



PLANNING APPLICATIONS COMMITTEE

Date: **Thursday 9 January 2014**

Time: **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)
Storie

FOR FURTHER INFORMATION PLEASE CONTACT -

Committee officer: Jackie Rodger
Tel. No: 01603 212033
E-mail: jackierodger@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

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 5 December 2013.

4. Planning applications **17**
(Report of the head of planning services)

Purpose - To determine the current planning applications as summarised on pages **13 - 14** 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 5 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/>

Please note:

- The formal business of the committee will commence at 9.30am.
- 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.

23 December 2013



If you would like this agenda in large print, audio, Braille, alternative format or in a different language, please call Jackie Rodger, Senior committee officer on 01603 212033 or email jackierodger@norwich.gov.uk

Access



Ramps and automatic entrance doors are provided for wheelchairs and mobility scooters at the Bethel Street entrance for access to the main reception and lifts to other floors.

There are two lifts available in City Hall giving access to the first floor committee rooms and the council chamber where public meetings are held. The lifts accommodate standard sized wheelchairs and smaller mobility scooters, but some electric wheelchairs and mobility scooters may be too large. There is a wheelchair available if required.



A hearing loop system is available.

Please call Jackie Rodger, Senior committee officer on 01603 212033 or email jackierodger@norwich.gov.uk in advance of the meeting if you have any queries regarding access requirements.



PLANNING APPLICATIONS COMMITTEE

11.15am to 12.35pm

5 December 2013

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

Apologies: Councillor Button

1. DECLARATION OF INTERESTS

Councillor Jackson said that he had a predetermined view on item 3, below, application no 13/01636/F Castle Mall, Norwich and that he would speak as a member of the public and then would leave the room so that he took no part in the committee's discussion and determination of the item.

(Councillor Gihawi subsequently declared an interest during item 3, application no 13/01636/F Castle Mall, Norwich because she represented Norfolk County Council on the Norwich Business Improvement District board.)

2. MINUTES

RESOLVED to approve the minutes of the meeting held on 7 November 2013.

3. APPLICATION NO 13/01636/F CASTLE MALL, NORWICH

(Councillor Jackson had declared a predetermined view in this item and was not part of the determination of the application. Councillor Gihawi declared an other interest during the officer's presentation and left the meeting.)

The planner (development) presented the report with the aid of plans, slides and at the request of the applicant, a video clip. She referred to the supplementary report of updates to reports for consideration, which was circulated at the meeting, and comprised a summary of a further representation from the agent for the applicant and two further representations from Castle Mall tenants, and the officer response to the issues raised.

(Councillor Gihawi left the meeting at this point.)

Mr Michael Innes, who had designed Castle Mall, addressed the committee and outlined his concerns about the proposal. He suggested that the building could be

cleaned up and that the use of effective lighting could change the appearance of the Back of the Inns entrance.

A representative of the Norwich Society then addressed the committee and said that the proposed treatment of the façade at the Back of the Inns entrance to Castle Mall did not respect the scale and materials of the Castle Mall entrance on the streetscape. He requested a more subtle approach which could incorporate the use of lighting technology.

Councillor Jackson addressed the committee and outlined his objections to the proposal which included the use of aluminium as not being sustainable, that it was contrary to the national planning policy framework and asked whether the design would encourage more people into the mall.

Three tenants of Castle Mall and the centre manager addressed the committee and spoke in support of application which included comments on the need for investment in the mall to ensure the vitality of the centre and the retention of 850 jobs.

A representative of Infrared then spoke on behalf the applicant and said that the company had a good track record of investing in shopping centres and that it would help the city to retain its status as one of the top ten retail destinations in the UK. Investment would improve the footfall in the centre and encourage more tenants to take up leases in it. The façade was dated. Separate planning applications relating to this proposal were likely to be approved by the authority under delegated powers.

(Councillor Jackson left the meeting at this point.)

During discussion the planner, together with the planning development manager, referred to the reports and answered members' questions. Members noted that there were elements of the application that were acceptable and that the applicants were willing to invest in the mall.

Councillor Gayton moved and Councillor Ackroyd seconded that the consideration of the application should be deferred to enable officers to hold further discussion with the applicants. Discussion ensued on this proposal.

RESOLVED, with 8 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Grahame, Sands (S) and Storie) and 2 voting against (Councillors Little and Neale) to defer further consideration of application no 13/01636/F Castle Mall Norwich to a future meeting of the committee.

(Councillors Gihawi and Jackson were readmitted to the meeting at this point.)

4. APPLICATION NO 13/01609/VC 463 - 503 SPROWSTON ROAD, NORWICH

The planner (development) presented the report with the aid of plans and slides and advised members that the Aldi store had opened last week.

The agent for Aldi said that the company was seeking the deletion of the condition to resurface and provide a pedestrian link between Anthony Drive and Sprowston Road and explained that it had been impossible to persuade the owner of the land to allow

Aldi to undertake this work and was not it was not in the applicant's control. He pointed out that the applicant had provided a new well lit pedestrian route throughout the site.

During discussion the planner referred to the report and advised members that local residents had applied to make the pedestrian link between Anthony Drive and Sprowston Road a public right of way and that it was reasonable to extend the condition whilst this process was being undertaken. Members were advised that the new pedestrian route through the Aldi site was accessible at all times. The ownership of a small strip of land on the pedestrian link between Anthony Drive and Sprowston Road was uncertain. The landowner of part of the link was concerned about liability but an improved surface quality would reduce the potential for accidents. Members were advised that the status of the link as public right of way was outside the committee's remit. The issues of the right of way would take around 18 months for a decision to be made by the county council. It would therefore be a missed opportunity if the applicant was discharged of the obligation before this decision had been made.

Following discussion members considered that they would re-impose the former condition 8 which related to the resurfacing of the pedestrian link between Anthony Drive and Sprowston Road and to re-impose the other conditions, including the section 106 agreement.

RESOLVED, unanimously, to approve application no 13/01609/VC at 463-503 Sprowston Road and grant planning permission, subject to the following conditions:-

1. In accordance with plans:

Approval of details

2. Details for:

- (a) retail store - external materials and gate to vehicular entrance of site to be installed as agreed under application 13/00976/D.
 - (b) residential units – external materials.
3. Use of obscure glazing within high level windows in retail store;
4. The content, materials and fixing of the historic interpretation materials to the north elevation of the store;

Landscaping and trees

5. Landscaping scheme for:
 - (a) retail unit as agreed under 13/00976/D;
 - (b) residential units including permeable hard surfacing, walls and fences for privacy and acoustic screening as required).
6. Pedestrian links through store site provided.

Precise wording of condition 7:

7. The materials to be used for the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road shall be submitted to and agreed in writing by the Local Planning Authority, by 28 May 2015. The resurfacing shall be carried out in full

accordance with the agreed details within six months of the details being agreed to provide a pedestrian link from Anthony Drive to Sprowston Road.

