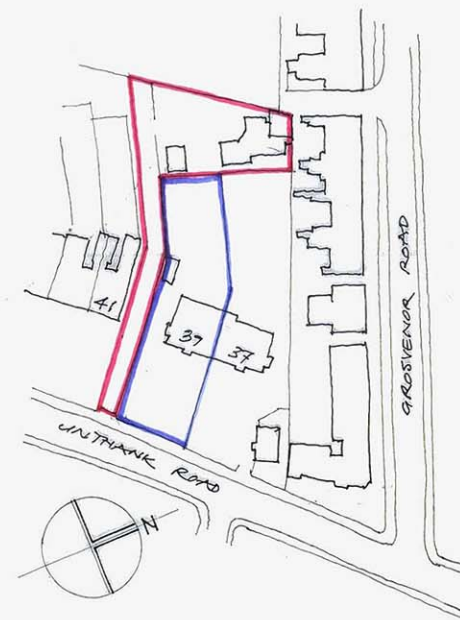
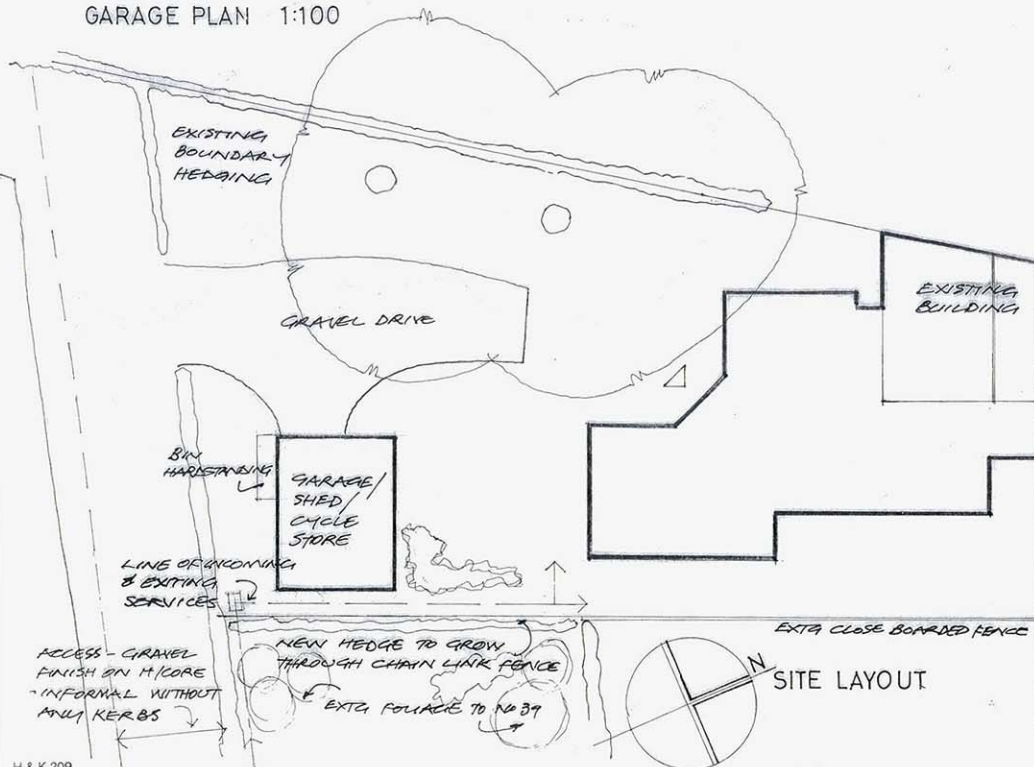
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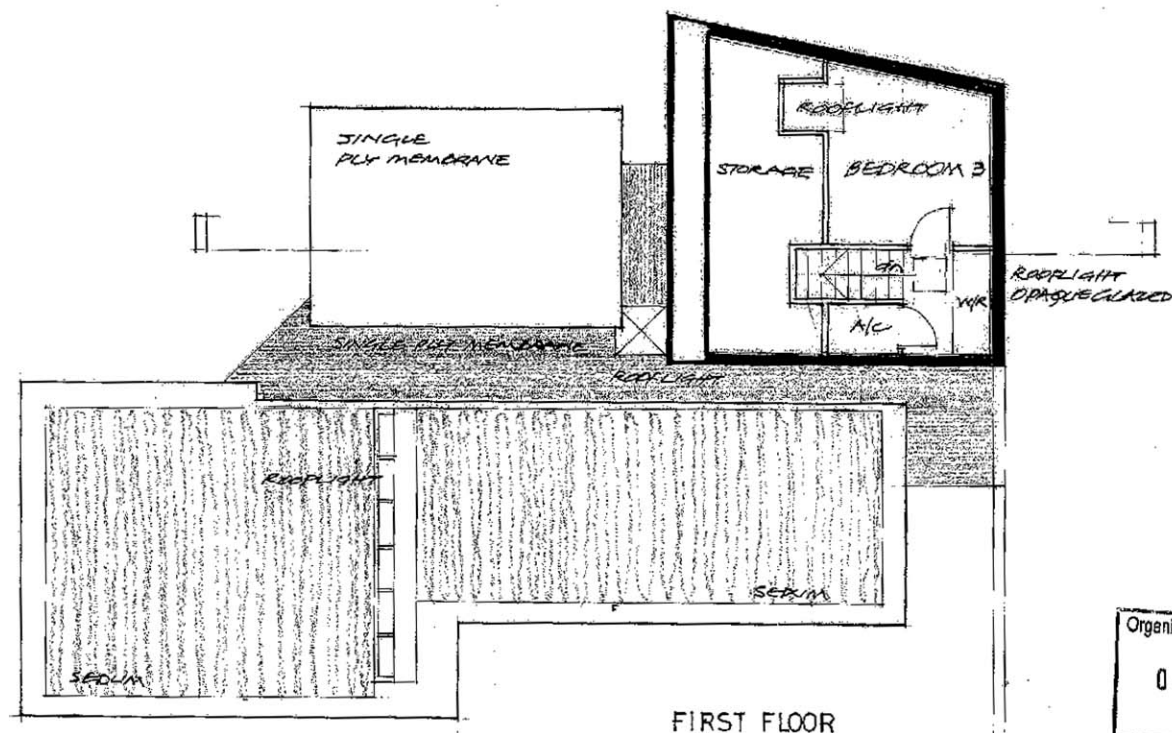
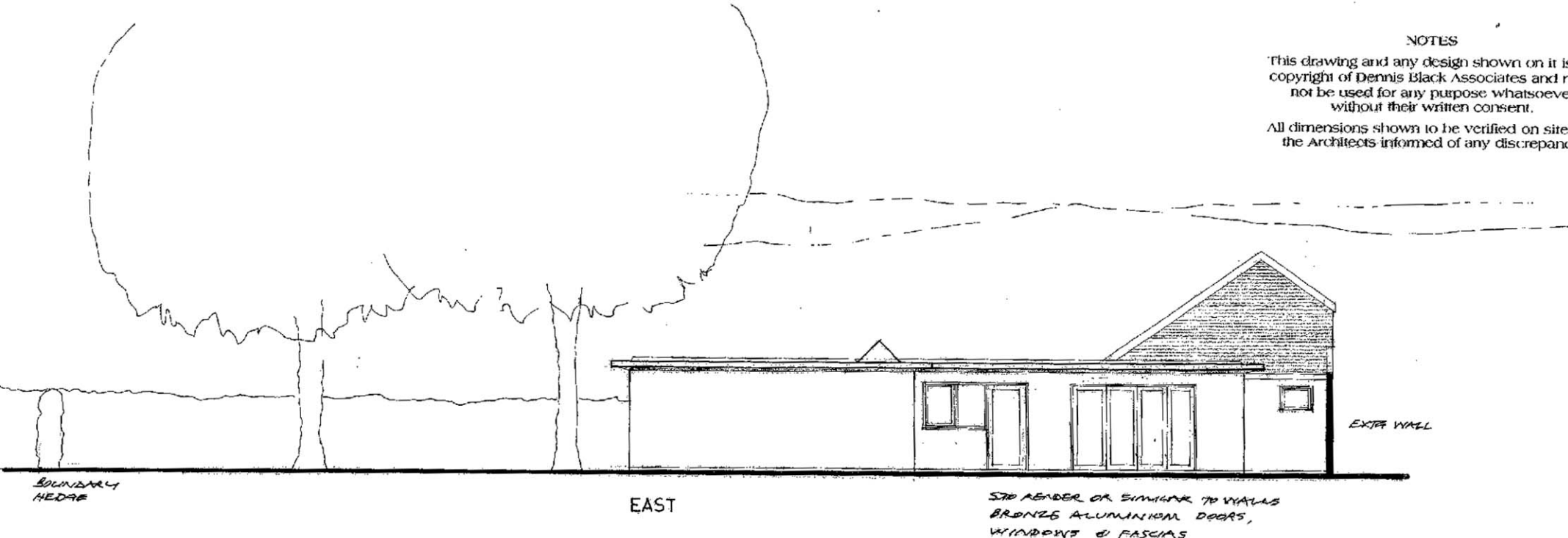


LOCATION PLAN

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Job

PROPOSED DWELLING  
REAR 39 UNTHANK ROAD

drawing

FF PLAN  
ELEVATION

scale drawn date

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Organisational Development

04 MAR 2014

Post Room

FIRST FLOOR

51



Item  
4(2)

## SUMMARY

<b>Description:</b>	Demolition of the existing shop, outbuildings, retention of the former workshop building and erection of a new building containing a shop (A1) and café (A3) on the ground floor and 1 no. dwelling above. The proposal also includes an external sales area to the rear and front forecourt.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approval
<b>Ward:</b>	Nelson
<b>Contact Officer:</b>	Mr John Dougan Planner 01603 212504
<b>Valid Date:</b>	19 March 2014
<b>Applicant:</b>	Mr Mark Webster
<b>Agent:</b>	Lucas Hickman Smith

## INTRODUCTION

## The Site

## Location and Context

1. The application site is located between the Heigham Grove conservation area and the Newmarket Road conservation area. The character of the surrounding locality consists of a mix of residential 19<sup>th</sup> century villas and houses, shops, estate agents, takeaways and some cafes.
2. The adjoining properties to the rear boundary of the site (west) are residential and command a significantly higher elevation to that of the application site. The properties on opposite side of Unthank Road are predominantly residential.
3. The site is currently vacant and with elements being in varying degrees of disrepair. It is understood that the extant use of the site is retail (A1) and a workshop (B1) which was operated for years by Burrell and Sons an Ironmongers and DIY store. The existing A1 retail presence occupied a net tradable area of 158 sqm.
4. 137 Unthank Road dates from the mid to late 19<sup>th</sup> century and is not statutorily of locally listed. It is a two-storey detached building at 6.8 metres high in rendered brick with a dual pitched roof, with its ridge being approximately 0.5 metre lower than the adjoining properties to the north and south and commands a distinctive presence with the parade of shops along this stretch of Unthank Road.
5. The main building has been adapted and extended over the years, but its profile,

form and detailing remains with the more modern single storey additions being to the rear. The building retains some of its original detailing including its pilasters and mouldings to the shop front.

6. The north gable shows evidence of rebuilding with steel ties inserted at roof level. The rear slope has been altered and a section of glass blockwork installed into the gable elevation. The rear elevation displays some significant structural cracking within the block brickwork.
7. Its curtilage comprises a covered side access to the north, an access to the south side and a rear yard area comprising single storey flat roof extension, a detached flat roof outbuilding and a large single storey workshop.
8. The site has parking for approximately 2 cars, although there is no formal access arrangement due frontage being blocked by a pedestrian guard rail and crossing. The premises are within a controlled parking zone.
9. There is currently no boundary treatment to the residential property to the south.
10. The site is within a critical drainage area as defined in the emerging development management policies document (DM5).

### **Planning History**

**08/01062/U** - Change of use from ironmongers/DIY store (A1) to residential letting and estate agency (A2). (REF - 23/12/2008)

**13/00900/F** - Demolition of existing shop, outbuildings and erection of 1 No. shop with 2 No. dwellings above. (WITHDN - 22/08/2013)

11. The previous application was withdrawn by the applicant in response to concerns by officers regarding the loss of the original building and the proposal being at odds with the streetscape.

### **Equality and Diversity Issues**

There are some equality and diversity issues; these are discussed further at paragraphs 76 and 78.

### **The Proposal**

12. The demolition of the existing shop, outbuildings and retention of the former workshop to the rear
13. Erection of a new building of the same width as the existing, at a height of 8.9 metres with the eaves matching that of the neighbouring properties. The increase in ridge height is to accommodate residential accommodation on the first and second floors being served by a roof deck area to be used for external amenity space and a first floor balcony to the street frontage. The materials to be used include lime render walls including horizontal areas of larch cladding and natural red clay slate roofing. The former workshop building will be laid to powder coated metal roof cladding.
14. The main building will also have a single storey extension to the rear which links

into the retained workshop with a staircase and lift to accommodate the change in level.

15. The entire ground floor will be occupied by a mixture of café (A3) and (A1) elements including a landscaped external seating, sales area and customer cycle parking to the road frontage, an external sales area, bin storage and staff cycle storage to the rear. The upper floors provide for a single residential flat.
16. The roof of the former workshop will have a couple of flues serving the new kitchen area, although no detailed specification has been submitted.
17. Like most of the other frontages along this stretch of Unthank Road, the site could still theoretically accommodate some off road parking for approximately 2 cars and servicing, although the layout is not clear.

## **Representations Received**

18. Adjacent and neighbouring properties have been notified in writing. 1 letters of representation has been received citing the issues as summarised in the table below.

Issues Raised	Response
Scale and design not appropriate in the street scene and area	Paragraphs 42 – 46 and 63 - 68
Over dominant building	Paragraphs 42 – 46 and 63 - 68
Adverse impact on residential amenity- specifically noise	Paragraphs 47-53
Loss of an historic building. Why can it not be retained and renovated	Paragraphs 38-40
The building should be listed.	The property is not a statutory listed building, the conservation and design officers do not consider the building is of sufficient merit to warrant consideration for statutory listing.

19. We have also received comments from Cllr Carlo advising that she is pleased to see that the building is smaller than the previous application. However, commenting that a two storey building would be preferable with a lower roof line consistent with other shops and that timber sash windows would be preferred to the proposed aluminium frames. She has also advised that a resident has raised concerns about possible noise in the evening from the restaurant.

## **Consultation Responses**

20. Transportation – No objection on transportation grounds. Although consideration should be given to the bollarding and repaving the forecourt area to help reduce the chances of conflict between pedestrians and vehicles.
21. County archaeologist – No archaeological implications
22. Natural Areas officer – If demolition is proposed between (April – September

inclusive) I feel that a prior inspection by a qualified bat specialist would be advisable. If demolition was to take place outside this period, the chances of any bats being encountered would be negligible. Regarding nesting birds if demolition works are proposed during the main bird breeding season (roughly March – August inclusive), the area should be checked by a qualified ecologist before works commence.

23. Private sector housing – Observations relating to fire safety in that escape routes cannot go through risk rooms. The other elements of the proposal are deemed to be acceptable.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework:**

- Statement 1 – Building a strong and competitive economy
- Statement 2 – Ensuring the vitality of town centres
- Statement 6 – Delivering a wide choice of quality homes
- Statement 7 – Requiring good design
- Statement 12 – Conserving and enhancing the historic environment

#### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery

#### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

- HBE12 – High quality of design, with special attention to height, scale, massing and form of development
- EMP3 – Loss of small business units
- EP10 – Noise protection between different uses
- EP16 – Water resource conservation
- EP20 – Use of materials
- EP22 – Protection of residential amenity
- SHO3 – Criteria for assessment of retail proposals
- SHO12 – Development in or adjacent to district or local centres
- SHO15- Changes of use within district and local centres.
- HOU13 – Criteria for other housing site proposals
- TRA5 – Sustainable design to reduce car use to a minimum
- TRA6 – Parking standards (maxima)
- TRA7 – Cycle parking
- TRA8 – Provision in development for servicing



## **Other Material Considerations**

Written Ministerial Statement: Planning for Growth March 2011

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

DM2 - Ensuring satisfactory living and working conditions

DM3 - Delivering high quality design

DM5 – Planning effectively for flood resilience

DM9 – Safeguarding Norwich's heritage

DM12 – Ensuring well planned housing development

DM21 – Protecting and supporting district and local centres

DM28 – Encouraging sustainable travel

DM30 – Access and highway safety

DM31 – Car parking and servicing

### **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2.

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

DM5 – This policy has been subject to a number of objections from the Environment Agency and Norfolk County Council so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, it is understood that no objection has been made to matters relating to surface water flooding so significant weight can be applied to this element.

Policy DM9 has no objections so significant weight can be applied.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

DM21 is subject to objections so can only be given limited weight. However,

paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to the reduced retail threshold so some weight can be given in this respect.

Policy DM28 has one objection so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to use of sustainable modes of transport such as walking, cycling and public transport so significant weight can be applied to these elements.

Policy DM30 is subject to an objection relating to the provision of accesses, it is considered that limited weight be given to this policy.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given to the car parking standards of this policy at the present time with substantive weight to the other matters.