8. No removal of trees, shrubs or buildings on site during bird breeding season (March to August inclusive).
9. Arboricultural supervision.
10. No dig methods.
11. Protection of areas.
12. Siting of services.

Car parking, cycle and refuse storage

13. Servicing provision – retail – as agreed under 13/00976/D.
14. Servicing provision – residential to be agreed.
15. Car parking management plan – as agreed under 13/00976/D.

Water and energy efficiency

16. Provision and maintenance of SUDS system – as agreed under 13/00976/D.
17. Water conservation to Code for Sustainable Homes Level 4 for homes – to be agreed.
18. Provision of renewable energy for retail store to 10% - as agreed under 13/00976/D.
19. Provision of renewable energy for residential units to 10% - to be agreed.

Restrictions to protect amenity

20. Hours of store opening, opening of vehicle gate into site and delivery and servicing, outside of which time no delivery or servicing vehicles may enter site 07:00 to 23:00 Mondays to Saturdays and 09:00 to 16:00 Sundays and Bank Holidays
21. Plant and machinery installed – to be agreed
22. Removal of permitted development rights for ventilation and fume extraction for any future plant required at the store after implementation.
23. No storage or materials on site outside of designated areas unless first agreed.
24. No use of reversing alarms on lorries on site.
25. Refrigeration units on delivery vehicles to be switched off.
26. Loading/unloading in designated areas only.
27. Rubber shroud around delivery bay – as agreed under 13/00976/D.
28. No cages to be used on site.

Archaeology and ground contamination

29. Archaeology – stop work if any artefacts found.
30.
 - (a) Retail - watching brief for land contamination – as agreed under 13/00976/D;
 - (b) Residential – watching brief for land contamination
31.
 - (a) Retail - remediation strategy for ground contamination as agreed under 13/00976/D.

- (b) Residential – remediation strategy for ground contamination to be agreed.
- 32. Unidentified contamination found on site
- 33. Agreement of any imported topsoil

Other conditions

- 34. Goods sold limited to 198sq.m. of floorspace for non-convenience goods.
- 35. Travel information plan – as agreed under 13/00976/D.
- 36. Safeguarding of access to site.

Article 31(1) (c) 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 above.)

5. APPLICATION NO 13/01681/F 476 SPROWSTON ROAD, NORWICH, NR3 4DY

The planner (development) presented the report with the aid of plans and slides.

The committee then heard representations from local traders who expressed concern about competition to existing hot food retailers; that there was no fire emergency exit to the proposed building; that there was nowhere to place the bins; that there was only one toilet on the premises; concern about exacerbation of existing parking problems; and that smell and noise from the change of use of the property would affect the amenity of the resident in the flat above.

During discussion the planner referred to the report and reassured members that the proposed conditions were reasonable and enforceable. The conditions required the applicant to seek prior approval of the detailed plans for bin storage and extractor units. A member expressed concern that two of the speakers had referred to the lack of an emergency exit to the property and was advised that the need for a fire exit would be assessed as part of the building regulations.

Discussion then ensued on the change of use to a café and concern that whilst there was no café element in the shopping centre at present there were other takeaways. Members noted that the applicant had not submitted hours of operation and several members considered that a café would be likely to open earlier than proposed to provide breakfasts. Councillor Jackson moved and Councillor Grahame seconded that the application be approved subject to reducing the hours of operation set out in condition 3 (7am to 9pm) and conditioning that the internal lay out was in accordance with the plans to ensure that servery did not encroach on the space for tables and chairs. A member pointed out that there was a typographical error in condition 3 and that “not” should be deleted.

RESOLVED, with 11 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Gihawi, Grahame, Jackson, Little, Neale and Storie) and 1 member voting against (Councillor Sands (S)) to approve application

no 13/01681/F at 476 Sprowston and grant planning permission, subject to the following conditions, as amended:-

1. Standard time limit.
2. In accordance with the approved plans.
3. The premises shall be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 07:00 hrs and 21:00 hrs [Monday to Sunday].
4. 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 including trade waste on Sundays or Bank or Public Holidays.
5. No development shall take place until details of the following on site provisions have been submitted to and agreed in writing by the local planning authority:
 - (a) bin enclosure;
 - (b) a management plan for the storage and collection of operational waste;
 - (c) a management plan for dealing with any litter generated by the takeaway
6. No extraction 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 all the components of the ventilation system including flue outlet point, canopy, ductwork, extraction fan, use of anti-vibration mountings 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 kitchen extraction system shall be carried out in accordance with the scheme as agreed.

6. APPLICATION NO 13/01732/F 57 IPSWICH ROAD, NORWICH, NR4 6LA

The planner (development) presented the report with the aid of plans and slides, which included slides provided by the applicant. The Norwich Society had commented on the application and were strongly opposed to the proposal which was considered to be out of proportion to the existing house and objected to the balcony.

A neighbouring resident addressed the committee and outlined her objections to the proposal which included concern about overdevelopment of the site; that the balcony was unnecessary and would overlook her property; the condition for a screen for the balcony would not be maintained and concern about the impact of the development on traffic and road safety.

The applicant spoke in support of the application. Residential use would have less impact on traffic. The property was to provide the couple with a modest income for their retirement and as they would retain the freehold of the property, they could ensure that the screen on the balcony was retained. The screen would be obscured glass.

The planner referred to the slides provided by the applicant and showed the committee what the view would be from the proposed balcony. He pointed out that the use of the house as a massage or a day spa generated more traffic than residential use. In reply to a question he said that the balcony would provide the residents with an outside space and that the privacy screen was important and should not be removed.

RESOLVED with 9 members voting in favour (Councillors Bradford, Ackroyd, Blunt, Brociek-Coulton, Gihawi, Grahame, Jackson, Little, Neale,), 2 members voting against (Councillors Sands (S) and Storie) and 1 member voting abstaining (Councillor Gayton) approve application no. 13/01732/F 57 Ipswich Road, Norwich, and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with the approved plans.
3. Details relating to the specification of the balcony.
4. Details of water conservation measures.
5. Details of the following on site provisions.
 - a) car and motorcycle parking layout;
 - b) vehicle turning areas;
 - c) covered and secure bicycle storage and parking for residents and visitors to the dwelling; and
 - d) servicing, including waste and recycling bin storage and collection facilities.
 - e) details of materials of paved areas, including manufacturer, product type and colour;
 - e) details of new external lighting;
 - f) details of rotary drying areas.

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.

CHAIR

Applications for submission of planning applications committee

ITEM

9 January 2014

4

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4(1)	13/01740/O	17	2 Upton Close Norwich NR4 7PD	Jo Hobbs	Outline permission for demolition of existing garage, division of existing plot and erection of single storey dwelling.	Objections	Approve
4(2)	13/01218/F	29	13 - 14 Gentlemans Walk Norwich NR2 1NA	Caroline Dodden	Alterations to entrance and elevation to Old Post Office Yard. Change of use of first, second and third floors from offices (Class B1) to restaurant and karaoke bar (Class Sui Generis); including installation of lift.	Objections	Approve
4(3)	13/01963/VC	39	Unit A Yarefield Park Oldhall Road Norwich NR4 6FF	Rob Parkinson	Variation of proposed highways works required by conditions of previous permission 13/00870/F 'Change of use of industrial premises (Class B1/B2/B8) to 600 pupil University Technical College (Class D1); proposed tower and window extensions, alterations to building exterior; changes to external site layout; erection of bus and cycle facilities and 2.4m security fencing and pedestrian gate to parts of site boundaries.' Changes comprise: Variation of Condition 6(a): cycle infrastructure, to relocate new cycle link route from Ipswich Road / Fountains Road to Hall Road / Oldhall Road;	Departure from Local Plan; Major development; Variation of planning committee decision.	Approve

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
					Removal of Condition 6(c): providing dropped kerbs on Hall Road opposite Sandy Lane; Variation of Condition 6(d): to provide shared-use cycle signage at junction of Fountains Road and Hall Road; Variation of Condition 6(e): signage on Bessemer Road, to replace Bessemer Road cycling signage with a general direction sign at Oldhall Road, and Variation of Condition 7(b): Yellow lines on Neatmarket road, to alter nature of intended parking restrictions and introduce a coach parking zone.		

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 9 January 2013
Report of Head of Planning Services
Subject 13/01740/O 2 Upton Close Norwich NR4 7PD

Item
4(1)

SUMMARY

Description:	Outline permission for demolition of existing garage, division of existing plot and erection of single storey dwelling.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Eaton
Contact Officer:	Jo Hobbs Planner 01603 212526
Valid Date:	28th November 2013
Applicant:	Ms Anne Maskell
Agent:	Mr Charles Emberson

INTRODUCTION

The Site

Location and Context

1. The site is located on Upton Close, a non-classified cul-de-sac which leads through to other residences on Kingston Square and Queens Close. The area is residential in character, with a varied urban form predominantly with single and two storey detached dwellings. There are also some terraced dwellings to the north east of the site.
2. The site itself is located on a bend in the road on Upton Close. The application site is currently occupied by the garage to 2 Upton Close. The garage is an open structure to the rear with a garage door facing onto the street.
3. The immediate neighbours to the site are a bungalow at 2a Upton Close, a two storey dwelling at 4 Upton Close and the rear gardens of 2b and 6 Upton Close. On the south side of Upton Close there are chalet bungalows facing the application site.
4. There are some trees in the vicinity, in particular a walnut tree in the rear garden of 2 Upton Close.

Planning History

5. There is no relevant planning history on this site.

Equality and Diversity Issues

6. The site is in a fairly accessible location without needing to use private cars, ensuring younger people would be able to access public transport from the site. Any new dwelling on site would be subject to building regulations ensuring good access into the dwelling.

The Proposal

7. The application is for outline consent for a new residential dwelling in the existing garden of 2 Upton Close. All matters are reserved in the outline consent and so it is just the principle and feasibility of an additional dwelling that is being considered.

Representations Received

8. Adjacent and neighbouring properties have been notified in writing. Four letters of representation have been received citing the issues as summarised in the table below.
- 9.

Issues Raised	Response
Over-intense use of site	Paragraphs 26-33
Highway safety	Paragraphs 18-24
Traffic congestion	As above
Disturbance from new driveway – light and noise	Paragraph 32
Loss of light	Paragraphs 29-30
Insufficient information on new and existing dwelling	Paragraphs 41 and 42
Pre-application consultation	Paragraph 43

Consultation Responses

10. Local Highway Authority – no objections.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework (NPPF):

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

Statement 11 – Conserving and enhancing the natural environment

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

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

NE8 – Management of features of wildlife importance
NE9 – Comprehensive landscaping scheme and tree planting
HB12 – High quality of design
EP16 – Water conservation and sustainable urban drainage
EP22 – High standard of amenity for residential occupiers
HOU13 – Proposals for new housing development on other sites
TRA3 – Modal shift in support of Norwich Area Transport Strategy
TRA6 – Parking standards
TRA7 – Cycle parking provision
TRA8 – Servicing provision

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011
The Localism Act 2011 – s143 Local Finance Considerations

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

Please note that these policies were submitted to the Planning Inspectorate on 17th April 2013. 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 much weight.

DM1 Achieving and delivering sustainable development
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
DM12 Ensuring well-planned housing development

- DM28** Encouraging sustainable travel
DM30 Access and highway safety
DM31 Car parking and servicing

Principle of Development

Policy Considerations

11. The site is located within garden land to the existing property. Under national planning policies new housing development should be located within accessible locations on previously developed land where possible. The site is in an existing residential area with connections to a district centre within Eaton, and public transport links into the city centre. The proposed development would however be on non-previously developed land.
12. 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.
13. As there are no specific policies within the development plan relating to garden development this is not considered to be an issue to prevent this development.
14. The key considerations to consider the principle of the use of this site for residential are highway safety, impact on streetscene, impact on living conditions, trees, protected species and water efficiency. Other matters such as the exact design, landscaping, hard surfacing materials, details of car and cycle parking, refuse storage and Community Infrastructure Levy would all be considered at a later stage through a reserved matters application(s). It will however be necessary to consider if it would be feasible for a satisfactory design to come forward at reserved matters stage.

Other material planning considerations

15. 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.
16. 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.
17. 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".

Transport and Access

Vehicular Access and Servicing

18. The proposals entail the re-use of the existing vehicular access into 2 Upton Close and the creation of a new access point to the west of the plot. The new vehicle access would be for the existing dwelling at 2 Upton Road.
19. Upton Close is an unclassified road. As such there are no objections from the Local Highway Authority for the creation to the new access and the use of the existing by an additional dwelling.
20. The provision of a turning space in the new access would enable cars to enter and leave the site in a forward gear. The indicative layout shows a proposed dwelling with a car port and small turning space in front of the dwelling. It would be possible to turn a small car in this space but it is likely that cars could enter or leave the site in reverse. This in itself is not objectionable due to the road being unclassified. Further to this the pavement gives some visibility splay before a car would enter the road.
21. Whilst it is noted that there are objections from residents based on the new vehicle access it is considered difficult to support this concern as a reason for refusal as the road is not classified. It is considered unlikely that this would be upheld as a reason for refusal at appeal. The new access is for the existing dwelling and the proposed new dwelling is indicatively shown to utilise the existing access point.
22. The access to the new dwelling leading to vehicles potentially reversing onto Upton Close would also be regrettable, but again would not be sufficient to merit refusal of the application as the road is unclassified. The proposal is therefore considered to be acceptable on transport grounds.

Car parking, cycle storage and refuse storage

23. The provision for these parking and storage areas would be determined at the reserved matters stage. There is sufficient space for the existing dwelling and proposed dwelling to have parking and storage space within the curtilage of each dwelling. In principle the development is considered to be acceptable for these matters.
24. Letters of objection have raised the potential for congestion on Upton Close. The addition of one dwelling is not considered to lead to a significant level of congestion. The unclassified street does not have any parking restrictions and it would be unreasonable to refuse planning permission on the basis that there could be on-street parking by visitors to the dwelling.