### **Housing supply**

A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance sui-generis HMO's are considered to contribute to the 5 year housing land supply and this means that policy HOU18 of the local plan can be given no weight in determining this planning application.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and those relevant policies for the supply of housing should not be considered up-to-date.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted"

## **Principle of Development**

### **Retail**

24. The NPPF requires that the planning system does everything it can to support sustainable economic growth including ensuring the competitiveness of town centres. The NPPF also recognises town centres as the heart of communities so policies should support their viability and vitality. It is acknowledged that the retail and B1 use on the site has been vacant for some time. Therefore bringing the unit back into use could contribute in some way in maintaining the centres vitality and viability. It is also considered to be a use which is of a scale appropriate to the local centre.

25. Nevertheless, a key determining factor in the acceptability of the change of use is the requirements of policy SH015 which states that proposals for a change of use from A1 to other uses will only be permitted where the proportions of A1 uses in the defined retail centre would not fall below 60% as a result; or the proposed use provides a service appropriate to the centre's position in the hierarchy, which is unrepresented in that centre or is a community use and there are no other units available in or adjacent to the centre which could be accommodated.
26. The Council's retail shop monitor indicates that the retail presence in the local centre currently stands at 52.5% retail.
27. Emerging development management policy DM21 has not sought to amend the boundaries of the above centre, but wishes to reduce the retail presence from 60% to 50%.
28. There will still be an A1 presence within the unit meaning that the overall number of retail premises within the local retail centre will remain unchanged. It is acknowledged that the development will reduce the amount of internal A1 floor space from 158sqm to 86sqm. However, this loss is mitigated by the fact the development also provides external areas of approximately 77sqm to the front and rear being allocated for A1 retail display purposes. Such an arrangement means that the proposal delivers a retail premises which is broadly comparable to the scale of the existing retail unit, ensuring that the local retail centre does not suffer from any loss of viability.
29. In addition to the standard condition that the development is completed in accordance with the approved plans, it is recommended that a further condition require that extent of the café and retail operations be in accordance with areas illustrated in drawing ref 1180.52 rev B. This will ensure that the local retail centre will not lose the A1 retail presence within the premises.
30. Another key factor is whether or not the café element would harm vitality, viability, diversity of services and retail function. It is noted that there are already two lawful A3 uses in the local centre, which would indicate that another A3 is not under-represented in the centre.
31. That being said, the introduction of the café element within the premises is also considered to result in a positive contribution to the retail centre by delivering some vitality to the front of the premises and associated passing trade which will contribute to the local retail centres vitality and viability.

### **Loss of the B1 use**

32. It is unclear when the B1 activities ceased to operate. The former workshop does still provide a unit which can theoretically accommodate a B1 use, with access to the public highway via side entry.
33. Policy EMP3 is in place to protect small business premises unless in this instance retaining such a use would be significantly detrimental to the amenities of adjoining occupiers.
34. It is acknowledged the workshop is a use which has been associated with the premises for many years, meaning that surrounding sensitive uses such as residential dwellings would be familiar with the noise and activities associated with

it. However, B1 light industrial uses can encompass a wide range of operations which could potentially result in significant nuisance to nearby residential properties either side of the site. Furthermore, the fact that the extant use does not have any conditions relating to the noise mitigation or hours of operation, could mean that those activities could operate without control to the detriment of the amenities of neighbouring properties.

35. Therefore, it is considered that in this instance, the loss of a B1 use would result in a positive improvement to the amenities of the area, with the new café use being subject to planning conditions to ensure that no loss of amenity would result. These matters are discussed later in the report.

### **Residential**

36. Statement 6 of the NPPF requires that local authorities deliver a wide choice of high quality homes. The proposed dwelling will also form part of the mix of residential accommodation, contributing to the City housing stock.
37. The site is considered to be an accessible location, there being nearby bus stops providing access to the city centre and university, a cycle route, services within the local retail centre.

### **Loss of the existing building**

38. The loss of a building which has historical value and presence in the street scene is of course regrettable. The applicant has submitted supporting evidence of their view that the building is in a state of disrepair which would make it uneconomical to retain it.
39. Whilst officers are not in agreement that the whole building needs to be demolished, the demolition of buildings which are not statutorily listed is permitted development subject to the prior notification process to determine if there are any issues relating to the method of demolition and restoration.
40. Nevertheless, the loss of a building of such historical value is still a material planning consideration, meaning that the new building should be of scale and design which is sympathetic to the former building and the role it plays in the street scene. This matter is discussed further in the report.

### **Summary**

41. The principle of a mixed use (A1, A3 and C3) within the local retail centre is considered to be acceptable subject to the criteria as set out in adopted policies SHO3, SHO12, SHO15, HOU13, EMP3 and all relevant emerging policies including
- Responding to the character and local distinctiveness of the area
  - Protecting the amenities of the area and adjoining residential properties
  - Being of an appropriate layout and design
  - Appropriate access and parking
  - Safeguarding protected species
  - Water conservation
  - Surface water management

### **Character**

42. The character of the area is defined by a mixture of uses including shops, cafes,

takeaways and residential properties. The west side of the Unthank Road, is a stretch which contains the majority of the retail and café activities including the associated parking and pedestrian movements along the frontages of the above uses, resulting in a stretch of road which is considered to be quite vibrant, contributing to the areas local distinctiveness.

43. Whilst the site and its immediate surroundings are not within a conservation area, the west side of the road does contain a series of two-storey terraced blocks of properties with a relatively consistent ridge/eaves line and roof profile. Nevertheless, it has to be acknowledged that the roof styles, ridge heights and frontages do vary in places.
44. With the above in mind, the creation of a mixed use development which includes A1, A3 and C3 elements is considered to be consistent with the other uses in the area, contributing to the areas local distinctiveness. The café and retail elements of the proposal continuing to contribute to the areas vitality, something which is currently missing due to the current unit being in a state of disrepair and being vacant for some time.
45. It is acknowledged that original building was quite distinctive in the context of the wider street scene as it was a standalone building with a ridge line lower than the adjoining properties and having distinctive detailing to the road frontage including pilasters and mouldings to the shop front.
46. The new building is slightly higher than the existing building and has a balcony to its road frontage. However, it is considered to be of a similar scale to the existing building, replicating the eaves line of adjoining properties and also retaining the detailing of the original shop frontage. All of these measures will ensure that the new building will not have a detrimental impact on the character and local distinctiveness of the area. In fact, the development, in the context of its current vacant state, is considered to result in an enhancement of the visual amenities of the street scene.

## **Impact on Living Conditions**

47. The key receptors are the adjoining residential properties to the rear and each side of the site. Whilst the removal of the B1 use is considered to be appropriate, the new uses, particularly the A3 element and external sales areas will introduce new activities over what was previously experienced by the surrounding properties.
48. These considerations are also relevant for the occupant of the new dwelling on the first and second floors.
49. Examples include cooking processes associated with the café, a greater concentration of customers to the rear yard area, a concentration of customers in the forecourt area and new windows from the new dwelling.

## **Noise and odours**

50. The positioning of the extraction flue or air handling units are in close proximity to the rear amenity area of the adjoining property to the south, potentially causing nuisance to users of that area. Whilst no details of the extraction system or air handling units have been provided it is considered that adequate noise and odour mitigation is achievable and securable by condition.

51. The provision of a 2 metre high close boarded fence will no doubt help reduce the level of noise transfer to the adjoining properties rear amenity area. However, given the close proximity of the sales area to the rear amenity area of the adjoining property, it is reasonable to impose a condition requiring further details of the proposed fencing including its noise suppression qualities.
52. It is also recommended that the hours of operation for the café and shop be conditioned. The most sensitive area is the use of the rear external sales area which is adjacent to residential properties to the south. It is therefore recommended that the rear external sales area is conditioned to the hours of 0800 and 1900 seven days a week with the remainder of the unit to hours of 06:30 and 23:00 seven days per week.
53. Consideration also has to be given to the impact of the use on the new dwelling on the first and second floors. Whilst no details have been submitted relating to protecting the occupants from any noise generated below it is considered that compliance with building regulations should be sufficient in this case.

### **Loss of Privacy**

54. The key areas for consideration are the new side windows on the first and second floors of the main building, all of which serve habitable rooms as well as the new the new roof deck area.
55. It is noted that the first floor window to the north elevation that serves the dining room will be in close proximity to a first floor window on the opposing elevation of no. 135. No significant overlooking will result as this opposing window does not serve a habitable room.
56. The new second floor window serving the second bedroom will not result in any significant overlooking of sensitive habitable rooms or amenity areas of no. 139. This is due to the proposed window not directly overlooking any habitable windows or amenity areas.
57. There are no significant rear windows except for the window serving the second bedroom. This window does not directly overlooking any sensitive amenity areas so no significant loss of privacy will result.
58. The new roof deck area will have a 1.8 metre high timber screen to its south elevation, a 1.1 metre high screen to the west and a 1.1 metre screen to the north. These measures will ensure that the adjoining properties will not experience any significant loss of privacy. Equally, these measures will also ensure that the occupants of the new dwelling will have a reasonable level of privacy.
59. The proposed 2 metre high close boarded fence along the south boundary will ensure that users of the rear amenity space will not experience significant loss of privacy. However, in light of this area in question being a sales area, it is important that the fence be of an appropriate quality. This matter can be secured by condition.

### **Overshadowing**

60. The development is considered to be of a scale which is similar to the scale of the existing arrangement. There are also no primary habitable windows at ground floor

level on the south elevation of no.135.

61. The new first floor component to the rear may result in some overshadowing of the two south facing first floor windows on of no.135. The level of overshadowing is reduced by the fact that the addition is set back at a distance of 4.6 metres and the roof is of a relatively shallow pitch.

62. No significant additional overshadowing of adjoining properties will result.

### **Overbearing Nature of Development**

63. It is acknowledged that the ridge line of the main building is higher than those of the adjoining properties. However, the building is still considered to be of a similar footprint and scale to that of the existing, meaning it cannot be considered to be significantly overbearing from the perspective of the adjoining properties.

64. The two-storey element to rear will not be significantly overbearing if viewed from the first floor windows of no .135. This is due to this element of the building being 4.6 metres from the windows in question and having a relatively shallow roof pitch.

### **Scale and design**

65. It is important that the new main building be sympathetic to the original building and the visual amenities of the street scene.

66. The new building is slightly higher than the existing building and has a balcony to its road frontage. However, it is considered to be of a similar scale to the existing building, replicating the eaves line and facade of adjoining properties and also retaining the detailing of the original shop frontage. All of these measures will ensure that the new building respects the form and design of the original building and the visual amenities of the street scene.

67. Although the introduction of the balcony to the front of the building is not considered to be typical of the wider street scene, its acceptability should be considered in the context of the other features evident in the streetscene.

68. The west side of the road has varied styles of shop frontage and associated signage, some of which having bay window frontages. Therefore, whilst not ideal, the introduction of a relatively small-scale balcony cannot be considered to have a significant detrimental impact on the appearance of the new building or the visual amenities of the street scene.

69. It is however important that the detailing and materials used for the external render, roof, balcony, shop frontage and rainwater goods be of an appropriate quality. It is therefore recommended that this matter be secured by condition. The window materials proposed are aluminium and given the more contemporary styling of the proposals this is considered acceptable in this case.

70. The alterations and additions to the rear will not be visible from the street scene. The use of contemporary materials such as larch cladding and powder coated metal roofing on the former workshop, is considered to be appropriate, resulting in a modern enhancement to the rear of the property.

71. Overall, the proposal is considered to result in a development which would have a

positive impact on the visual amenities of the street scene.

## **Layout**

72. It is important that the internal and external layout of the site be appropriate for the use and its users.
73. The main building, additional elements and former workshop area to the rear are all inter-connected enabling the A1 and C3 uses to complement one another, providing a single space for customers to either shop or make use of the café. The addition of the external sales/café areas to the front and the rear will only enhance the shopping / leisure experience for the customers, also delivering an element of vitality to the street scene.
74. However, as the forecourt area is being changed from parking to an area in which customers would congregate; there could potentially be conflict between those customers, parking cars and those using the pedestrian crossing. It is therefore important that the proposed landscaping be properly laid out and legible for those sensitive road users.
75. Therefore, in addition to a condition requiring further details of the layout of the forecourt (including surfacing and landscaping), it is recommended that appropriate landscaping or bollards be placed to the remainder of the forecourt area to minimise any potential for such conflict in that area. Whilst it is deemed necessary to delete the parking area on the forecourt, any revised arrangement should also leave sufficient access and parking for vehicles loading and off loading at the site.
76. There is a change in level between the main building and the main café area however a small lift platform has been provided to allow for disabled access to the whole of the ground floor commercial areas.
77. The new dwelling can only be accessed by the external staircase, however given that this will be a private residential dwelling this is considered acceptable. The proposal is not for a larger block of flats where a lift may be appropriate.
78. The erection of a 2 metre high close boarded fence along the south boundary will help delineate the site from the adjoining residential property, protecting the amenities of each use.
79. The placement of the dwelling on the first and second floors will ensure that there is sufficient separation between the occupants and the C3 / A1 uses, being accessed via a side gate running along the south side of the site via a set of stairs which lead to the rear of the dwelling. The size and layout are also considered appropriate for a dwelling of this scale.
80. Private sector housing has expressed some concern that the escape routes within the proposed dwelling cannot go through risk rooms. It is considered that these matters can be satisfactorily covered by building regulations.
81. The dwelling will have access to adequate levels of private screen external amenity area at first floor level and a balcony to the street, providing sufficient space for drying clothes and relaxation. The occupants of the dwelling would also have access to secure and covered cycle / bin storage to the southern elevation of the



main building.

82. Staff would also benefit from the use of a new locker room and cycle storage area to the rear of the workshop as well as a screened bin storage area for the café / shop.

83. Customers and visitors will be able to use the cycle stands in the new forecourt area.

## **Transport and Access**

84. No formal parking is proposed. The transportation team have confirmed that the business premises would be entitled to parking permits but the residential property would not.

85. Whilst the site has the capacity to accommodate two informal parking spaces to the forecourt area, there is no formalised access in place. Given that the use of the forecourt area is going to accommodate increased customer activity in close proximity to the complicated parking area and pedestrian crossing, it is recommended that the forecourt area be simplified to ensure that there is no conflict between pedestrians and cars. This can be secured via a condition requiring additional landscape or bollards.

86. In light of each use being located in a location which is accessible by various modes of sustainable transport, no car parking is considered to be necessary. That being said, it is recommended that the site still retain the capacity to accommodate the on-site vehicle servicing area to the northern extent of the forecourt area enabling safe loading.

87. The transportation team have advised that dropped kerb and pavement strengthening will be required, being subject to a separate application to the local highway authority.

88. The cycle storage/parking facilities for staff, customers and occupants of the residential property are considered to be adequate for this mixed use development in this location.

89. The applicant has stated that they are willing to commit to produce a travel information plan, which will help encourage walking, cycling and public transport. The detail of such a document can be secured by condition.

## **Environmental Issues**

### **Site Contamination and Remediation**

90. Given the sites previous use as an Ironmongers consideration has to be given to the fact that the land may be contaminated.

91. The applicant has submitted supporting documentation indicating that the property is not designated as contaminated land. It is however recommended that a condition is added advising that if contamination is found during construction, that works should cease until a remediation strategy is agreed.

### **Drainage**

92. It is acknowledged that emerging policy DM5 identifies the site as being within a

critical drainage area. Under this emerging policy, applications such as this new building would normally need to be accompanied by a flood risk assessment (FRA) which gives adequate and appropriate consideration to surface water flooding.

93. In this instance an FRA has not been submitted but the applicant has considered the matter within their design and access statement stating that they were appropriate new paving materials to the rear external areas will be permeable and free draining.
94. It should also be acknowledged that the external surfacing to the front and rear of the site is predominantly of impermeable surfacing such as concrete. Furthermore the proposed footprint and associated roof coverage is very similar to that of the existing buildings and roof scape. This means that the level of surface water run off on the site is considered neutral and would therefore not result in any significant additional surface water flooding in the area.
95. That being said, it is considered that some simple improvements could be reduce the levels of surface water run-off from the site by introducing water butts to collect water from the roofs and also introducing some permeable surfaces to the rear yard and landscaped front forecourt.
96. These measures are considered to be appropriate and proportionate to the scale of the development in the context of the existing environment, having the added benefit of enhancing the proposed external landscaping measures proposed by the applicant.
97. These details can be secured by condition.

### **Energy Efficiency and water conservation**

98. The applicant has confirmed that the buildings will be designed to high energy efficiency standards with performance of the fabric and heating systems equivalent to code for sustainable homes level 4. They also propose to erect solar panels to the south elevation roof of the café.
99. No water efficiency calculations have been submitted. However, such matters are considered achievable and securable by condition.

### **Biodiversity**

100. The Council's Natural areas officer has stated that an ecology survey for the site is not justified, there is however a low chance of bats and nesting birds using the buildings during summer months and therefore it is recommended that a condition be added advising that the buildings are surveyed if demolition is to take place between March – September inclusive.

### **Local finance considerations**

101. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. This must be balanced however with the other key consideration of residential amenity as outlined above.

102. The proposal will be liable for community infrastructure levy payments

## **Equality and Diversity Issues**

103. None

## **Conclusions**

104. The introduction of a mixed use development comprising a shop, café and dwelling in an accessible location with access to local services will contribute to the viability and vitality of the local retail centre.

105. The scale, design and materials are considered to be sympathetic to the character and local distinctiveness of the area and the visual amenities of the street scene. The quality of the materials can be secured by condition.