Appearance on streetscene

25. The addition of a dwelling to the street scene has been considered in terms of the impact on the streetscene and residential density. The existing urban form of Upton Close is varied with irregular spacing between developments within the immediate streetscene. The replacement of the existing garage with a single storey dwelling is therefore not considered to have a detrimental impact to the streetscene. This would largely be affected by the final design to be agreed under reserved matters in

any case.

Impact on Living Conditions

Existing residents

26. The principle of a residential dwelling in this location is already established from its current use. The addition of one dwelling would lead to a more intense use of the site however which must be considered.
27. The site is in close proximity to a number of other dwellings. This leads to potential for overlooking and loss of direct sunlight, daylight and outlook.
28. The addition of a new dwelling would lead to more residents using the existing garden land. This could lead to more overlooking to the surrounding properties. However as the unit would be single storey there would be no windows at first floor. The overlooking from windows at ground floor would be reduced by the use of appropriate screening around the site. Residents using the future garden would not lead to a significant increase in overlooking from the current use as a garden. Therefore it is considered that a single storey dwelling could be designed at reserved matters stage in such a manner so as to not have a negative impact on the amenities of neighbouring dwellings. However such a dwelling is likely to be extremely small in scale and may need to be of flat roof construction to minimise the impacts on neighbouring properties.
29. The height and form of the dwelling has not been specified in this outline application. The only detail provided is that the dwelling would be single storey. The built form in this location would lead to a loss of outlook, direct sunlight and daylight to the side windows of 2A Upton Close. The two rooms that would be affected would be a bathroom with frosted glazing and a front living room that has two windows, the larger facing south which would not be affected by the development. It is therefore not considered reasonable to refuse the application on the grounds of loss of outlook, direct sunlight and daylight to these windows as on balance it is not considered that the impact could be considered to be significantly detrimental.
30. There would also be a potential for a loss of daylight and direct sunlight to the rear garden of 2A and 2B Upton Close. However this could be limited by the shape and height of the dwelling which have not yet been specified. It is considered that the only form of development that would be acceptable would be a single storey, flat roofed development. The loss of daylight and direct sunlight to 2A Upton Close, both through side windows and to the rear garden would then be within acceptable bounds. It would therefore be possible to build some form of development on this plot without further loss of direct sunlight and daylight to the rear garden of 2A Upton Close. The details and acceptability would be considered through a subsequent reserved matters application. However, at this stage it is considered unreasonable to refuse the outline consent on this basis.
31. An appropriate landscaping and screening scheme would need to be agreed through the reserved matters application.
32. The issue of disturbance from the new driveway has also been identified in a letter of representation. The level of use of the driveway for one dwelling would lead to a relatively low use, and associated disturbance from noise and lights from cars. It is difficult to refuse the proposals on this basis due to the fact a driveway could be

installed here at any time without the need for planning permission. The absence of a fence along this boundary could lead to car lights shining into neighbouring windows as cars enter the driveway, however an appropriate boundary treatment could be agreed at reserved matters stage via the landscaping details.

Future residents

33. The size of the plot would enable private outdoor amenity space along with space to store refuse bins and cycles as referred to above. The amenity of future residents is therefore considered to be acceptable in principle.

Trees and protected species

34. There are no protected trees on site but there are some trees that provide mature screening from other dwellings and a certain level of visual amenity. All development is located outside of the current root protection areas of the trees on site, most significantly a walnut tree close to the proposed development. One small tree is to be removed. This is a category C tree of small biodiversity and visual value that could be removed at any time without consent. Its loss is therefore considered acceptable given the remaining trees within the rear garden.
35. A report has been submitted with the application to identify tree protection measures during construction to ensure there is no longer term harm to the trees. Subject to these measures being followed the development is considered to be acceptable. Tree and ground protection are therefore recommended to be conditioned.
36. No details have been given to protect the hedges at the front of the site during construction. Whilst the beech hedges are considered to have a positive contribution to the street frontage and would screen the future development from the street, it is not considered reasonable to require protection measures or the retention of this hedge. These hedges could also be removed at any time and the removal of the hedge would not lead to a significant level of overlooking given the distance to the dwellings on the opposite side of Upton Close.
37. It is considered unlikely that protected species such as bats would be using the site. The site forms an open garage structure and a well-kept garden. The presence of protected species is therefore considered unlikely.

Water conservation

38. Given the scale of development the dwelling would not need to have on-site renewable energy provision. Water efficiency would need to meet Code for Sustainable Homes level 4 for water usage. A condition is recommended to ensure as such.

Local Finance Considerations

39. 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.

Financial liability	Liable	Amount
New Homes Bonus	Yes	Based on council tax band, for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	Floorspace not yet specified
Business Rates	No	-

40. Whilst this is a consideration, all the above material considerations must also be fully assessed to determine the suitability of the application.

Other matters raised in letters of representation

41. A letter of representation raised there is insufficient information on the proposed dwelling and changes to the existing dwelling. No works are proposed to the existing dwelling within this application and there is no planning reason why they should be included in the same application. Any works which require permission can be submitted as a separate application.
42. The outline application has provided sufficient information to validate and consider the application under Part 2 of the Development Management Procedure Order (2010) as amended. The outline consent requires less information than a Full planning application would require. This detail would be provided through subsequent Reserved Matters application.
43. The application was not subject to any pre-application neighbour consultation by the applicant. This is not a legal requirement for only one dwelling. Only major developments require pre-application consultations. Otherwise it is up to the applicant to decide whether to speak to the neighbours prior to submitting the application.

Conclusions

44. The principle of an additional dwelling on this site has been considered. There are several impacts from the proposed development which have been fully considered. There would be impacts on the streetscene, highway safety and residential amenity. These issues have all been considered, but on balance none are considered sufficient enough to merit refusal of the application. Whilst the form of development would be a more intense use of the land than some of the surrounding land in Upton Close, paragraph 14 of the NPPF identifies that development should be approved where there is no significant harm. In this instance there is not considered to be significant harm to justify refusal of the application.
45. The subsequent details such as design, scale and form would require careful consideration and may lead to a very small, single storey, flat roofed development on the site, but it is considered feasible and so there are no significant reasons to refuse this application. The outline consent is therefore recommended for approval subject to the recommended conditions.

RECOMMENDATIONS

To approve Application No 13/01740/O at 2 Upton Close and grant outline planning permission, subject to the following conditions:-

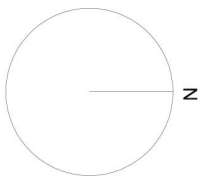
- 1) Standard time limit
- 2) Approval of reserved matters in relation to access, layout, scale, external appearance and landscaping
- 3) In accordance with plans
- 4) Works in accordance with AIA including tree protection
- 5) Ground protection, arboricultural supervision and siting of services
- 6) Water efficiency

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.

Informative Notes:

- 1) Vehicle crossover/dropped kerb information
- 2) Street naming information



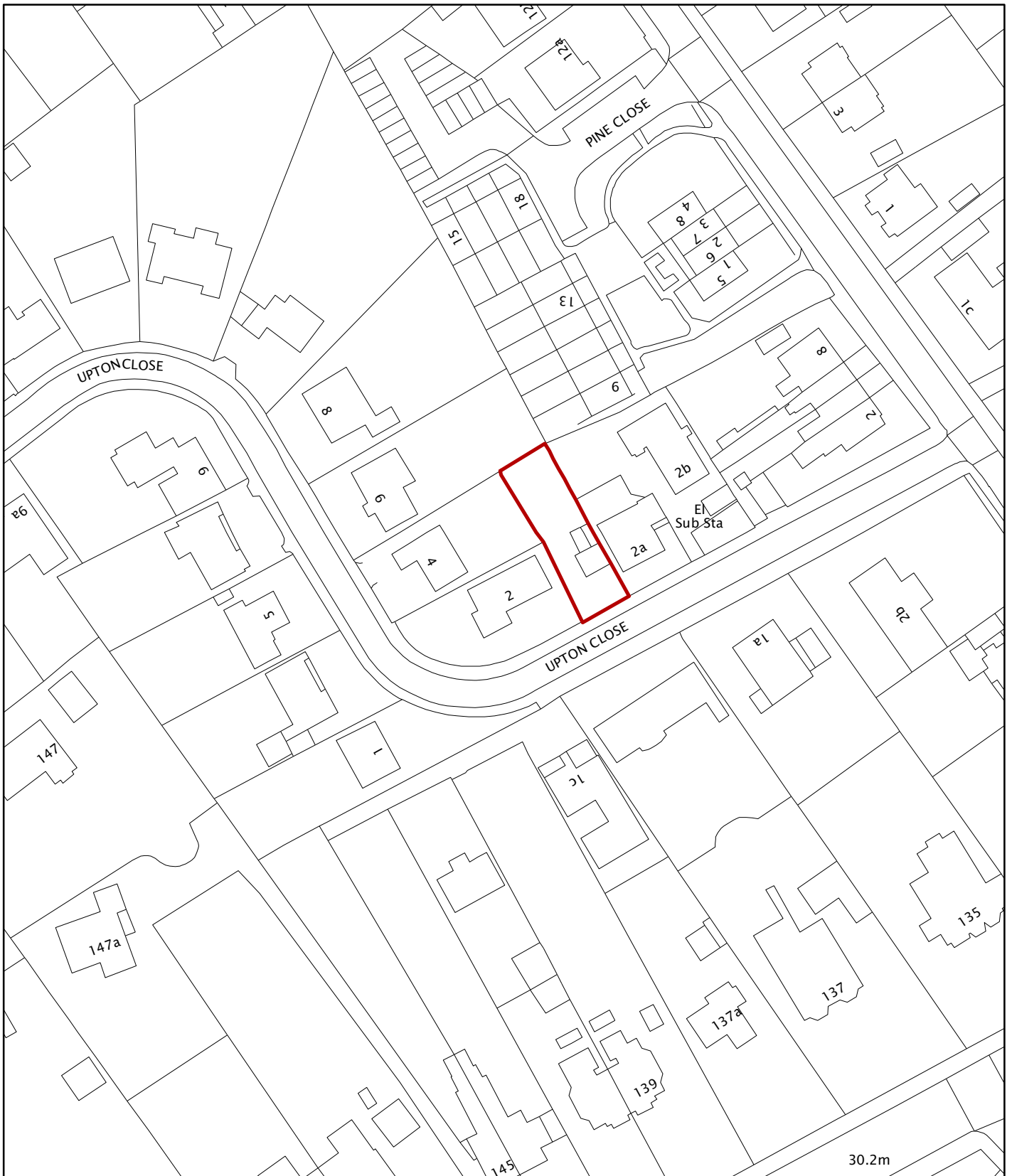
Site area approx 294 M2

1. Proposed 'chalet' unit on site of existing garage/covered area
2. Existing tree
3. Garden
4. Under-building car port
5. Forecourt
6. Existing vehicular entrance
7. Proposed vehicular entrance to Nr. 2 Upton Close
8. New drive and forecourt to Nr. 2 Upton Close
9. Existing garden

Project	2 Upton Close
Drawing	Site plan

Drawing No.	PP 002	Rev.	
Scale	1:200	Drawn	CE
Date	23.09.13	Checked	

DO NOT SCALE
Any discrepancies between or on drawings shall be reported to CHARLES EMBERSON ARCHITECT



© Crown Copyright and database right 2013. Ordnance Survey 100019747.

Planning Application No 13/01740/O
 Site Address 2 Upton Close

Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES



Report to Planning Applications Committee
Date 9 January 2014
Report of Head of Planning Services
Subject 13/01218/F 13 - 14 Gentlemans Walk Norwich NR2 1NA

Item
4(2)

SUMMARY

Description:	Alterations to entrance and elevation to Old Post Office Yard. Change of use of first, second and third floors from offices (Class B1) to restaurant and karaoke bar (Class Sui Generis); including installation of lift.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mrs Caroline Dodden Planner 01603 212503
Valid Date:	8th November 2013
Applicant:	Jeeves Investment Ltd Partnership
Agent:	Mr James Lake

INTRODUCTION

The Site

Location and Context

1. No's 13 – 14 Gentleman's Walk is a four storey property over a basement, where the ground floor and basement are occupied by two retail units. The upper floors are currently vacant.
2. The property fronts on to Gentleman's Walk overlooking Norwich Market to the west. Old Post Office Court runs directly to the south of the property where the neighbouring listed building occupied by Lloyds Bank (to the south) has a small physical link to the premises at the first and upper floors.
3. The property falls within the civic character area of the City Centre Conservation Area, which contains many of the city's public buildings and includes the Market Place, which is identified as a large area of urban space. There are a number of listed (Lloyds Bank and the Walnut Tree Shades Public House) and locally listed buildings (No's 10 and 12 Gentleman's Walk) in close proximity to the property.
4. The property also falls within the City Centre Retail Area and the City Centre Leisure Area, where the elevations facing Gentleman's Walk and Old Post Office Court are identified as defined retail frontage.

Constraints

5. Access to the premises for servicing is from Old Post Office Court, which is a narrow pedestrian thoroughfare. No vehicles are permitted adjacent to the premises at any time. Vehicles must wait at the Castle Street end of Old Post Office Court or on Gentleman's Walk outside the pedestrianised hours of operation.

Planning History

The Council's planning records show that the upper floors of the property were granted planning permission to be used by the neighbouring bank with the aid of a link extension in the 1970's, as a restaurant and a restaurant and health club in the 1980's and as offices in the 1990's. It is understood that the upper floors of the premises have been vacant for approximately 15 years.