106. The internal and external layout is considered to be sufficient to cater for the needs of a shop, café and dwelling. Outstanding matters relating to landscaping, cycle storage provision and disabled access can be secured by condition.

107. The development will not result in any significant loss of amenity of neighbouring properties. Matters relating to the control of noise and disturbance can be secured by condition.

108. The safeguarding of protected species is considered to be achievable subject to the works being undertaken during certain months of the year.

109. The development will not result in any significant additional surface water run-off. Further enhancements can be secured by condition.

110. Water conservation measures can be secured by condition.

## **RECOMMENDATIONS**

To approve Application No 14/00388/F at 137 Unthank Road) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. In accordance with the approved plans;
3. The layout of the retail and café elements shall be in strict accordance with drawing 1180.52 rev B;
4. The rear external sales area to be conditioned to the hours of 0800 and 1900 seven days a week with the remainder of the unit to hours of 06:30 and 23:00 seven days per week;
5. Details of landscaping to the forecourt area, including cycle storage and parking as well as surface water drainage measures;
6. Details of boundary treatment to the south boundary including noise suppression qualities;
7. Details and samples of external materials including render colour, colour of the shop, window colour, roof material, rainwater goods, solar panels and the

- balcony material and colour;
- 8. Details of mechanical extraction and air handling units;
- 9. No demolition during March to September (inclusive);
- 10. Works to cease if contamination found during construction, until a remediation strategy is agreed;
- 11. Water efficiency measures to meet code level 4.



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Planning Application No 14/00388/F

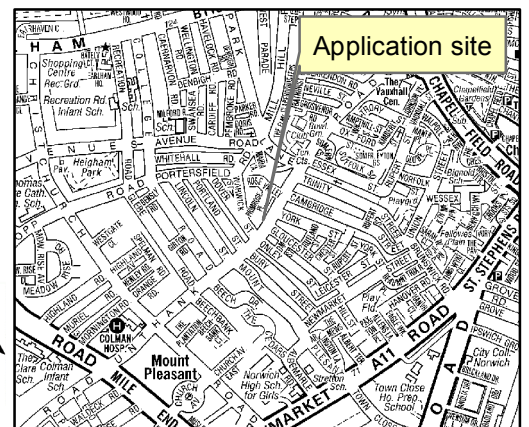
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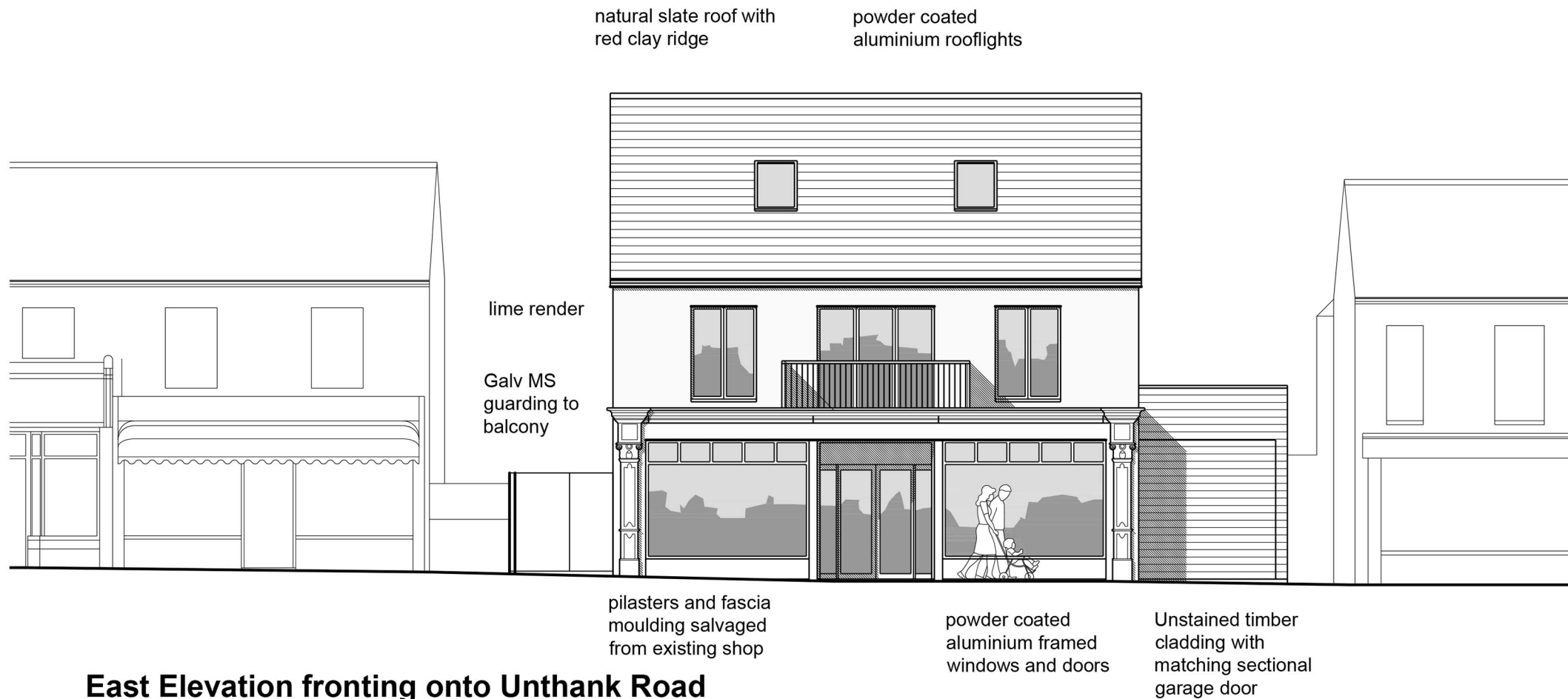
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**NORWICH**  
City Council

PLANNING SERVICES

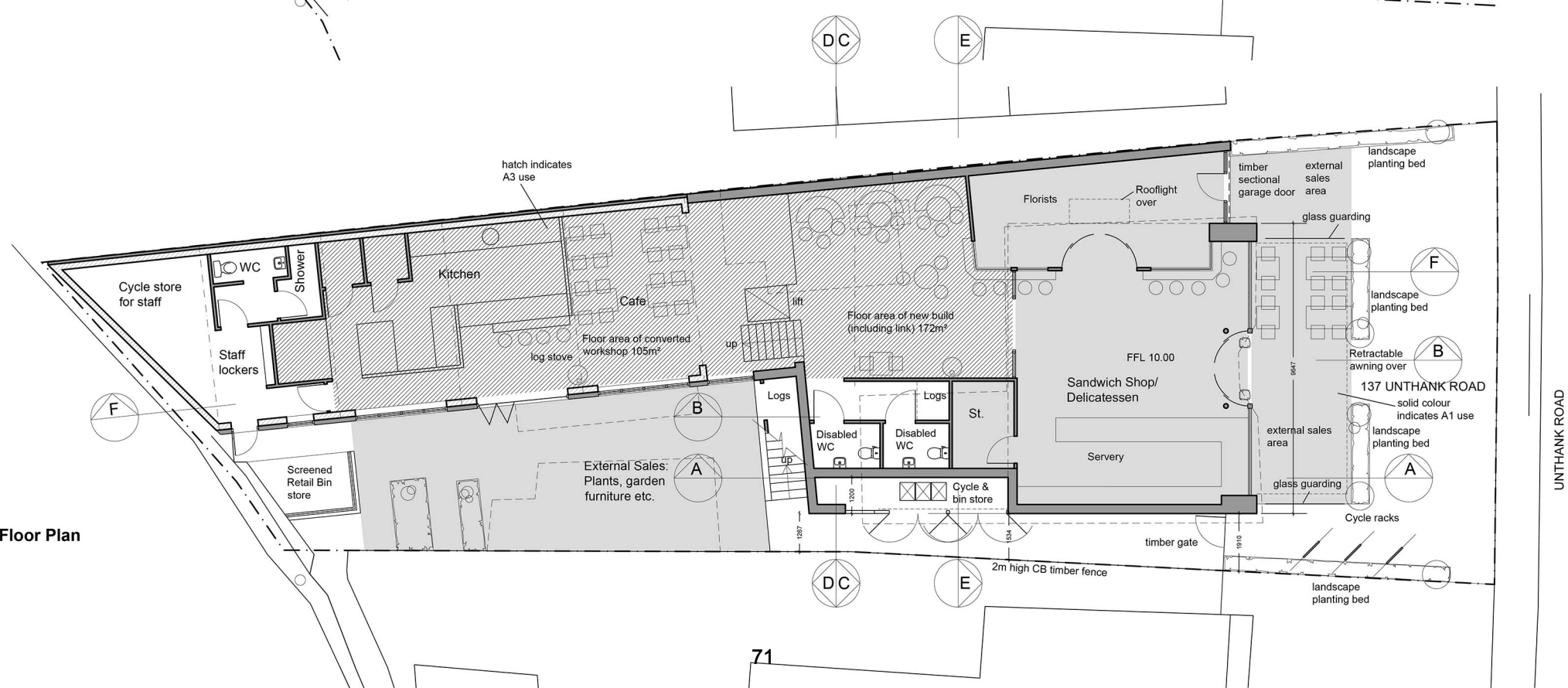




Scale 1:100

**Ground Floor Plan**

Scale 1:100







**Report to** Planning applications committee  
**Date** 5 June 2014  
**Report of** Head of planning services  
**Subject** 14/00396/F Little Timbers 2 South Park Avenue Norwich  
NR4 7AU

**Item**  
**4(3)**

## SUMMARY

<b>Description:</b>	Erection of 1 no. eight person house in multiple occupation (HMO) (Sui Generis).
<b>Reason for consideration at Committee:</b>	Objection and member referral
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Eaton
<b>Contact Officer:</b>	Mr John Dougan Planner 01603 212504
<b>Valid Date:</b>	28 March 2014
<b>Applicant:</b>	Mrs L Warren
<b>Agent:</b>	Anglia Design LLP

## INTRODUCTION

### The Site

#### Location and Context

1. The character of the wider area is residential, consisting of various style of dwelling. However, it is noted that the area in the immediate vicinity is of a mix of uses, with the dwelling style being the small bungalows on Caroline Court.
2. A key characteristic of this stretch of South Park Avenue is that it can be quite congested due to its proximity to the traffic lighted intersection with the ring road and nearby schools. The northern side of the South Park Avenue is also characterised by the extensive mature trees which run along the historic park boundary, its entrance and the boundary of the application site.
3. It was also observed that the area is not a controlled parking zone and there are nearby bus stops providing a frequent 24 hour bus services to the University and city centre. There is a local retail centre some 200 metres to the north providing a range of services including a pharmacy, shop and fast food establishments.
4. The site is situated between no. 1 Caroline Court to the north, Eaton Park along the south west boundary, no. 13 Caroline Court and the Farmhouse pub to the north east, and the Schools opposite, to the south east.
5. The site is wedge shaped and originally contained a single storey detached house fronting South Park Avenue on the southern corner with Caroline Court, a public and unclassified highway cul-de-sac. It was set back from the highway within a modest front garden, which included vehicular access onto South Park Avenue and

via Caroline Court. The original dwelling has now been demolished but a new double gate has been added to the access on Caroline Court.

6. The site (the original plot and gardens) is relatively overgrown having significant landscaping in the form of mature Laurel hedge along the majority of the boundary to Caroline Court, sporadic landscaping to the South Park Avenue frontage and less dense hedging / close boarded fencing to the boundary with Eaton Park.

## **Constraints**

7. There are no specific constraints associated with the site. However there are numerous trees and hedging on the adjoining land to the south and north. The site is not in a conservation area.
8. 2 South Park Avenue ('Little Timbers') is adjacent to the entrance of Eaton Park, a registered Historic Park and Garden, which is also designated as a publicly accessible recreational open space on the adopted Proposals Map and included in the English Heritage Register of Listed Parks and Gardens. In addition, there are preserved trees around the Farmhouse PH and within Caroline Court and there are important trees and hedging in close proximity to the site.

## **Planning History**

- 4/2001/0037/O - Subdivision of curtilage to provide site for single dwelling. Committee refusal 1/3/01.
- 4/2001/0938/O - Sub-division of curtilage to provide site for single dwelling. Committee refusal 06.12.2001, appeal dismissed August 2002.
- 4/2003/0220/O - Sub-division of curtilage & erection of single dwelling. Committee refusal 15.05.2003, appeal dismissed March 2004.
- 05/01141/F - Subdivision of curtilage and construction of single-storey, flat-roofed dwelling. Delegated refusal 04.01.2006.
- 07/00228/F - Subdivision of curtilage and construction of single-storey super-eco timber framed dwelling house with associated amenity areas. Delegated refusal 27.04.2007.
- 07/01339/F - Subdivision of curtilage and construction and erection of super-eco single-storey one bedroomed retirement dwelling with associated amenity areas. Delegated refusal 07.03.2008, appeal dismissed 20.02.2009.
- 09/01548/F – Erection of replacement two storey dwelling. Delegated refusal 18.03.2010.
- 10/01730/F - Replacement Dwelling With Attached Garage. Delegated refusal 31.12.10.
- 11/01053/F – Erection of replacement dwelling with associated parking area. (APPR – 23/08/2011). Appeal against the imposition of condition 9 dismissed 02.07.12.

## **Equality and Diversity Issues**

There are no significant equality or diversity issues.

## The Proposal

9. Erection of a one and a half storey house in multiple occupation comprising 8 bedrooms.
10. The site will be accessed from an extant access from South Park Avenue leading to an on-site turning area and three parking spaces and cycle / bin storage.
11. The proposal also includes a large rear garden area which can be access via an extant access from Caroline Court. It also includes the retention of existing boundary treatment to Caroline Court and Eaton Park in the form of hedging and trees.
12. The proposed building occupies the same footprint and is of the same scale and design to the unimplemented approval of August 2011 (11/01053/F).

## Representations Received

13. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
The use and building out in keeping with the character of the area	Paras 20 - 24
The plot is of an insufficient size for a building and use of this scale.	Paras 25-34 and 32-34
Adverse impact on the historic park.	Paras 23-24 and 30-31
Excessive noise and anti-social behaviour.	Paras 22-24 and 35 - 38
Concern that future development in the garden would compromise our amenity.	Paras 32-34 and 38
Lacking of parking leading to parking on Caroline Court.	Paras 41-44
Adverse impact on highway safety of an already congested road.	Paras 39-40
Concern that lack of maintenance of the house and garden would have a detrimental impact on the appearance of the park.	Paras 23-24
Insufficient space within the site for cars to exit in a forwards gear.	Para 41
The development would have a negative impact on property prices on Caroline Court	This is not a material planning consideration

14. Cllr Judith Lubbock has also objected for the reasons outlined below and has requested the application be determined by Planning Committee:

- This is an inappropriate development on a small site which to one side has

- small family bungalows and to the other a heritage park, Eaton Park.
- South Park Avenue is a very busy road with regular buses - route 25 every 10 minutes and the proposed dwelling is opposite a very busy access for 3 schools. The plans show parking on site for 3 vehicles for the 8 bedsits - this is inadequate as there are often students with cars and if there were just 4 cars there would be no room for turning to exit the site in forward gear. At peak times of the morning and afternoon this stretch of road is very congested and becomes dangerous with school children, parents parking, buses regularly travelling along the road and school transport vehicles from the Clare Special school exiting the access. In addition there is no off-site parking in the area. This is over development in an inappropriate location. There is no other development of this type in Eaton and the surrounding areas. It would be more appropriate for this development to be on the University campus and not in a residential area.

## **Consultation Responses**

15. Transportation – No objection subject to cycle storage for 8 residents and visitors with any hard standing being of a porous material.
16. Private sector housing – The HMO meet a series of standards to meet the needs of 8 occupants including fire safety, kitchen layout and facilities.
17. Parks open spaces and play – no comments received.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

### **National Planning Policy Framework:**

- Statement 6 – Delivering a wider choice of high quality homes
- Statement 7- Requiring good design
- Statement 11- Conserving and enhancing the natural environment
- Statement 12 – Conserving and enhancing the historic environment

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery

### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

- HOU18 – Construction of / conversion to houses in multiple occupation
- HBE12 – High quality of design, with special attention to height, scale, massing and form of development
- EP16 Water conservation
- EP22 – High standard of residential amenity
- NE1 – Protection of environmental assets from inappropriate development
- NE3 – Tree protection
- NE8 – Management of features of wildlife importance and biodiversity
- TRA6 – Parking standards (maxima)
- TRA7 – Cycle parking standards

- TRA8 – Servicing provision
- SR8 – Protection of historic parks and gardens

### **Supplementary Planning Documents and Guidance**

- Amenity standards in houses in multiple occupation

### **Other Material Considerations**

- Written Ministerial Statement: Planning for Growth March 2011
- Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

### **Development Management Policies Development Plan Document – Pre-submission policies (April 2013).**

- DM2 - Ensuring satisfactory living and working conditions
- DM3 - Delivering high quality design
- DM6 - Protecting and enhancing the natural environment
- DM7 - Trees and development
- DM9 – Safeguarding Norwich’s heritage
- DM12 – Ensuring well planned housing development
- DM13 – Flats, bedsits and larger HMO’s
- DM28 – Encouraging sustainable travel
- DM30 – Access and highway safety
- DM31 – Car parking and servicing

### **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2.

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

Policy DM9 has no objections so significant weight can be applied.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

Policy DM13 has no objections so significant weight can be applied.

Policy DM30 is subject to an objection relating to the provision of accesses, it is considered that limited weight be given to this policy.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

### **Housing supply**

A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance sui-generis HMO's are considered to contribute to the 5 year housing land supply and this means that policy HOU18 of the local plan can be given no weight in determining this planning application.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and those relevant policies for the supply of housing should not be considered up-to-date.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted".

## **Principle of Development**

### **Policy Considerations**

18. The principle of a building of the same scale and design has already been established in recent planning approval. Statement 6 of the NPPF requires that local authorities deliver a wide choice of high quality homes. An HMO is considered to form part of the mix of residential accommodation, contributing to the City housing stock.
19. The site is considered to be an accessible location, there being nearby bus stops providing access to the city centre and university, a cycle route, services within the nearby local retail centre and Eaton Park, all of which are within walking distance of the site.
20. Given that no weight can be given to policy HOU18, the key policy to be used in establishing the principle is emerging policy DM13 and also policies within the NPPF.
21. Under emerging policy DM13 the principle of an HMO (sui generis) is considered to be acceptable subject to meeting the following criteria:
  - Protecting the amenities of neighbouring properties;

- The proposals not compromising wider regeneration proposals;
- Being appropriate to the character and amenity of the local area;
- The proposals contribute to achieving a diverse mix of uses within the locality;
- Layout and design including provision of adequate private amenity space, bin storage and drying areas as well as safe access, parking and servicing facilities.

In terms of wider regeneration proposals there are no such proposals covering or adjacent to the site. With regard to the mix of uses this proposals are considered to contribute to such a mix. The above criteria are considered in more detail below.

### **Character**

22. It is acknowledged that Caroline Court is a relatively secluded location comprising small scale bungalows and that there are no HMO's along this stretch of South Park Avenue. Nevertheless it also has to be noted that there is a mixture of uses in the immediate vicinity of the site including schools, a pub, an historic park all of which have varying activities and noise levels associated with them all of which contribute to the existing character and local distinctiveness of the area.

23. The number of occupants associated with an HMO will be higher than would normally be associated with a conventional residential dwelling (use class C3). Furthermore, each bedroom would comprise of separate individuals, in effect having a different set of movements and activities compared to that of a conventional family home. For example, each occupant might work in a different place of work, meaning that movements to and from the site are likely to varied over the course of a day.

24. Concern has been raised that the student occupants are likely to have certain types of activity or noise which would have an adverse impact on the character of the area. Examples cited include late night parties and not maintaining the property or the grounds.

25. The proposal is not for student accommodation, but for an HMO in which any un-connected persons can live. Furthermore, there are no specific policies in place to restrict the creation of new HMO's and in this instance no evidence to suggest that particular sections of society such as students would have a negative effect on the character of the area. It is therefore quite important that the Council do not make unqualified value judgements on who might live in the HMO. Any incidences of anti-social behaviour would be assessed on a case by case basis by the appropriate authorities.

### **Scale, design and layout**

26. The key policies relevant to this section are HBE12 and emerging policies DM3 and Emerging policies DM3 and DM13 add additional elements which are relevant when determining the acceptability of a proposal i.e. character, local distinctiveness and the amenity of the area. The policy emphasises the importance of local character and distinctiveness and ensuring that the new development relates to and enhances key landscape and townscape elements as well as the wider amenity of the area.

27. A previous application was refused as it was considered that the scale, mass and form of the development were unacceptable, the proposed layout of the site was not appropriate and that the proposal would have a detrimental impact on the visual amenities and character of the area, including the setting of the adjoining historic park.

28. Caroline Court and this part of South Park Avenue are characterised by relatively low buildings which are seen against a backdrop of trees. The two-storey Farmhouse Public House, traditional in its design, faces onto South Park Avenue at its junction with Colman Road, which forms part of the Outer Ring Road and is a prominent building which is dominant in this location. The surrounding dwellings of Caroline Court are flat roofed and have a much lower impact in the street scene, particularly when viewed from the north or east against the backdrop of the large trees of the Historic park. The park and associated landscaping are considered to be key elements that contribute to the areas local distinctiveness. On the south-east side of South Park Avenue, the school is also of traditional design, with single storey sections linking traditional gable fronted buildings of a modest size.
29. The buildings of Caroline Court and the existing bungalow on the application site are of a low height and scale and are relatively unobtrusive in the streetscene. By contrast, the main school building and the Farmhouse PH are much more visually dominant, whilst enabling clear views of the mature trees and hedges around the sites and in the park to remain visually prominent within the immediate area.
30. As previously mentioned, the current proposal is of the same scale, design and layout as a previous approval (11/01053/F), resulting in a proposal which is not considered to be dominant in the streetscene and generally being much more sympathetic to the area as a whole. The scale is also considered to be more in keeping with the scale of the former demolished dwelling and relates more positively with the dwellings on Caroline Court.
31. Policies NE1 and SR8 are also important considerations as these seek to protect the character and environmental quality of the historic park and the local area. The scale and design in conjunction with the soft boundary treatments, it is considered that the proposal would not cause significant harm to the visual amenity or the character and historic form of the historic park.
32. Therefore it is considered that the proposal is acceptable in terms of its design as appropriate attention has been given to the height, scale, mass and form. Furthermore the proposal integrates successfully with the sensitive historic environment. The proposed materials are also considered acceptable, although to ensure a high quality design further details of the materials should be conditioned.

## **Impact on Living Conditions**

### **Future residents**

33. The internal layout of the building forms two floors and has been designed to accommodate approximately 8 residents. This includes the provision of 8 bedrooms all of which have en-suites, a communal toilet and an open plan lounge/dinning/kitchen area. Such an arrangement has the capacity to accommodate the level of facilities needed to accommodate between 8-10 residents.
34. The proposal includes an area of useable private outdoor amenity space to the rear. Reinstating the double gates on Caroline Close will make this area private for the occupiers of the site. The site is a wedge shape with the widest area onto South Park Avenue. The configuration of the site is such that overdevelopment of the site has been identified as an issue in previous applications. The previous approval imposed a condition removing permitted development rights to ensure that



a sufficient area of private useable outdoor amenity space is retained. It is suggested that a similar condition is imposed on any permission granted pursuant to this application.

35. Furthermore, to ensure that the front garden area and parking and turning areas make a positive contribution to the street scene and the appearance of the proposed dwelling, as well as being low maintenance to accord with policy DM13, the finer details for the hard and soft landscaping should form a condition of any permission.

### **Neighbouring amenity**

36. In light of the boundary treatments, the distances involved, the positioning of windows and the height of the proposal, it is not considered that the building will have a detrimental impact upon the living conditions of any of the neighbouring residents taking into consideration loss of light, overshadowing and overlooking. The proposal therefore accords with policy EP22 of the local plan and emerging policies DM2 and DM12.
37. Concern has been raised about the level of noise generated by the likely tenants e.g. students having late night parties or allowing the premises and grounds to fall into a state of disrepair. It is acknowledged that the type of activities associated with the HMO would be different to a family home. For example, each occupant might work in a different place of work, meaning that movements to and from the site are likely to varied over the course of a day.
38. The proposal is not for student accommodation, but for an HMO in which any un-connected persons can live. Furthermore, there are no specific policies in place to restrict the creation of new HMO's and in this instance no evidence to suggest that particular sections of society such as students would generate more levels of noise than others. It is therefore quite important the Council do not make unqualified value judgements on who chooses to live in the HMO.
39. The proposals is a residential use in adjacent to other residential properties. The use is therefore not considered to be inconsistent. The proposal is not considered to be a noise generating use as outlined in emerging policy DM2. There are no reasonable grounds to suggest that such a use would generate levels of noise which would have a significant adverse impact on the amenity of nearby residents and wider area. Any incidences of anti-social behaviour would be assessed on a case by case basis by the appropriate authorities.

## **Transport and Access**

### **Vehicular Access**

40. Saved policy TRA5 reinforces the need for design which makes appropriate provision in terms of layout for access and parking. The accesses onto South Park Avenue and Caroline Court are both existing. The main vehicular access to the proposed dwelling is off South Park Avenue. It would be preferable for the access off Caroline Court to be for pedestrian use only however given that it already exists, it is considered that it would be unreasonable to require that vehicular access is removed altogether.

41. It is also not considered that a development of this scale would intensify the use of the access to a level which would result in a significant adverse impact on highway safety. The transportation team are of the view that there are adequate waiting restrictions adjacent to protect the junctions.

### **Parking and servicing**

42. Three parking spaces are provided, meeting the maximum parking requirements for a use of this scale. There is also sufficient space within the site to enable cars to exit in a forward gear. It is acknowledged that some residents or visitors may choose to occasionally park on Caroline Court possibly causing annoyance to some of the residents.
43. Adding additional parking spaces and resulting removal grass or soft landscaping would have a negative effect on the visual amenities of the street scene and also reduce the levels of private amenity space for the future residents.
44. It is also considered that an over-subscription of parking on the site would be at odds with Council policy which aims to reduce the reliance of the car and encourage use of sustainable modes of transport such as walking, buses and cycling.
45. The design of the site allows for bin storage and bike storage to the front of the dwelling. Although these are to be situated forward of the dwelling house, their visual impact will be minimal due to the existing hedge which is to be retained. In fact having the cycle storage in an accessible location to the front of the property will help encourage the use of cycles instead of the car. As such the size and positioning meets the policy requirements of local plan policy TRA7 and TRA8 and their provision and details should form a condition of any consent.

### **Water Conservation**

46. No details have been submitted as to how the development minimises the use of water. This matter is considered to be achievable so it is recommended that an appropriate condition be added to any approval.

### **Trees, landscaping and biodiversity**

47. An arboricultural implications assessment has been provided, highlighting how the development would protect trees within and outside the site. The Council's tree officer considers the methodology to be sufficient to ensure the protection of the trees such as the Lime and Beech indicated as T1 and T3 on the site plan.
48. The existing landscaping around the site, in particular the Laurel hedge to Caroline Court provide a significant level of screening which helps soften the appearance of the development and protect the amenities of the residents. It is therefore recommended that a condition be added to any approval requiring that the hedge be retained and that further details of soft and hard landscaping be submitted for approval.
49. The council's natural areas officer was not consulted on this application, however their comments from the previous application are still considered to be of particular relevance. The proposed development is unlikely to have any significant

biodiversity implications. However, any site clearance would ideally take place outside the bird breeding seasons (roughly March-August inclusive) to avoid disturbance to any birds nesting in nearby trees, shrubs and hedges. It is recommended that this timescale be conditioned in any approval.

## **Local Finance Considerations**

50. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. This must be balanced however with the other key consideration of residential amenity as outlined above.
51. The proposal will be liable for community infrastructure levy payments

## **Equality and Diversity Issues**

52. None

## **Conclusions**

53. The principle of an HMO (sui generis) is considered to be acceptable as it will contribute to the City housing stock, being in close proximity to local services and having access to sustainable modes of transport to the city centre/university, reducing the need for the ownership of a car.
54. The proposed building is considered to be sympathetic to the visual amenities of the street scene and the setting of the historic park. There is also no evidence to suggest that the use would have a detrimental impact on the character or local distinctiveness of the area.
55. The internal and external layout is considered adequate to serve the needs of the residents and will not result in any significant loss of amenity of nearby properties.
56. Any other matters such as tree protection, hard/soft landscaping and the protection of any wildlife are considered to be achievable and securable by condition.

## **RECOMMENDATIONS**

To approve Application No 14/00396/F Little Timbers 2 South Park Avenue and grant planning permission, subject to the following conditions:-

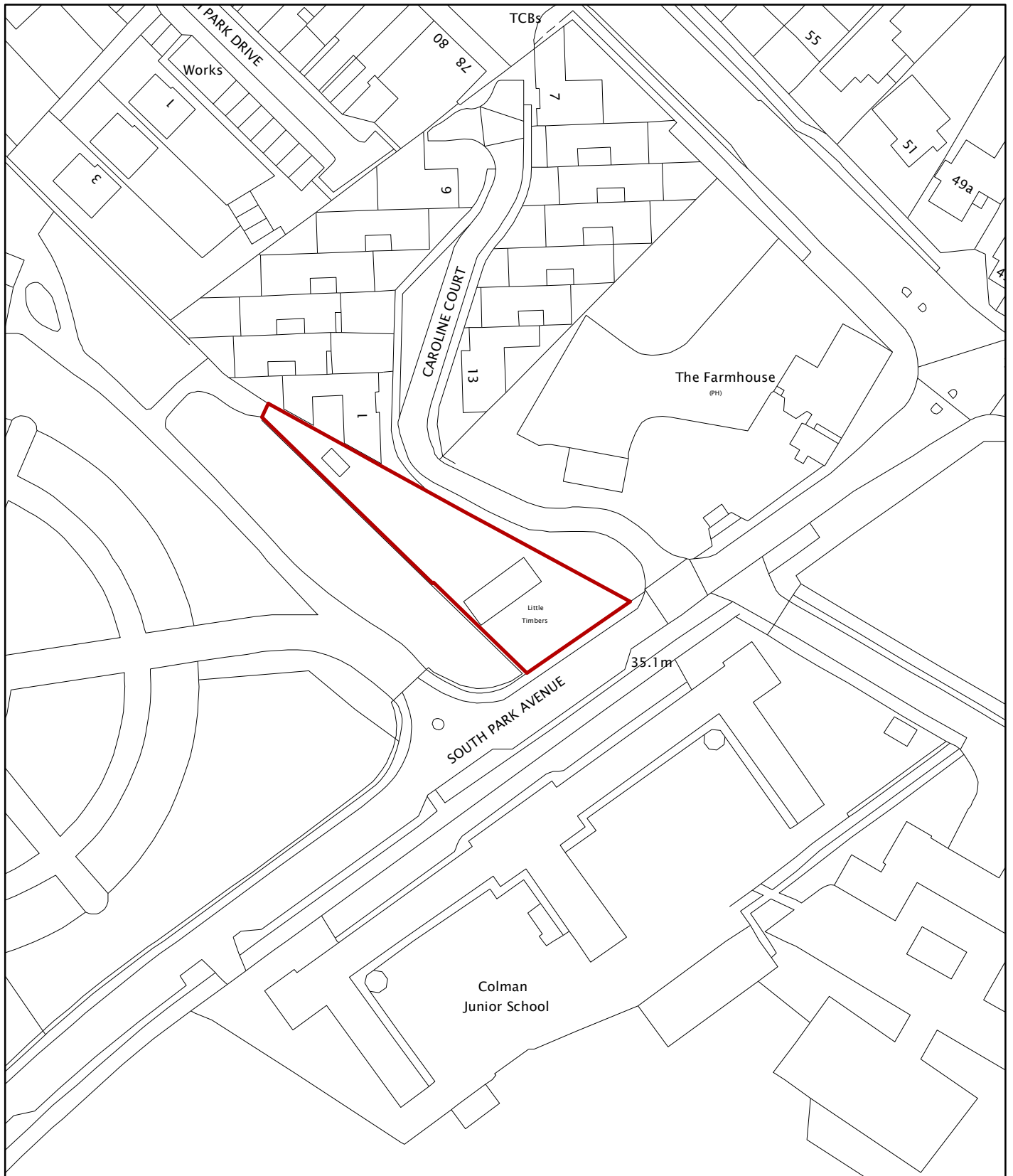
1. Time limit
2. In accordance with the approved plans
3. Submission of samples
4. Details of proposed finished floor levels and existing ground levels
5. Details of hard and soft landscaping (including the retention of the existing hedges
6. No occupation until the car parking area has been laid out and made available

for use

7. Submission of details of water conservation measures
8. In accordance with the tree protection plan
9. No site clearance during the bird nesting season.
10. Removal of permitted development rights for outbuildings/extensions.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.