Equality and Diversity Issues

There are equality or diversity issues that relate to accessibility. A new lift is proposed to improve accessibility for people with mobility problems to the first, second and third floors of the property. Disabled WC's are proposed on the first and third floors of the building.

The Proposal

The application seeks a change of use of the first, second and third floors of the property from offices (Class B1) to a restaurant on the first and second floors and a karaoke bar on the third floor (Class Sui Generis). This includes physical alterations to the ground floor and alterations and extensions to the first, second and third floors on the southern elevation facing Old Post Office Court, to create a new entrance, a roof terrace and the installation of a new lift.

Representations Received

6. Advertised on site and adjacent and neighbouring properties have been notified in writing. Four letters from three commentators have been received. Two making representations and two letters from one commentator supporting the principle but having certain concerns as summarised in the table below.

7.

Issues Raised	Response
Concern that it will restrict access during construction, particularly if Old Post Office Court is blocked off at the Gentleman's Walk end.	Paragraph 34
Request restriction on hours of construction to prevent noise disturbance at unsocial hours.	Paragraph 34
Concern about refuse provision and collection, bearing in mind the proposed capacity of the building and the fact that bins would be left out in Old Post Office Court.	Paragraphs 25 - 27

Consider 4am closing would result in problems for local residents and the need for extra police resources. A licence until midnight is more than adequate in this area.	Paragraphs 35 - 39
It would be good to see the premises used again after being empty for so long.	Paragraph 16
Concern about access to the fire escape. Note that the wide staircases at Norwich Gaming Centre are not part of the proposal in this regard.	Paragraphs 31 and 32

Consultation Responses

8. **Environmental Health (Pollution Control):** Some concerns regarding the potential impact on the surrounding properties. These concerns fall into 4 main categories, noise from music, noise from plant/machinery, general disturbance caused by the potential volume of customers and the proposed hours of use and odour from restaurant cooking facilities.
9. If permission is granted, this should be conditional on submission of a detailed scheme of attenuation and maximum noise levels, details of any plant/machinery/fume/extract systems to be provided and on operating hours more appropriate for the area within which it is located.
10. **Local Highways Authority:** No objections on transportation grounds subject to a condition that no storage receptacles to be stored on Old Post Office Court or Gentleman's Walk temporarily or permanently. Also informatives should be added regarding vehicles access and waiting, refuse bins, parking permits and a travel information plan.
11. **Norwich Society:** Support the Conservation Officer's comments that the front façade windows on the second and third floors should be replaced to match the first floor. Concerned that problems associated with the night time economy (open until 4.00 am) are spreading into this area of the city if this application were to be approved. No objection to the application solely for a restaurant but have reservations for part use as a karaoke bar as this extends the opening hours beyond that usually expected for a restaurant.
12. **Norfolk Fire and Rescue Service:** No objections provided the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 1 – 2006 edition, amended 2007).
13. **Norfolk Police:** Object to the planning application as the proposed development is outside the Late Night Activity Zone and the proposed hours of opening are beyond 12:00am 7 days a week.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 1 – Building a strong, competitive economy
Statement 2 – Ensuring the vitality of town centres
Statement 4 – Promoting sustainable transport
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 5 – The economy
Policy 11 – Norwich City Centre

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

HBE3 – Archaeology assessment in Area of Main Archaeological Interest
HBE8 - Development in Conservation Areas
HBE9 – Development affecting Listed Buildings
HBE12 - High quality of design in new developments
EP10 – Noise protection between different uses
EP22 - High standard of amenity for residential occupiers
SHO10 - Changes of use in retail frontages in the Primary Retail Area
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (September 2007)

Development Management Policies Development Plan Document – Presubmission policies (April 2013)

DM1 Achieving and delivering sustainable development
DM2* Ensuring satisfactory living and working conditions
DM3* Delivering high quality design
DM9 Safeguarding Norwich's heritage
DM18 Promoting and supporting centres
DM20* Protecting and supporting city centre shopping
DM28 Encouraging sustainable travel
DM31* Car parking and servicing

Emerging DM Policies (submitted for examination):

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 now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

* These policies are currently subject to objections or issues being raised at pre-submission stage. Even where DM policies have been objected to, the objection may concern only one aspect of the policy and significant weight may be applied to that policy depending on what extent the objection relates to this proposal. For clarity, the level of weight that can be attributed to each DM policy has been indicated above.

Principle of Development

Policy Considerations

14. Policy SHO10 of the City of Norwich Local Plan seeks to permit non-retail uses within classes A2 (professional services) and A3 (restaurants and cafes) where there would be no harmful impact on the vitality and viability of the area and where the proportion of Class A1 retail uses (within the measured defined retail frontage) at ground floor level would not fall below 85%. Class A3 uses are permitted in excess of this proportion where they would have a beneficial effect on vitality, viability and appearance of the area.
15. In addition, this policy permits the beneficial use of upper floors of premises, where it is compatible with surrounding uses. Emerging development management policy DM20 follows a similar line and concludes that where necessary, permission will be granted subject to conditions restricting opening hours and/or removing permitted development rights to change to alternative uses in order to protect the amenity of surrounding occupants and the vitality and viability of the area generally.

Principle of change of use

16. The principle of the proposed change of use from offices to a restaurant on the first and second floors and karaoke bar on the third floor accords with Local Plan Policy SHO10 and emerging policy DM20. The current proportion of non-retail frontage within the street is 15%, however, the proposal would not involve the loss of any existing retail use at ground floor level, but instead, would introduce new activity on the upper floors of the building.

External alterations and extensions

17. It is proposed to alter and extend the southern elevation of the building, which looks onto Old Post Office Court and the side of Lloyds Bank. The western elevation fronting Gentleman's Walk would not be altered externally.
18. A new lift and lift shaft are proposed, which would extend from the basement to the third floor. The existing first floor would be extended forward to the line of the ground floor to create an extended stair and lift lobby, on top of which a small external terrace area, approximately 18.5 sq.m., is proposed. This would be accessed from the second floor, which would also be extended to accommodate the new lift and a larger lobby.
19. A new internal waste store would be created on the ground floor, adjacent to the lift. Four existing windows would be blocked up and a new opening provided with

double doors.

20. The proposed entrance would be remodelled to span the ground and first floor levels incorporating elements of glazing and metal panel features. The new external surfaces would be rendered to match the finish of this section of the existing southern elevation of the building.
21. Based on internal and external comments, it has been requested that the second and third floor windows of the Gentleman's Walk frontage be replaced to match the windows below. The Agent has responded that the application proposes the enhancement to the Old Post Office Court elevation, by removing the very visible existing air-conditioning units from the wall and creating an interesting new entrance.
22. Whilst it is agreed that the replacement of the second and third floor windows to the Gentleman's Walk elevation would be an enhancement, this does not form part of the current proposal.