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Planning Application No 14/00396/F

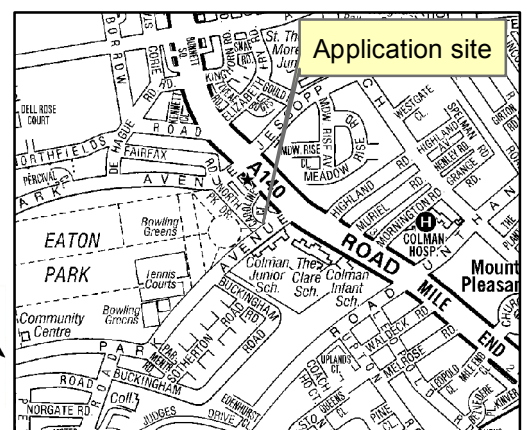
Site Address Little Timbers  
2 South Park Avenue

Scale 1:1,000



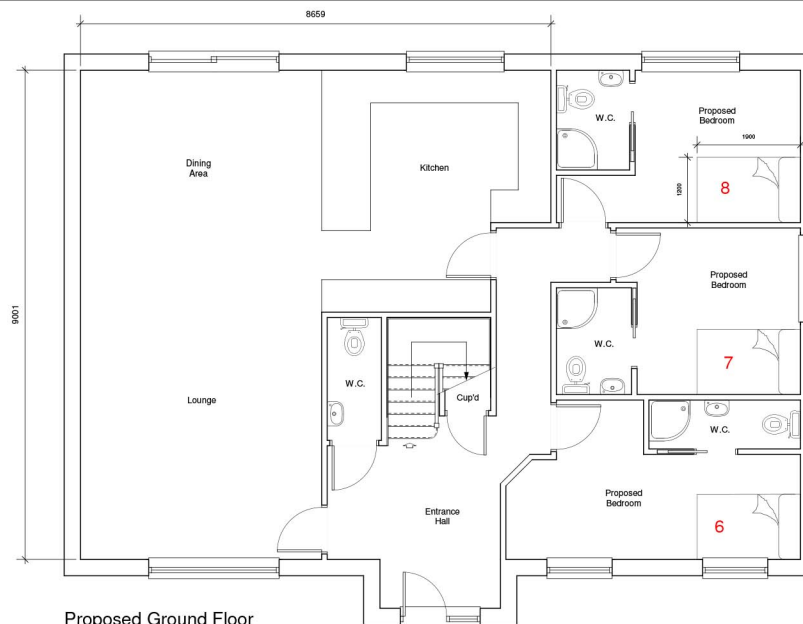
**NORWICH**  
City Council

PLANNING SERVICES

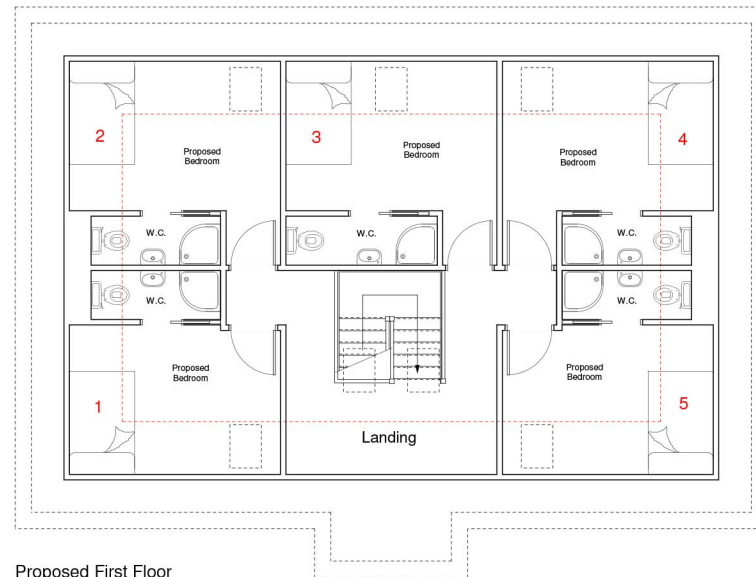




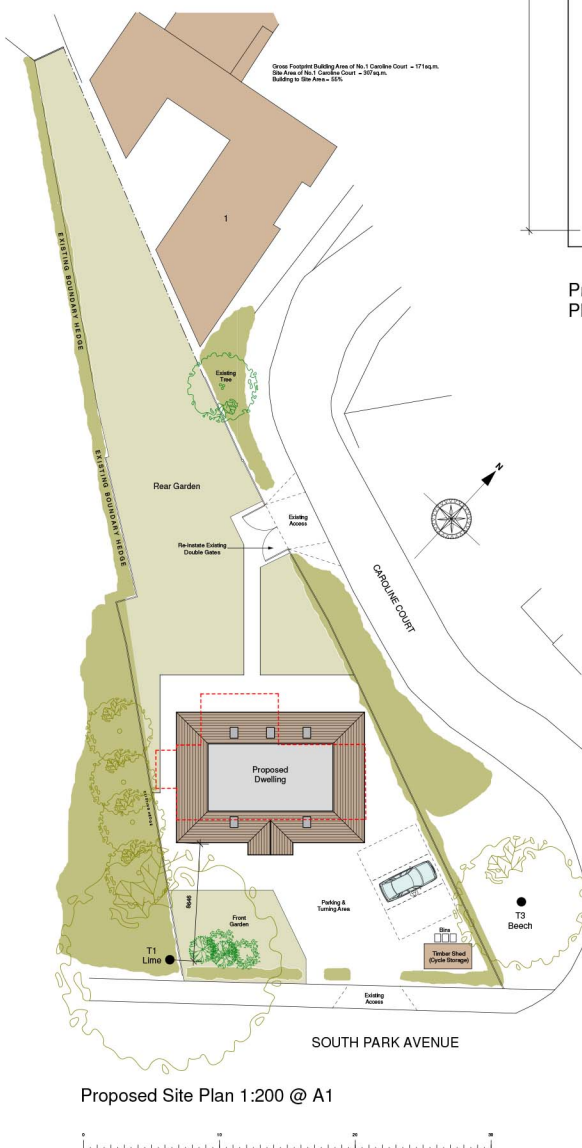
Site location Plan 1:1250



Proposed Ground Floor  
Plan 1:50 @ A1



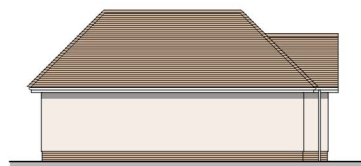
Proposed First Floor  
Plan 1:50 @ A1



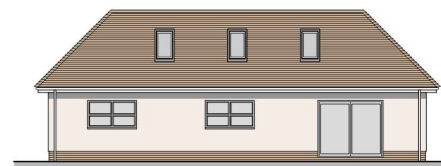
Proposed Site Plan 1:200 @ A1



Proposed Street Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1



Proposed Rear Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1



Proposed Front Elevation 1:100 @ A1

## REVISED PLANNING ISSUE

Erection of a Replacement Building to form a 1No.  
8 Bed Home of Multiple Occupation (Sui Generis)  
at Little Timbers, No. 2 South Park Avenue,  
Norwich, Norfolk.  
For Mrs. L. A. Warren

Date: Feb 2014 Scale: 1:100, 1:50 Dwg No. TL-2857-14-1  
Proposed Plans & Elevations

**Anglia Design**

architects - surveyors  
mail@angliadesign.co.uk www.angliadesign.co.uk

London Office: 30 Robin House, Newcourt Street, St John's Wood, London NW8 7AD  
Tel: 020 7252 9550 Fax: 020 7252 9550  
Norwich Office: 11 Chipping Cross, Norwich, Norfolk, NR2 6AX  
Tel: 01603 666570 Fax: 01603 754535

**Report to** Planning applications committee  
**Date** 5 June 2014  
**Report of** Head of planning services  
**Subject** 14/00269/F 240 Hall Road Norwich NR1 2PW

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**Item**  
**4(4)**

## SUMMARY

<b>Description:</b>	Erection of 3 bedroom dwelling.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve subject to conditions
<b>Ward:</b>	Town Close
<b>Contact Officer:</b>	Mrs Joy Brown Planner 01603 212543
<b>Valid Date:</b>	28 April 2014
<b>Applicant:</b>	Mr S Ives-Keeler
<b>Agent:</b>	Mr S Ives-Keeler

## INTRODUCTION

### The Site

#### Location and Context

1. The site is situated on the west side of Hall Road near the junction with Cecil Road. It is a vacant plot to the north of the end terrace property (240 Hall Road). It is in the same ownership as 240 Hall Road, although there is a 1.8m fence separating 240 Hall Road and the site.
2. The surrounding area is mainly residential although the site is in close proximity to the Hewett School. A row of terrace properties (199-213 Cecil Road) back onto the site. The type of properties is mixed in the area with there being terrace properties, semi detached and detached dwellings.
3. The site is not within a conservation area and there are no listed buildings in close proximity.

#### Topography

4. The site is on two levels within there being a retaining wall separating the car parking area and the rest of the site. The change of level is around 0.8m.

## Planning History

**4/1999/0732** - Single storey side extension for garage and living room. (Approved - 25/10/1999)

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

5. The application seeks full planning permission for the erection of a three bedroom dwellinghouse. The proposed dwelling is two storey with accommodation in the roofspace. The property will be attached to 240 Hall Road which will make it an end of terrace dwellinghouse.
6. The height, width, scale and design of the proposal will match the adjoining dwelling although the ground floor of the new dwelling will be 1.2m deeper than the neighbouring dwelling. No windows are proposed within the side elevation. Rooflights are proposed within the rear.

## Representations Received

7. Adjacent and neighbouring properties were notified in writing of the proposal as submitted. Two letters of representation were received one of which commented solely on the quality of the plans rather than the proposal itself. The proposal was made invalid due to the poor quality of the plans. Revised plans were submitted which revalidated the application and an additional consultation period took place. Two further letters of representation were received. The issues raised are summarised in the table below.

Issues Raised	Response
The proposal would result in loss of light and overshadowing to the terraces on Cecil Road.	See paragraph 12
The view from the gardens of Cecil Road will be of a solid wall as opposed to the space and gable of the existing property.	See paragraph 15
The proposal will result in overlooking	See paragraphs 12 and 13
The development is out of scale and over dominant.	See paragraph 15
The development is too close to the boundary. The building is of substantial size on a narrow plot and there should be a passage way between the properties on Cecil Road and the proposed building.	See paragraph 15
The proposal will result in a traffic hazard on a road that is full of school children and heavy traffic.	The local highway officer has confirmed that the proposal is acceptable.

## Consultation Responses

8. Local Highway Officer – The proposed development is suitable in transportation



terms for its location.

9. Private Sector Housing – No comment received.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework:**

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

#### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014:**

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 12 – Remainder of Norwich area

Policy 20 – Implementation

#### **Relevant Saved Policies of the adopted City of Norwich Replacement Local Plan 2004:**

NE9 – Comprehensive landscaping scheme and tree planting

HBE12 – High quality of design

EP22 – High standard of amenity for residential occupiers

HOU13 – Proposals for new housing development on other sites

TRA7 – Cycle parking standard

TRA8 – Servicing provision

#### **Other Material Considerations including:**

Written Ministerial Statement: Planning for Growth March 2011

#### **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2014 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

### **Emerging DM Policies**

**DM1** - Achieving and delivering sustainable development

- DM2** - Ensuring satisfactory living and working conditions
- DM3** - Delivering high quality design
- DM12** - Ensuring well-planned housing development
- DM28** - Encouraging sustainable travel
- DM30** - Access and highway safety
- DM31** - Car parking and servicing
- DM32** - Encouraging car free and low car housing

A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance this means that policy HOU13 of the local plan can be given no weight in determining this planning application.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted".

## **Principle of Development**

### **Policy Considerations**

10. The principle of a single dwelling on this site is acceptable and will help meet the housing needs within Norwich. The site is situated within a mainly residential area. As set out above as Norwich does not have a 5 year land supply, policies relating to housing within the local plan have no weight. As such the main issues in assessing any future application on the site are the impact upon living conditions of future and existing residents, design and highway safety. These are addressed below.

## **Impact on living conditions of neighbouring residents**

11. With regards to the impact upon neighbouring residents, the main issues for consideration are the impact upon the neighbouring property to the south (240 Hall Road) and the neighbouring properties to the north (199-213 Cecil Road). It is not considered that the proposal will impact upon the properties on the opposite site of Hall Road.
12. With regards to the neighbouring property to the south (240 Hall Road) it is considered that the proposal may result in a slight loss of light and overshadowing to the ground floor due to the ground floor of the new dwelling projecting 1.2m further than the rear wall of the neighbouring property. However due to the existing

boundary treatment, the orientation and the height and depth of the new building, any loss of light and overshadowing will be minimal and at an acceptable level. It is not considered that the proposal will increase levels of overlooking significantly as there are no windows at first floor level with the side elevation of the projection of 240 Hall Road.

13. With regards to the impact upon the properties on Cecil Road, it is considered that the proposal may lead to minimal overlooking to the rear gardens from both the front and rear elevation of the new property; however it is not considered that it will have a significant detrimental impact upon the living conditions of neighbouring residents particularly taking into consideration the urban setting. No windows are proposed within the side elevation of the new dwelling.
14. With regards to loss of light and overshadowing it is considered that there could be a slight loss of light and overshadowing to the gardens of the properties on Cecil Road; however due to the distances involved any loss of light and overshadowing will be minimal and at an acceptable level, particular bearing in mind the existing presence of the existing row of terraces on Hall Road (240-246 Hall Road).
15. Concern has also been raised by neighbouring residents that the proposal will be over dominant, the views from the rear garden of the properties on Cecil Road will be of a solid wall rather than the space and gable of the existing properties, the development is too close to the boundary and the proposed dwelling is of a substantial size on a very narrow plot. However, having considered the above, the proposed dwelling is of the same height and mass as the existing properties on Hall Road, and the design detail is to replicate the neighbouring property. As such although the dwelling will be around 5.3m close to the neighbouring residents on Cecil Road, the gable end of the new property will still be around 7m from the rear elevation of the projection element of the properties on Cecil Road. As such it is not considered that the proposal will be over dominant or of significant detriment to the outlook from properties on Cecil Road.

## **Living conditions for future residents**

16. It is considered that the proposed dwelling will provide sufficient internal space for future residents with the proposed openings providing satisfactory light into the property. The property will benefit from a large rear garden which is of sufficient size for the type of property. In order to ensure that the outdoor space it is of good quality a condition should be attached to any permission requiring details of the external amenity areas.

## **Transport and Access**

### **Car Parking**

17. Two car parking spaces will be provided within the front curtilage. This is considered acceptable for a three bedroom property in this location and is in accordance with policy TRA6 of the City of Norwich Replacement Local Plan.

### **Cycle and bin storage**

18. The application includes the provision of a cycle store and bin store within the rear curtilage. A condition will need to be attached to any permission ensuring that this is provided prior to occupation and further details will be required to ensure that a

suitable tether is provided to secure the cycles and to ensure they are of good design. Furthermore, given that the bin and cycle store are to be located to the rear of the garden it will be necessary for a pathway to be provided to facilitate ease of use for residents to take bins to the kerbside. The cycle and bin store arrangements are considered acceptable to meet the current local plan requirements.

## **Trees and Landscaping**

19. No trees will be affected by the proposal. No information has been provided on proposed landscaping. A condition should therefore be attached to any permission requiring details to ensure that the proposal is of good design and the space is suitable for the enjoyment of residents.

## **Design**

20. The proposed dwelling is of a form, scale and design that is in keeping with and sympathetic to the character of the street scene. The proposed new dwelling will be attached to the existing end of terrace property and will be situated within a plot which is of similar width and depth to the other terrace properties on this part of Hall Road. The existing empty plot does appear rather incongruous within the existing street scene and it is considered that the provision of a new dwelling will enhance the appearance of this section of Hall Road. To ensure that the proposal is of good design, conditions should be attached to any future permission requiring details of materials.

## **Water efficiency**

21. No water efficiency calculations have been provided as part of the application. A condition should be attached to any permission to ensure that the proposal satisfies the requirements of Joint Core Strategy policy 3.

## **Local Finance Considerations**

22. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

<b>Financial Liability</b>	<b>Liable?</b>	<b>Amount</b>
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	£75 per square metre (£10,420.59 unless any relief for self-build is successful)

## Conclusions

23. As the Council does not have a five-year housing land supply, policy HOU13 of the City of Norwich Replacement Local Plan can be given no weight. As such there is a presumption in favour of sustainable development, unless any adverse impacts would significantly outweigh the benefits.
24. In this instance it is considered that the proposal is of good design and will enhance the appearance of the street scene. It is not considered that the proposed dwelling will have any significant detrimental impacts upon neighbouring residents and the proposal will provide satisfactory internal and external living conditions for future residents of the site. The proposed layout is satisfactory in terms of car parking, cycle storage and bin storage. As such it is considered that the proposed dwelling is acceptable and accords with the objectives of the National Planning Policy Framework, policies 1, 2, 3, 4, 6, 9, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE9, HBE12, EP22, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004) and all other material consideration.