Impact on setting of listed buildings and city centre conservation area

23. The proposed external alterations are limited to the southern side of the building and not the principal western elevation. Although the southern elevation is directly opposite the side of a listed building it is considered that there would not be a significant impact on the setting of the listed building, other listed and locally listed buildings or the wider heritage asset of the city centre conservation area, because the proposal does not encroach beyond its current built form and due to the narrowness of the pedestrian alley, there are very limited public views of this side of the building.
24. It is considered that the alterations would enhance the appearance of the southern elevation of the building. If the proposal was approved, the submission of details of the new windows and doors would form a planning condition.

Transport and Access

Servicing and refuse storage

25. Two 1100 litre bins would be located in the new waste store, which would be accessed directly from Old Post Office Court. Refuse would be collected by commercial collection and as such, the Council, acting as the Highways Authority, does not specify the capacity of commercial storage. It is a matter for the operator and the refuse company to resolve.
26. Access via Old Post Office Court to a refuse vehicle either on Gentleman's Walk or Old Post Office Court is considered acceptable outside pedestrianised hours.
27. Due to the narrowness of Old Post Office Court and its use as a public thoroughfare it is considered that if the proposal is approved, a condition should be attached to ensure that no refuse or storage containers should be left on Old Post Office Court or Gentleman's Walk on either a permanent or temporary basis.

Car and Cycle Parking

28. From a transportation perspective, the proposed use is suitable for a city centre location, as customers could make use of all the existing bus, train and cycling facilities, where linked trips could also be achieved. All city centre car parks and

park and ride services would also be available.

29. Under policy TRA7 the proposal would normally require the provision of cycle parking for customers and staff on the site or in the immediate vicinity. However, this is not possible due to the constrained location of the building. On balance, it is considered that there would be adequate existing cycle parking in the vicinity of the building and in particular on Gentleman's Walk, that would be available during the evening and night-time, when the business is likely to be at its busiest.
30. If the proposal is approved, a condition would be attached to require the submission of a Travel Information Plan.

Access (including fire safety)

31. The proposed use as a restaurant and karaoke bar is suitable for a city centre location and the premises has good pedestrian access arrangements, although the access point from Gentleman's Walk to the property is quite narrow.
32. The Agent has stated that Norfolk Fire and Rescue service has confirmed it's acceptance of the design provided it meets the requirements of 'BS 9999: Code of practice for fire safety in the design, management and use of buildings', which is an alternative approach to Approved Document B of the Building Regulations.
33. A Means of Escape Strategy has been prepared so that the design meets the minimum requirements of the BS 9999:2008 Code of practice (as above), which is an alternative to Approved Document B of the Building Regulations. Therefore, it is understood that the design is acceptable to Norfolk Fire and Rescue Service.
34. If the application is approved it is proposed to attach a condition requiring the submission of a construction and management plan to include details of waste storage and removal, hours of construction and public access arrangements.

Impact on living conditions

Noise and disturbance

35. The property is situated in a mainly daytime retail part of the city centre, where there are a small number of residential and licensed premises in the vicinity. It is located well away from the city centre's Late Night Activity Zone where it would be more acceptable for premises to operate until 02:00 or 04:00, as proposed.
36. As a result of the concerns put forward, the Applicant has stated that they would be prepared to correspond with the licensed opening hours of the nearby Walnut Tree Shades Public House, which are from 10:00am to 02:30am every day. Therefore, the Applicant proposes opening hours of 12:00 midday to 02:00am Monday to Thursday and 12:00 midday to 02:30am Friday to Sunday.
37. It is considered to be inappropriate to compare such premises with regard to opening times, particularly when the size, nature and capacity of the proposed restaurant and karaoke bar is likely to be very different to any nearby Public Houses, many of which have long historic uses as public houses.
38. Norfolk Police requests that no premises outside the Late Night Activity Zone should be permitted to be open beyond midnight, unless it can be clearly demonstrated that there would be no detrimental impact on the living conditions of nearby residents or that there is no potential threat of crime and disorder to the

public.

39. It is considered that the information submitted to support the planning application does not adequately demonstrate or justify the operation of the premises, (which does not fall within the Late Night Activity Zone), beyond midnight. Consequently, if approved it is proposed to attach a condition requiring the property to be closed between 00:01 hours and 07:00 hours on any day.
40. The acoustic report submitted with the application adequately demonstrates that appropriate noise control can be achieved. However, the report refers to the third floor only and consequently, any approval may need to be conditional of the playing of amplified music to be restricted to the third floor until further assessment is undertaken and that a detailed scheme of attenuation including maximum noise levels is submitted and approved.

Plant

41. The acoustic report has assessed the likely impact of the existing plant being moved to the roof and gives some guidance as to the maximum acceptable noise generated by any additional equipment. If permission is granted then this would be conditional on the details of any plant/machinery/fume/extract systems being submitted and approved.

Local Finance Considerations

Community Infrastructure Levy (CIL)

42. The proposal seeks a change of use of approximately 826 sq.m. of existing floor space with the addition of approximately 49 sq.m. new floor space for the restaurant and karaoke bar. The proposal is technically liable for CIL. It is noted that whilst the upper floors of the building have been vacant for many years, the two ground floor retail units, which form part of the property for CIL purposes, have been in use over the last 12 months.
43. In addition, the new floor area does not amount to 100sq.m. or more and so it is confirmed that the proposal, as submitted, would not incur a fee under CIL.

Financial liability	Liable	Amount
Community Infrastructure Levy	Yes	£0
Business Rates	Yes	To be determined

Conclusions

44. Overall, it is considered that the proposed use as a restaurant and karaoke bar would bring beneficial activity back to the upper floors of 13-14 Gentleman's Walk, which would enhance the vitality and vibrancy of this part of the city centre, particularly in the evenings when the area is generally much quieter. By the use of appropriate conditions it is possible to mitigate the concerns regarding potential noise and disturbance in the vicinity.
45. The proposed extensions and alterations are considered to be acceptable and should enhance the physical appearance of the southern elevation of the building without being detrimental to the setting of the nearby listed and locally listed building or the character and appearance of the wider city centre conservation area.