## RECOMMENDATIONS

To approve Application No 14/00269/F (240 Hall Road) and grant planning permission, subject to the following conditions:-

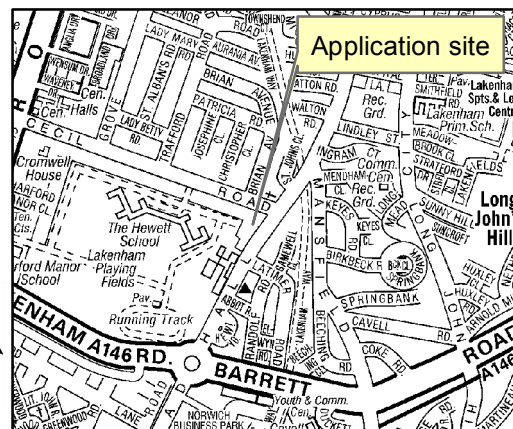
- 1) Standard time limit (3 years)
- 2) In accordance with plans
- 3) Details of external facing materials
- 4) Details of:
  - a) Car parking
  - b) Bin store
  - c) Cycle store
  - d) External amenity areasProvision prior to occupation
- 5) Water conservation

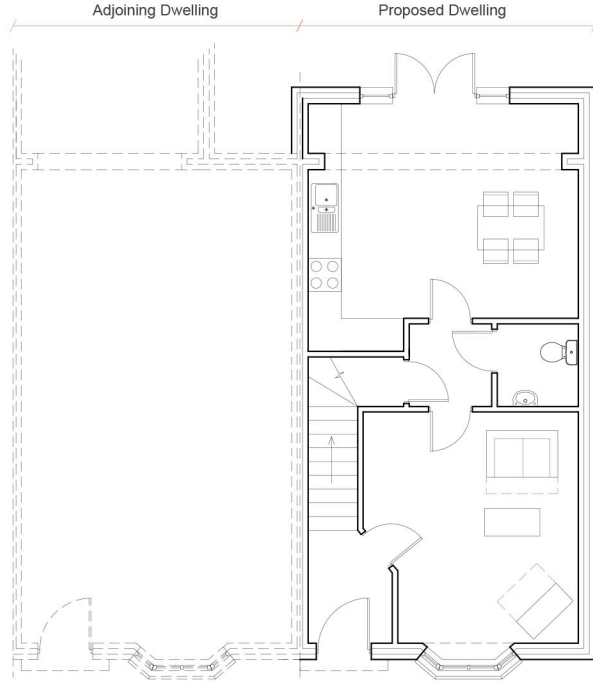
### Informatives

- 1) CIL
- 2) Refuse and recycling bins
- 3) Vehicle crossover
- 4) Permeable hardstanding to parking forecourt
- 5) Street naming and numbering

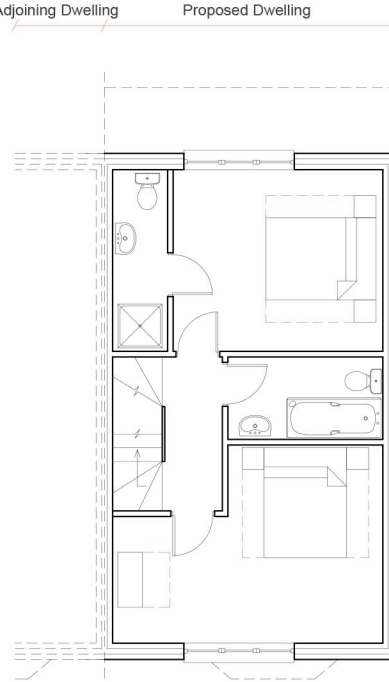
### Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

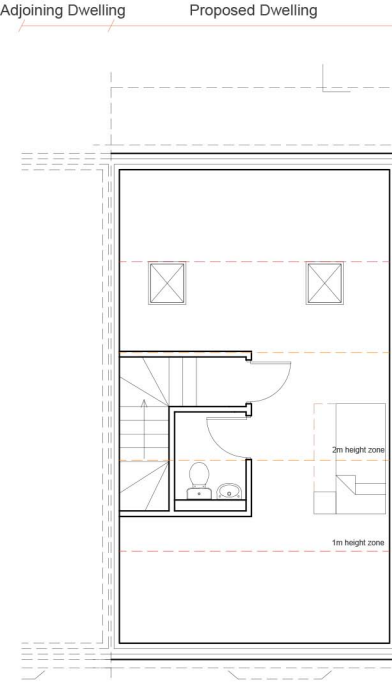




Ground Floor



First Floor



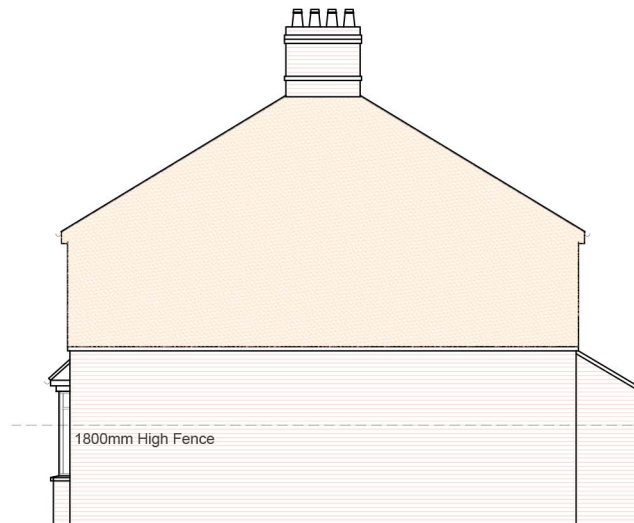
Second Floor

## PROPOSED PLANS AND ELEVATIONS

Note: Do not scale from drawings.  
All dimensions to be confirmed on site.



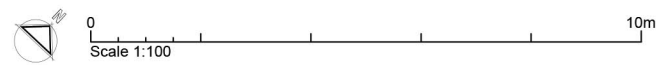
East Elevation



North Elevation



West Elevation



Mr S Ives-Keeler

Land off 240 Hall Road,  
Norwich

April 2014





**Report to** Planning applications committee  
**Date** 5 June 2014  
**Report of** Head of planning services  
**Subject** 14/00574/F  
510, Earlham Road, Norwich, NR4 7HR

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**Item**  
**4(5)**

## SUMMARY

<b>Description:</b>	Demolition of garage and erection of two storey rear and side extension, bin store and cycle store.
<b>Reason for consideration at Committee:</b>	Objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	University
<b>Contact Officer:</b>	Lara Emerson - Planner (tel: 01603 212257)
<b>Valid Date:</b>	23rd April 2014
<b>Applicant:</b>	Dr P D Permachandra
<b>Agent:</b>	Mr Herbert Tonkin

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on the south side of Earlham Road which lies to the west of the city. The area is characterised by small two storey detached residential dwellings in wide plots. On this side of Earlham Road, the dwellings are separated from the road by a wide grass verge lined with street trees.

#### Constraints

2. The site is not within a conservation area and nor are there any other constraints on the site.

#### Planning History

**12/01373/F** (relating to 508 & 510 Earlham Road)  
Subdivision of curtilage and erection of 1 no. one bedroom residential flat with car ports underneath.  
Refused 27th September 2012

#### Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

3. The proposal falls into four parts:

- The demolition of an existing single storey garage
- The erection of a two storey rear and side extension which extends 3.9m to the rear of the dwelling and 2.5m to the side and stands at 8.1m tall to join with the existing ridge and eaves. Facing materials are to match existing. Windows and doors are to be painted hardwood.
- The erection of a bin and cycle store measuring 2.4m by 4.15m and standing 3m tall. It is to be erected to the side of the property adjacent to the boundary with 512 Earlham Road. Materials are: roof of clay pantiles to match the dwelling; walls of brick and timber boarding; close boarded doors.
- The reconfiguration of the area to the front of the property including the installation of brick paving and the provision of an extra parking space.

## Representations Received

4. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below.

5.

Issues Raised	Response
<p>The plans suggest that the property is to change from dwelling (Class C3) to HMO (Class C4). This also applies to the recent application at 508 Earlham Road. This could lead to:</p> <ul style="list-style-type: none"> <li>- excessive monthly profits;</li> <li>- use as student accommodation;</li> <li>- further HMOs in the area;</li> <li>- reduced housing availability for families;</li> <li>- increase in the price of family housing;</li> <li>- detrimental impact on sustainability;</li> <li>- over-spilling refuse bins;</li> <li>- noise nuisance and late night activities;</li> <li>- parking issues; and</li> <li>- deterioration of the property.</li> </ul>	Paragraph 14
The proposals would lead to a changing nature of the road	Paragraph 19
The upper floor windows will overlook 512 and 514 Earlham Road	Paragraphs 10 & 11
The increased floor area will impact the air of 512 Earlham Road	Paragraph 18
The proposed development will lead to loss of light and light pollution	Paragraph 8
The existing elevations are incorrect	Paragraph 15
The proposal does not make a positive contribution to health, safety and wellbeing	Paragraph 16
The proposal does not make a positive contribution to the property as a family dwelling	Paragraph 17

## **Consultation Responses**

6. No internal or external consultations have been undertaken.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework:**

Statement 7 – Requiring good design

#### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

Policy 2 – Promoting good design

Policy 12 – Remainder of Norwich area

#### **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

NE8 - Management of features of wildlife importance and biodiversity

HBE12 - High quality of design

EP22 - High standard of amenity for residential occupiers

#### **Emerging DM Policies:**

DM2 - Ensuring satisfactory living and working conditions

DM3 - Delivering high quality design

DM6 - Protecting and enhancing the natural environment

### **Policy Considerations**

7. The most relevant policies are policies HBE12 and EP22 of the Replacement Local Plan 2004 which relate to design and residential amenity. Residential extensions are acceptable in principle subject to design, amenity and other considerations as detailed in the report below.

### **Impact on Living Conditions**

#### **Loss of Light**

8. There is considerable separation distance between this property and its neighbours to avoid significant loss of light.

#### **Loss of Outlook**

9. There is considerable separation distance between this property and its neighbours to avoid significant loss of outlook.

#### **Loss of Privacy**

10. The two rooflights in the roof of the property are to provide light to the first floor hallway. They are some 3.5m above floor level and are therefore very unlikely to lead to any overlooking.
11. Two side-facing first-floor windows are proposed which serve a bathroom and a landing. The neighbouring property, 512 Earham Road, has two first-floor windows on this side of their property which would be sensitive to overlooking. A condition is recommended which requires the proposed first-floor side-facing windows to be obscure glazed and only open 1.7m+ above finished floor level. This is considered to sufficiently protect the privacy of the neighbouring property.

## **Design**

### **Form, Height and Scale**

12. The side extension is set well back from the front elevation and as such will appear subservient.

### **Materials**

13. Materials are proposed to match existing and a condition is recommended which ensures this is the case. The form, materials and size of the proposals are considered acceptable.

## **Other Matters Raised**

14. Two letters of objection have noted that the property could be used as a C4 House in Multiple Occupation. The submitted plans include the provision of 4 first floor bedrooms but there is no indication that the use is to be changed from its current use as a single dwellinghouse. In any case, current planning legislation permits properties to change from use class C3 (dwelling) to use class C4 (house in multiple occupation with 3-6 residents) and vice versa without the need for planning consent.
15. The existing elevations are deemed sufficient for the purposes of determining this application.
16. It is not considered that the proposal would have a detrimental impact on the health, safety and wellbeing of the surrounding residents, the proposal seeks to upgrade existing housing stock and this is welcomed.
17. The proposal does not have a detrimental impact on the property as a family dwelling.
18. There is no reason why a residential extension would impact on the air of the neighbouring property and in terms of construction operations these are minor in the context of development proposals.
19. This is a householder planning application for the extension of a single dwelling. As such, the proposals are not considered to lead to a change in the nature of the road.

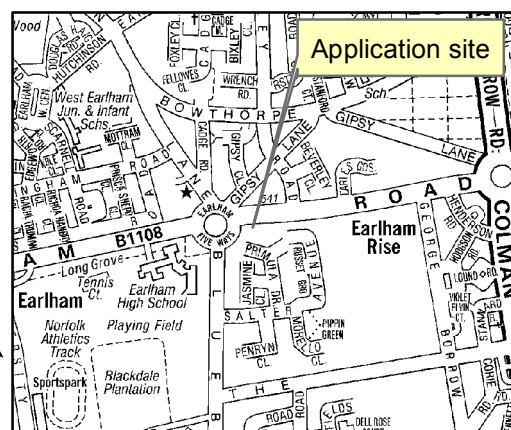
## **Conclusions**

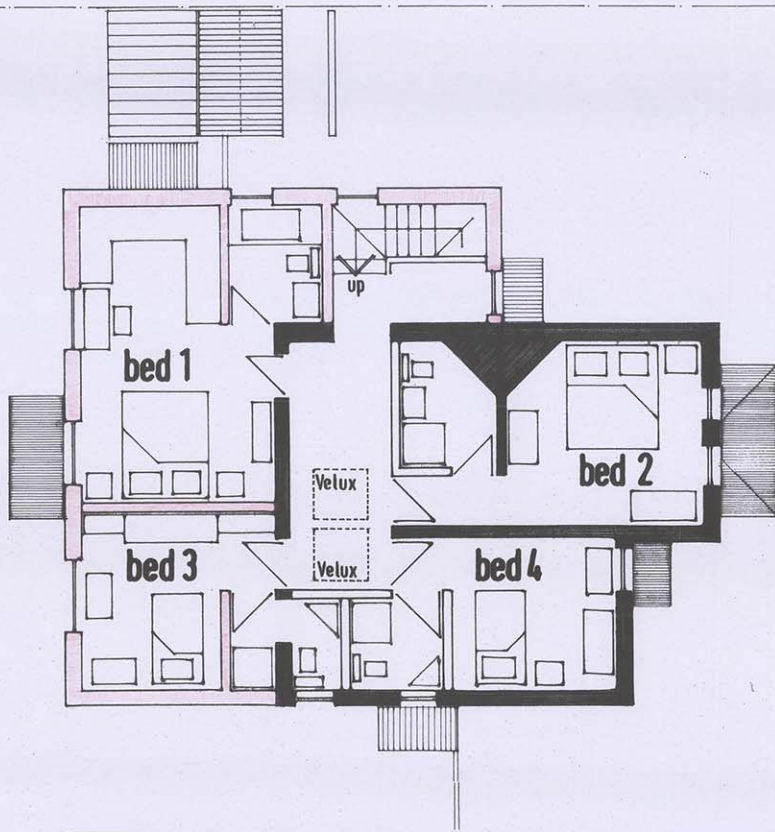
20. Subject to the conditions recommended below, it is considered that the proposal is acceptable in terms of its design and its impact on residential amenity. As such, the proposal accords with the relevant policies and is recommended for approval.

## **RECOMMENDATIONS**

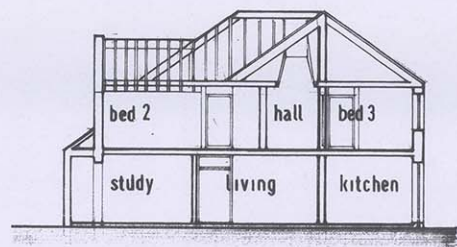
To approve application number 14/00574/F for 510 Earlham Road and grant planning permission, subject to the following conditions:

- 1) Standard 3 year time limit
- 2) In accordance with plans
- 3) Materials to match
- 4) Side-facing upper-floor windows to be obscure glazed and non-opening except 1.7m+ above floor level

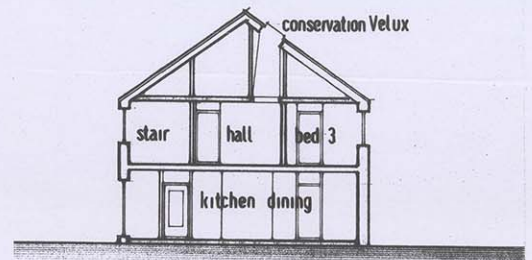




**PROPOSED FIRST FLOOR PLAN 1:50 (50.5+36sqm)**

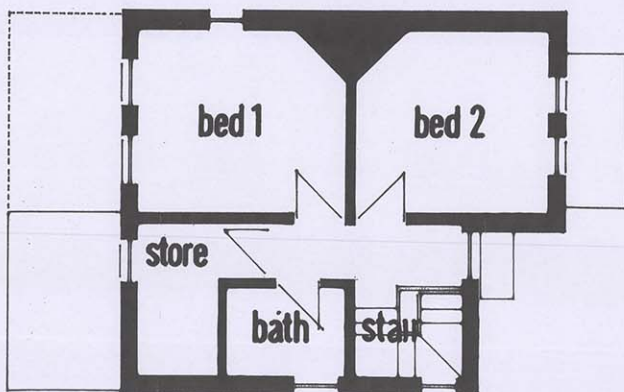
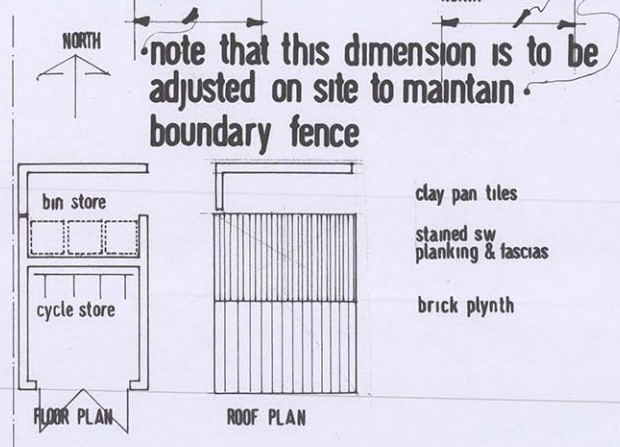
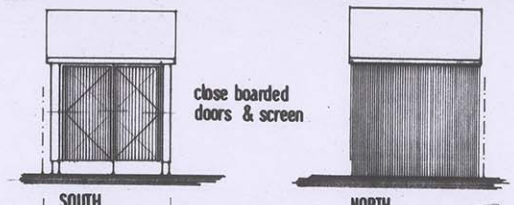
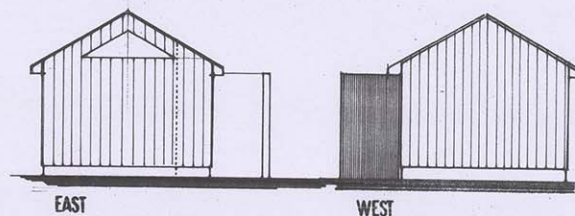


**East West SECTION**



**North South SECTION**

**PROPOSED SECTIONS 1:50**



**EXISTING FIRST FLOOR 1:50 (50.5sqm)**

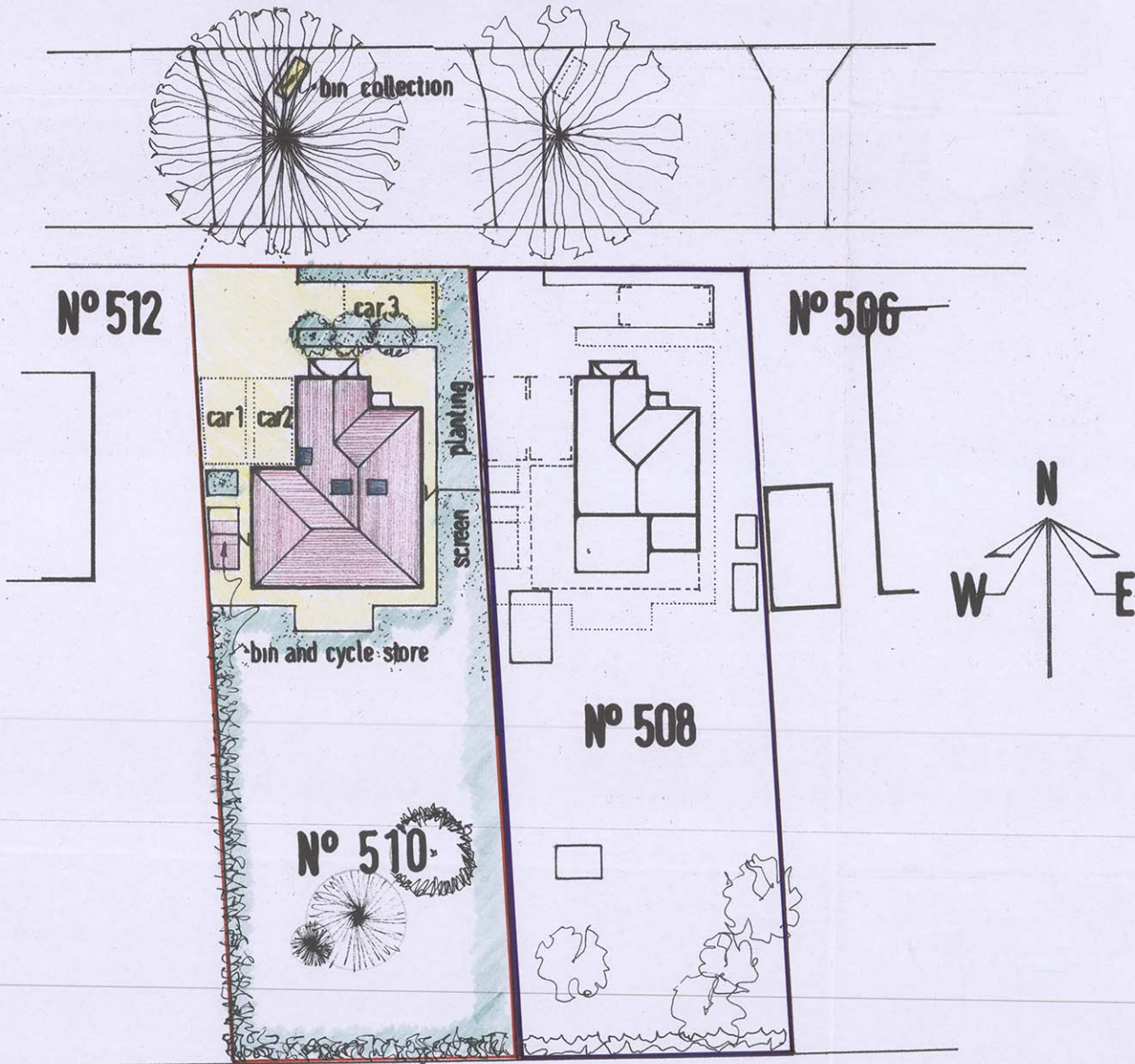
**PROPOSED CYCLE STORE and BIN ENCLOSURE 1:50**

**PROPOSED EXTENSION TO 510 EARLHAM ROAD NORWICH NR4 7HR**

**Dwg Ref 510-ER-2014 · 3**



# EARLHAM ROAD



**SITE PLAN showing CAR PARKING · BIN STORE · CYCLE SHED and PROPOSED ROOF 1:200**





**Report to** Planning applications committee  
**Date** 5 June 2014  
**Report of** Head of planning services  
**Subject** 14/00509/F  
2A, Kingston Square, Norwich, NR4 7PF

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**Item**  
**4(6)**

## SUMMARY

<b>Description:</b>	Installation of front and rear dormer windows at first floor level.
<b>Reason for consideration at Committee:</b>	Objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Eaton
<b>Contact Officer:</b>	Lara Emerson - Planner (tel: 01603 212257)
<b>Valid Date:</b>	11th April 2014
<b>Applicant:</b>	Mr Wayne Biterlick
<b>Agent:</b>	Mr Nigel Hurrell

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on the north-eastern side of Kingston Square which lies between Unthank Road and Newmarket Road to the west of the city. The area is characterised by detached bungalows and two-storey residential dwellings set in generous plots.
2. The property is a chalet-style dwelling with a steeply pitched roof providing accommodation over two floors.

#### Constraints

There are no specific constraints on the site.

#### Planning History

No recent planning history.

#### Equality and Diversity Issues

There are no significant equality or diversity issues.

#### The Proposal

3. The proposal is for the installation of three dormer windows- two on the front roof slope and one on the rear roof slope at 2A Kingston Square as part of a wider

proposal to create additional internal living space. Materials are to match existing.

4. A single storey rear extension is also shown on the submitted plans but since it falls within permitted development rights, it will not be considered within this application.

## **Representations Received**

5. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received citing the issues as summarised in the table below.

6.

<b>Issues Raised</b>	<b>Response</b>
Rear dormer will lead to overlooking of rear habitable rooms at 18 Upton Close	Paragraph 11
The proposals are contrary to saved policy EP22	Paragraphs 9-11
The bricking up of the existing end window will have a detrimental impact on the outlook from the first floor of 2 Kingston Square	Paragraph 10
The dormers will lead to a loss of light to the first floor windows of 2 Kingston Square	Paragraph 9
The rear dormer should be moved to the south-east end, the dormers should be reduced in size and render should be applied to the first floor of the north-west elevation	The application must be considered as it stands

## **Consultation Responses**

7. Consultee: NCC Natural Areas Officer  
Date of response: 13/05/14  
Comments: This property is located in an area that offers good bat habitat. Bats will use a variety of buildings, both old and modern, for roosting purposes but I consider that due to the type of construction of this property and the nature of the proposed works a specific bat survey is not required in this instance. However, the applicant should be advised that, in the unlikely event of roosting bats being encountered during the course of works, all activity in the immediate vicinity must cease and Natural England should be contacted for advice. If the property is used by bats at all, it would almost certainly be as a summer roost so if works were to be carried out between October – March inclusive it is highly unlikely that any bats would be present.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework:**

Statement 7 – Requiring good design

## **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011:**

Policy 2 – Promoting good design

Policy 12 – Remainder of Norwich area

## **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004:**

NE8 - Management of features of wildlife importance and biodiversity

HBE12 - High quality of design

EP22 - High standard of amenity for residential occupiers

## **Emerging DM Policies:**

DM2 - Ensuring satisfactory living and working conditions

DM3 - Delivering high quality design

DM6 - Protecting and enhancing the natural environment

## **Policy Considerations**

8. The most relevant policies are policies HBE12 and EP22 of the Replacement Local Plan 2004 which relate to design and residential amenity.

## **Impact on Living Conditions**

### **Loss of Light**

9. The front and rear dormers add minimally to the mass of the building and are not located at the edge of the roof. As such, only a marginal increase in overshadowing to side windows at 2 Kingston Square for a short period of the day can be expected.

### **Loss of Outlook**

10. The proposals will have no impact on the outlook of neighbours.

### **Loss of Privacy**

11. The proposals involve the bricking-up of an existing first-floor side-facing bedroom window which faces directly towards a first-floor window at 2 Kingston Square 5 metres away. Therefore, the privacy of the neighbouring property, 2 Kingston Square, is likely to significantly improve. The only windows proposed on the dormers face towards the front and the rear. 18 Upton Close is approximately 20m away from the proposals to the rear and views from the rear dormer would be at an angle. As such, the privacy of neighbours is sufficiently protected.

## **Design**

### **Form, Height and Scale**

12. The modest sized dormers will sit comfortably within the street scene, especially since the adjacent property, 2 Kingston Square, has a front dormer of similar design. The size and form of the proposals is appropriate to the dwelling and does not dominate the existing built form.

### **Materials**

13. It is important for the materials to match those of the existing dwelling since the front dormers will be visible from the street. As such, a condition is recommended to this effect.

## **Protected Species**

14. As advised by the council's Natural Areas Officer, the works have the potential to disrupt roosting bats. As such, an informative is recommended which advises the applicant not to carry out works between October – March and to seek advice if

bats are discovered.

## **Conclusions**

15. The proposal is acceptable in terms of its impact on residential amenity. Subject to a condition ensuring that external materials match existing, the design is also considered to be acceptable. As such, the proposals accord with the relevant policies and the application should be approved.

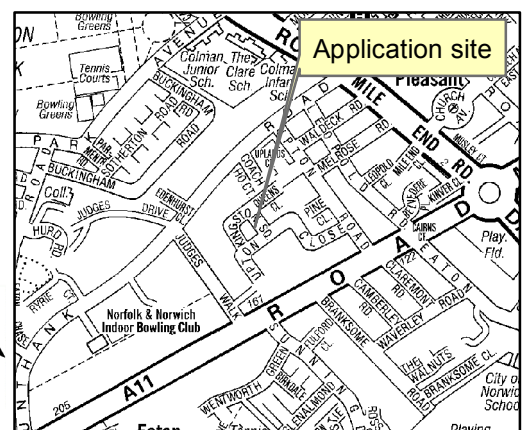
## **RECOMMENDATIONS**

To approve application number 14/00509/F for 2A Kingston Square and grant planning permission, subject to the following conditions:

- 1) Standard 3 year time limit
- 2) In accordance with plans
- 3) Materials to match

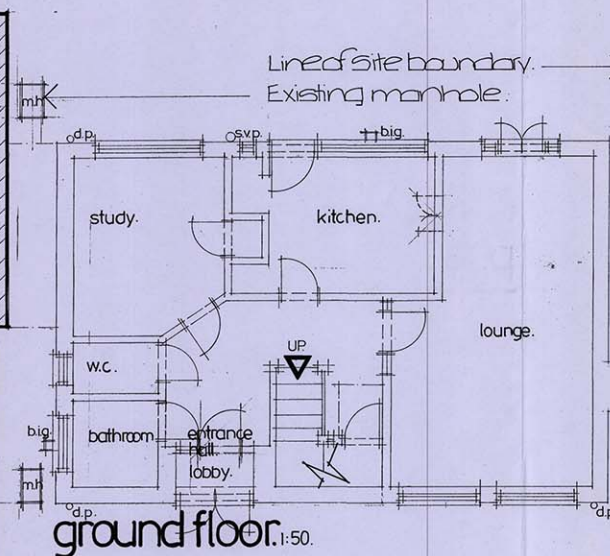
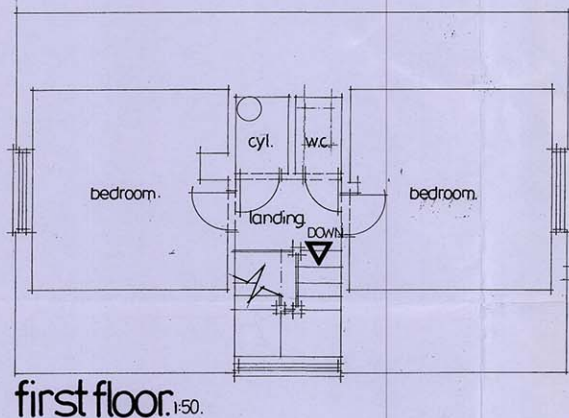
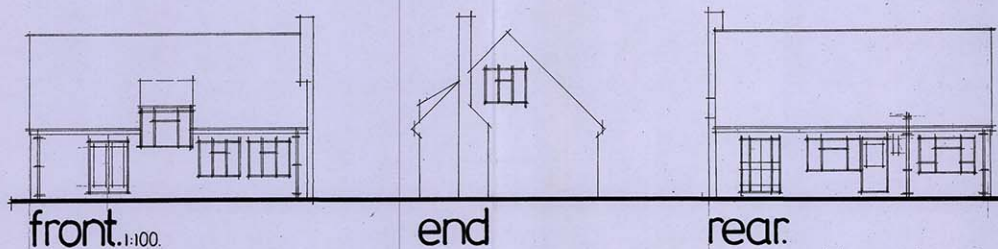
Informative:

- 1) The applicant is encouraged to carry out works between October – March to avoid disrupting roosting bats. In any case, if bats are discovered, the applicant should cease work and contact a qualified ecologist or Natural England for advice.





# EXISTING.

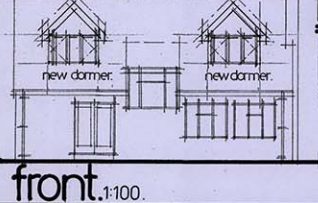


**DOORS/WINDOWS/GLAZING:** - All glazing to critical areas to be toughened. Double glazed sealed units constructed from 16 glass with 20mm air gap. New windows to achieve 1.6W/m<sup>2</sup>K and doors to achieve 1.3W/m<sup>2</sup>K. New frames are to be set back 30mm into the cavity. All safety glazing to comply with BS 6206 P8. Fire escape window fe. to have a clear opening of 150mm x 260mm with sill max 1100mm above finished floor level.

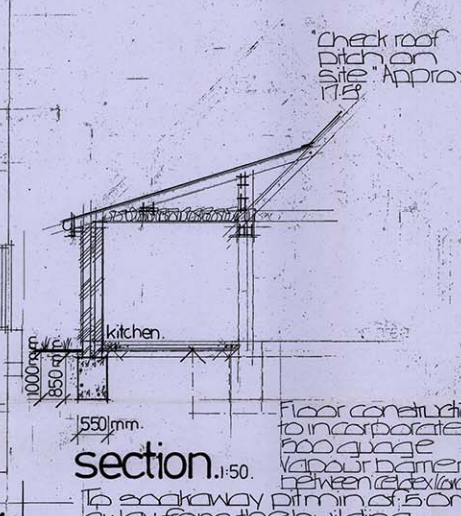
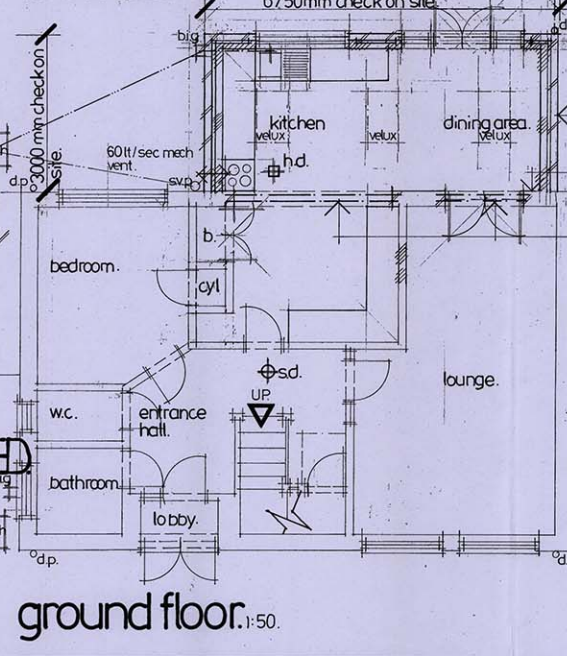
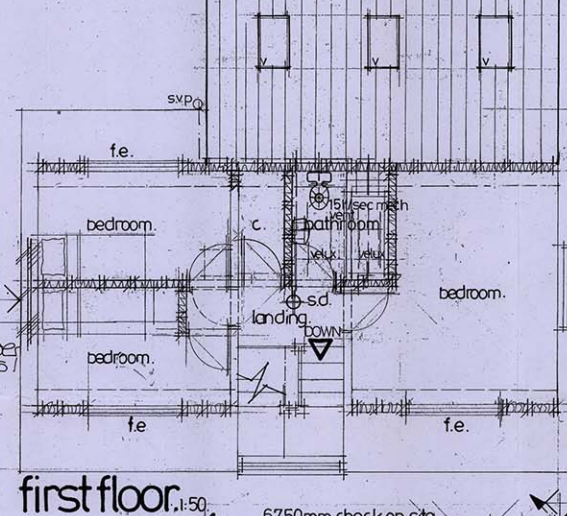
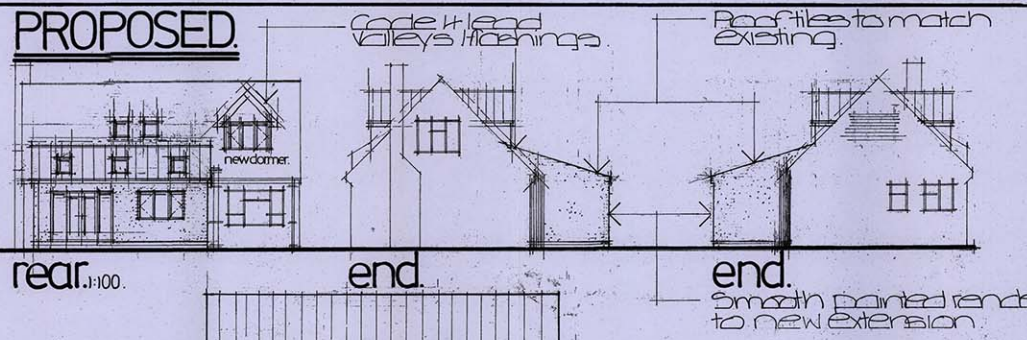
**ELECTRICS:** - All electric work to be undertaken by Electrical contractor to satisfy Part P of the building regs and provide the homeowner with completion certificate. 15% of new lighting to be energy efficient light fittings. Ensure all electrical sockets and switches are fitted between 1150mm and 1700mm above finished floor level.

sd. Permanently wired to consumer unit and interlinked smoke detector.

hd. Permanently wired to consumer unit heat detector.



# PROPOSED.



New extension to be securely fixed to existing line of site boundary. Plaster existing wall surface.

Upon site investigation check existing lintels are satisfactory to take additional loads if not re-new with carnic anel lintels with min 150mm end bearing.

# PROPOSED

**NOTE.**  
Builder to check all setting out details on site.

N.H. BUILDING DESIGN.  
18 PLASSET DRIVE, ATTLEBOROUGH, NORFOLK, NR17 2NU. Tel: 01953-455715.

client: Proposed rear storey extension at 2A Kingston Square, Norwich.

scale: 1:50, 1:100.

date: December 2013.

drawing n°: NH/13/76/1 rev A.

<b>Report to</b>	Planning applications committee 5 June 2014	<b>Item</b> <b>5</b>
<b>Report of</b>	Head of planning services	
<b>Subject</b>	Performance of the Development Management Service, Jan-Mar 2014 (Quarter 4, 2013-14)	

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## **Purpose**

To report the performance of the development management service to members of the committee.

## **Recommendations**

That the report be noted.

## **Financial Consequences**

The financial consequences of this report are none.

## **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the implementation of the planning improvement plan.

## **Contact Officers**

Graham Nelson, Head of Planning Services	01603 212530
Ian Whittaker, Planning Development Manager	01603 212528

## **Background Documents**

None.



# Report

## Background

1. On 31 July 2008 Planning Applications Committee considered a report regarding the improved working of the Committee which included a number of suggested changes to the way the Committee operates. In particular it suggested performance of the development management service be reported to the Committee and that feedback from members of the Committee be obtained.

## Performance of the development management service

2. Table 1 of the appendix provides a summary of performance indicators for the development management service. The speed of determining applications is National Indicator 157 (NI157). Table 2 shows the numbers received, pending and on hand at the end of the quarter. The NI157 figure for majors are a significant improvement on the previous quarter and are all above target and higher than the previous quarter.
3. The government has commenced collecting and publishing data on decisions made in 26 weeks as part of the “planning guarantee”. From 1<sup>st</sup> October 2013, there are opportunities for applicants to request the refund of fees if decisions have taken longer than 26 weeks to determine, unless there is either a planning performance agreement signed pre-submission, or a written agreement to extend the time period for determination for major applications. In such cases the applications are not eligible for a refund and count as being “in time” in the NI157 13 week performance data. In the last quarter 145 out of 149 were dealt with in 26 weeks and all were valid prior to October last year so the potential for refund of fees does not apply in those cases.
4. Major schemes achieved 90.9% on time with 10 out of 11 within 13 weeks. However, as the one item that took longer than 13 weeks was by agreement with the applicant it counts as being “in time”. Therefore the official statistics for government purposes was 100%. 78.9% was achieved for minors and 85.9% for others. The English averages for the latest period with available data (quarter 3, 2013-14) being 74%, 70% and 84% respectively i.e. these are all exceeded by between 2 and 26 percentage points.
6. Overall the data for is generally positive and results from improvements to processes to speed up the early stages of processing, a good quality pre-application advice service and improved information on the website, and more effective ways of working. There are very few old applications still pending and the future performance of the planning service should be close to target levels in the coming months.
6. There is a dip in performance for minors and others in the fourth quarter. This is due to a combination of factors with some significant problems in the operation of the Public Access system so that errors were appearing on the website which indicated that consultations had closed when they had not. This necessitated a lot of staff time to resolve and a further allowance for comments had to be made and some items were delayed to a subsequent Committee. In



addition the workload is gradually increasing and the final quarter is normally lower than the third quarter due to the impact of the office closure at Christmas and New Year which impacts on decisions taken in January and February.

6. The government has announced that it will take action if councils perform poorly on major applications or have a very poor appeal success rate. This will result in “designation” and applicants would then have the right to bypass the local planning authority and have the application dealt with by the planning Inspectorate. It is not anticipated that there will be any issues in Norwich with the appeal rate of success. However, care will have to be taken with respect to the monitoring of the speed of handling major applications over the coming months. “Designation” will be linked to previously submitted NI157 data. Applicants would then have the option of submitting applications direct to the Planning Inspectorate and the council would lose the planning fee. However, and more importantly, designation would have reputational harm, and have negative impacts on trust by developers in the proper working of the planning function.
7. For the two years ending 30<sup>th</sup> June 2013 the figure for determination of major applications in 13 weeks was 39.7%, above the government’s floor for “designation” of 30%. The government has proposed that it will increase the minimum figure to 40% for the next round, and which will be announced in the autumn. The cumulative figure for the five quarters ending 30<sup>th</sup> September, 2013 was 42.8%, for 6 quarters it was 47.8%, and for the 7 quarters ending 31<sup>st</sup> March, 2014 it was 55%. The next quarter should be in excess of this level and so the final outturn for the 2014 designation round is expected to be well above the designation threshold.
8. The percentage of decisions delegated to officers was 91% (previous quarter 92.7%). The national average for district council's is 91%.

Table 1

Speed of determination of planning applications recorded by National Indicator 157

	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013					2013 - 2014				
	Year	Year	Year	Year	Q1	Q2	Q3	Q4	Year	Q1	Q2	Q3	Q4	Year
<b>Major</b> % 13 wks	<b>37%</b>	<b>72.5%</b>	<b>75.7%</b>	<b>52.9%</b>	77.7%	50%	14.2%	7.1%	<b>35%</b>	50%	68.5%	100%	100%	<b>75.9%</b>
% 26 wks										58.3%	73.6%	100%	100%	<b>83.7%</b>
<b>Minor</b> % 8 wks	<b>75%</b>	<b>88.4%</b>	<b>78.9%</b>	<b>67.2%</b>	81.5%	69.6%	66.1%	63.3%	<b>73.4%</b>	70%	86.5%	88.8%	78.9%	<b>80.4%</b>
% 26 wks										96.2%	95.9%	98.4%	98.0%	<b>97.1%</b>
<b>Others</b> % 8 wks	<b>80%</b>	<b>90.3%</b>	<b>89.6%</b>	<b>81.6%</b>	86.4%	77.2%	78.6%	82.4%	<b>81.1%</b>	85.5%	83.9%	92.6%	85.9%	<b>86.7%</b>
% 26 weeks										100%	98.5%	100%	95.9%	<b>98.9%</b>

**Table 2****Numbers of planning applications recorded by National Indicator 157**

	2010 - 2011				2011 - 2012				2012 - 2013				2013 - 2014			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Received	212	222	197	255	184	245	176	221	273	255	171	207	223	193	188	199
Withdrawn/called in	15	11	19	15	9	21	10	8	17	6	8	8	5	25	9	9
On hand (pending) at end of quarter	144	132	136	206	169	160	119	179	190	154	149	173	168	104	106	126
Decisions	197	222	174	169	212	232	203	157	246	223	167	175	223	231	178	167



**Report to** Planning applications committee  
5 June 2014

**Item**  
**6**

**Report of** Head of planning services

**Subject** Performance of the Development Management Service:  
Appeals: 1 January to 31 March 2014 (Quarter 4 2013 -  
14)

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### **Purpose**

To report the performance on planning appeals to members of the committee.

### **Recommendations**

That the report be noted.

### **Financial Consequences**

The financial consequences of this report are none.

### **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future”.

### **Contact Officers**

Graham Nelson, Head of Planning Services  
Ian Whittaker, Planning Development Manager

01603 212530  
01603 212528

### **Background Documents**

None.

# Report

## Background

1. The purpose of this report is to ensure members are aware of the outcome of planning appeals.
2. Appendix 1A provides details of appeals lodged which are pending. There were three planning appeals pending or awaiting decision at the end of the quarter. Two of the appeals were delegated officer decisions where the application was refused. The remaining appeal was a member decision which was refused against officer advice (application no. 13/00637/F for 195 – 197 Sprowston Road).
3. Appendix 1B shows there were two appeals dismissed during this quarter. These cases were both delegated decisions to officers.
4. Appendix 1C shows there were also two appeals allowed during this quarter. Application no. 13/00403/U (85 Grove Road) was a case where Committee overturned the officer decision and refused the application for a part change of use of ground floor from residential to hair salon. The inspector considered that there was no harm to living conditions of the dwelling, would not lead to any discernable change in highway conditions if no parking was provided, would not harm the residential character of the building or the terrace as a whole.
5. The remaining appeal application no. 13/00013/F (419 Dereham Road) for a sub-division of the garden to form a plot for a dwelling was a delegated decision to officers. The inspector was of the view that the development would not be cramped, there would be adequate and usable private amenity space and it would not harm the street scene or locality.

### **Planning Appeals in Progress – Quarter 4 (1 January to 31 March) 2013 / 2014**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
13/00008/REF  Application No. 13/00726/F	APP/G2625/A/13/2202491	Performance House Barrow Close Sweet Briar Road Industrial Estate Norwich NR3 2AT	Refusal of planning permission for Change of use from light industrial (Class B1) to a children's nursery (Class D1) with internal and external alterations.	5th August 2013	Written Reps	In Progress
13/00013/REF  Application No. 13/00637/F	APP/G2625/A/13/2210266	195 - 197 Sprowston Road Norwich NR3 4JR	Refusal of planning permission for Demolition of existing property and erection of convenience store and 2 No. residential flats.	17th December 2013	Written Reps	In Progress

Appendix 1A

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
14/00001/REF  Application No. 13/01593/CLP	APP/G2625/X/14/2211377	8 Taylors Buildings Magdalen Road Norwich NR3 4AL	Refusal to grant a certificate of lawful use or development for Application for a Lawful Development Certificate for a single storey side extension.	9th January 2014	Written Reps	In Progress



**Planning Appeals Dismissed – Quarter 4 (1 January to 31 March) 2013 / 2014**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
13/00011/REF  Application No. 13/00406/F	APP/G2625/A/13/2006403	Garden Land Rear Of 63 - 69 Lawson Road Norwich	Refusal of planning permission for Erection of 1 No. new dwelling with associated parking.	10th October 2013	Written Reps	Dismissed
13/00012/ADVT  Application No. 13/01202/A	APP/G2625/H/13/2208014	Part First Floor And Second Floor 13 - 25 London Street Norwich NR2 1JE	Refusal of advertisement consent for Display of 2 No. non- illuminated wall signs.	5th November 2013	Written Reps	Dismissed

**Planning Appeals Allowed – Quarter 4 (1 January to 31 March) 2013 / 2014**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
13/00007/REF  Application No. 13/00403/U	APP/G2625/A/13/2199109	85 Grove Road Norwich NR1 3RT	Refusal of planning permission for Change of use of part of ground floor from residential (Class C3) to hair salon (Class A1).	17th July 2013	Written Reps	Allowed
13/00010/REF  Application No. 13/00013/F	APP/G2625/A/13/2203105	419 Dereham Road Norwich NR5 8QH	Refusal of planning permission for Subdivision of ex-garden land and erection of 1 No. two bedroom house.	12th August 2013	Written Reps	Allowed

<b>Report to</b>	Planning applications committee. 5 June 2014	<b>Item</b> <b>7</b>
<b>Report of</b>	Head of planning services	
<b>Subject</b>	Performance of the Planning Enforcement Service, Jan-Mar, 2014 (Quarter 4, 2013-14)	

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## **Purpose**

To report the performance of the planning service to members of the committee.

## **Recommendations**

That the report be noted.

## **Financial Consequences**

The financial consequences of this report are none.

## **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future”.

## **Contact Officers**

Graham Nelson, Head of Planning Services	01603 212530
Ian Whittaker, Planning Development Manager	01603 212528
Michael Stephenson, Public Protection Manager	01603 212283

## **Background Documents**

None.

# **Report**

## **Background**

1. During 2013 members of the planning applications committee expressed a desire to see information relating to enforcement cases that had previously been referred to the Committee and where enforcement action had been recommended. This is the second report produced.
2. The day to day work of planning enforcement is undertaken by officers within public protection and who deliver an integrated enforcement role and covers other related areas such as noise, contamination etc.

## **Performance of the planning enforcement service**

3. Table 1 of the appendix provides a summary of the key data showing the numbers of cases received and being investigated, together with data on the formal actions instigated.
4. Table 2 identifies the current status of all the cases that have previously been referred to Planning Applications Committee since 1<sup>st</sup> April, 2014. The intention will be to keep members abreast of what has actually happened in relation to the case where they have agreed to take action. Note that it is not a comprehensive summary of all cases where action is being undertaken – and therefore the data in table 2 does not match table 1.
5. There are currently 179 pending cases, in hand, with the planning enforcement service. This is a large number but is substantially lower than it was some two years ago.

Table 1

## Planning enforcement – key data

	2011-12	2012	-	2013		2013	-	2014	
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>No. of new cases received</b>	87	123	104	108	64	91	101	72	107
<b>No. of cases closed down*</b>	n/a	n/a	n/a	n/a	n/a	139	74	54	79
<b>Formal action instigated**</b>	1	5	15	3	13	11	6	11	11

\*No. of cases closed down includes a variety of outcomes such as the issue being not development, of such minor scale that it is not expedient to pursue, resolved by removal of the offending structure or cessation of use or a planning application being submitted and agreed.

\*\* Formal action includes enforcement notices, breach of condition notices, prosecutions, stop notices, cautions, fixed penalty notices etc

**Table 2**  
**Enforcement action previously agreed by Committee after 1<sup>st</sup> April, 2013.**

Case no.	Address	Development	Date referred to Committee	Current status	Actions completed*
13/00010/EXTEN/ENF	13 Trafalgar St	Structure (enclosed balcony)	16 <sup>th</sup> May, 2013	Court date fixed, defendant did not appear. Structures removed and balcony now unenclosed	Yes
12/00070/CONSRV/ENF	124 Earlham Road	Replacement windows (Article 4)	16th May, 2013	The installation of high quality, bespoke replacement, upvc sliding sash windows as agreed with Design and Conservation Officer's recommendations now largely completed.	Yes
13/00080/CONSRV/ENF	33 Grosvenor Road	Replacement windows (Article 4)	25th July, 2013	Enforcement Notice is currently subject to an appeal, awaiting outcome.	No
13/00068/EXTEN/ENF	268 Heigham Street	Unauthorised development - (shipping container on land)	7th November, 2013	Notice served and time period has expired for compliance. Officers are preparing a prosecution file.	No
EH12/8433	64-66 Westwick Street	Unauthorised development – (conservatory fronting the river)		Notice served and appealed, appeal was dismissed, the notice has not been complied with. Officers are preparing a prosecution file.	No
Planning ref 13/01483/A	Sweet Briar Rd / Drayton Rd	Hoarding	6 <sup>th</sup> March, 2014	Letter sent to the Head of City Development Services requesting removal of the sign given its location on highways land.  The sign has now been removed by the advertisement company.	Yes
Planning ref 13/0148/A	Sweet Briar Rd	Hoarding	6 <sup>th</sup> March, 2014	The sign has now been removed by the advertisement company, no formal enforcement action was taken.	Yes

Case no.	Address	Development	Date referred to Committee	Current status	Actions completed*
Planning ref 13/01484/A	Sweet Briar Rd	Hoarding	6 <sup>th</sup> March, 2014	Letter sent to the Head of City Development Services requesting removal of the sign given its location on council owned land. The advertisement company have also advised that they are willing to remove this, however to date it has not yet been removed.	No
Planning ref 13/01982/F	463-503 Sprowston Rd	Aldi foodstore fire escape steps	6 <sup>th</sup> March, 2014	Written to Aldi advising of need to work with local access groups, a meeting is being set up mid May with stakeholders to discuss the matter. Breach of condition notice to be issued pending outcome of this meeting.	No
Planning ref 13/02087/VC and 13/02088/VC	Football ground area	River bank, landscaping, mooring points, roads, street trees	6 <sup>th</sup> March, 2014	Various compliance dates between August 2014 and August 2017	No
13/01540/VC	King Street	Reed Mills – Moorings	07 May 2014	Following the resolution of the planning committee to serve a breach of condition notice to secure the implementation of the mooring posts formally agreed in the river, the Council's solicitor has advised that before serving such a notice that letters from the Council as land owner and the Broads as navigation authority are obtained advising that they are content with the principle of the scheme and that subject to the appropriate procedures land owner and navigation authority consents are likely to be forthcoming. This is to ensure that there is no objection to the breach of condition notice on the grounds that undertaking the works would result	No

Case no.	Address	Development	Date referred to Committee	Current status	Actions completed*
				in trespass and an obstruction to navigation. The Broads Authority have confirmed that there would be no objection from a navigation perspective. Land owner agreement is likely to take longer as there are a number of implications on the land owner and the Council is currently preparing an asset review report which proposals such as this need to be considered against, this draft report is due to be prepared for a date towards the end of June.	

\*If the actions have been concluded a "yes" indicates that the item will be deleted from the next quarterly review. Items with ongoing actions will continue to be reported.