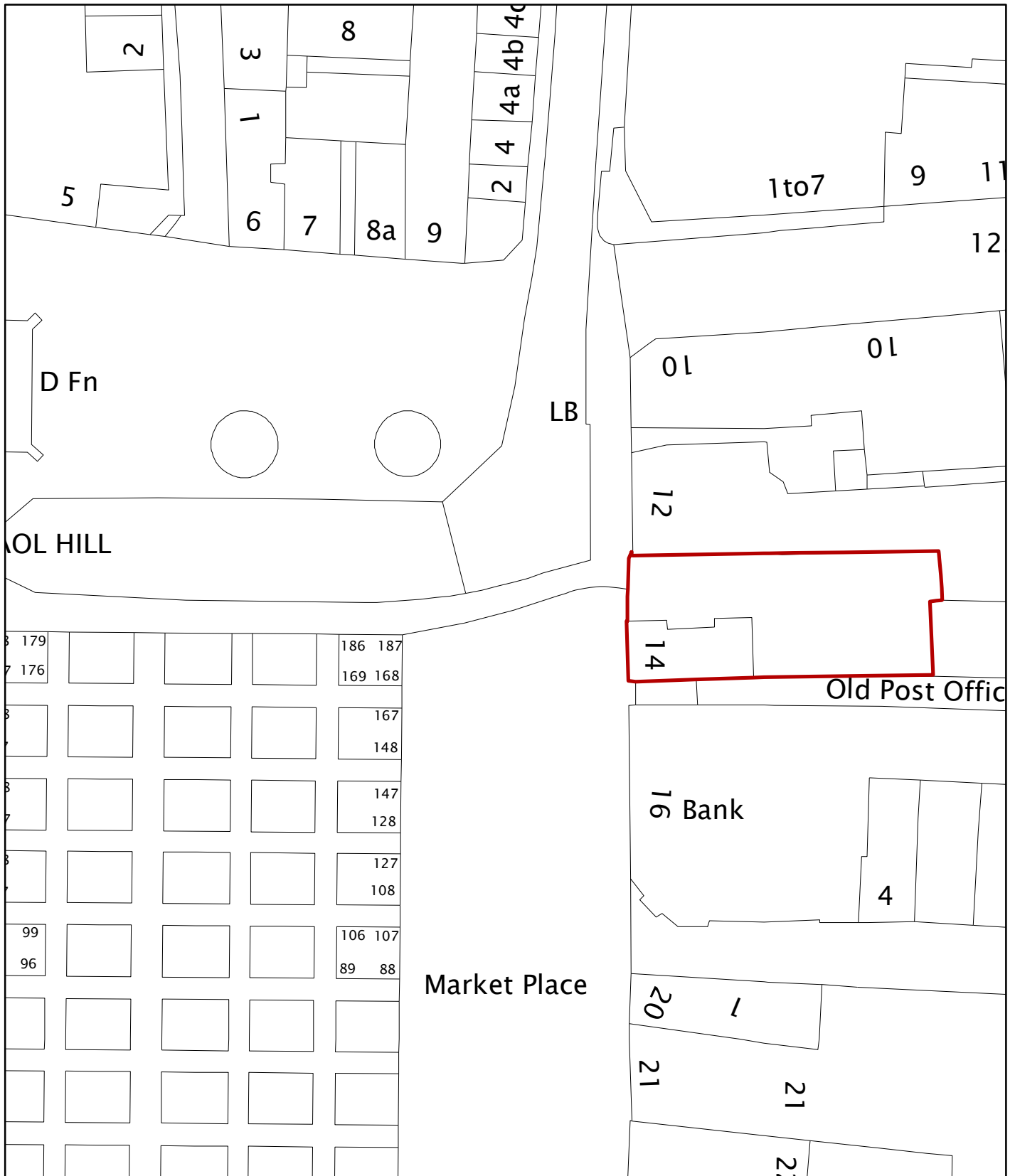
RECOMMENDATIONS

To approve Application No 13/01218/F at 13-14 Gentleman's Walk and grant planning permission, subject to the following conditions:-

1. Standard time limit condition
2. In accordance with the details and drawings submitted with the application
3. Submission of details of all new doors and windows (external and internal)
4. Details of external materials to be submitted
5. Restriction on use of amplified sound equipment
6. Details of any plant/ machinery /fume/ extract systems to be submitted
7. Details of position of air-conditioning or refrigeration plant and maintenance schedule
8. Premises not open to the public between the hours of 00:01 hours and 07:00 hours
9. The storage receptacles associated with the operation approved shall only be left on Old Post Office Court or Gentleman's Walk for collection purposes outside pedestrianised and at no other time
10. Submission of a construction and management plan to include the following:
 - (a) details of how waste will be stored and removed from the site;
 - (b) details of how deliveries will be made to the site;
 - (c) storage of materials;
 - (d) provision of pedestrian routes past the site (if appropriate);
 - (e) hours of construction.

Informatives:

1. No vehicles are permitted adjacent to the premises at any time as Old Post Office Court is a narrow pedestrian thoroughfare. Vehicles must wait at the Castle Street end of Old Post Office Court or on Gentleman's Walk outside pedestrianised hours of operation.
2. Refuse and recycling bins to be purchased by the Applicant prior to occupation.
3. The new floorspace created as part of the proposal although technically liable for Community Infrastructure Levy (CIL) is below the threshold of 100sq.m. for minor developments and will not therefore incur a fee unless before the time planning permission first permits the chargeable development the government amends the threshold.



Report to Planning applications committee
Date 9 January 2014
Report of Head of Planning Services
Subject 13/01963/VC: Unit A, Yarefield Park, Oldhall Road,
 Norwich, NR4 6FF

Item
4(3)

SUMMARY

Description:	<p>Variation of proposed highways works required by conditions of previous permission 13/00870/F 'Change of use of industrial premises (Class B1/B2/B8) to 600 pupil University Technical College (Class D1); proposed tower and window extensions, alterations to building exterior; changes to external site layout; erection of bus and cycle facilities and 2.4m security fencing and pedestrian gate to parts of site boundaries.'</p> <p>Changes comprise: variation of condition 6 (a): cycle infrastructure, to relocate new cycle link route from Ipswich Road/Fountains Road to Hall Road/Oldhall Road; removal of condition 6 (c): providing dropped kerbs on Hall Road opposite Sandy Lane; variation of condition 6 (d): to provide shared use cycle signage at junction of Fountains Road and Hall Road; variation of condition 6 (e): signage on Bessemer Road, to replace Bessemer Road cycling signage with a general direction sign at Oldhall Road, and variation of condition 7 (b): yellow lines on Neatmarket road, to alter nature of intended parking restrictions and introduce a coach parking zone.</p>	
Reason for consideration at Committee:	<p>Departure from Local Plan; Major development; Variation of planning committee decision.</p>	
Recommendation:	Approve.	
Ward:	Lakenham	
Contact Officer:	Rob Parkinson	Senior Planning Officer 01603 212765
Valid Date:	3rd December 2013	
Applicant:	Mr M Heron	
Agent:	Mrs Margaret Shelley	

INTRODUCTION

The Site: Location and Context

1. The site is within Yarefield Park at the southernmost end of Oldhall Road. Unit A is the former Connaught building built in c.2007 originally to host the Autowrappers business. Access to the site is via Oldhall Road from Hall Road, or via a footpath from Ipswich Road.

2. The building has permission to be converted from the industrial / office use into a University Technical College, which was approved by planning committee on 15 August 2013 and the permission was issued on 23 August 2013. The site forms part of the Yarefield Park industrial area, which when built was designated in the 2004 Replacement Local Plan as a General Employment Area within the saved Local Plan.
3. Any permission issued through this Variation of Condition procedure would have the effect of creating a new planning permission, so the change of use from industrial to school would represent a departure from Local Plan policy, although the principle has already been accepted.

Relevant Planning History

13/00275/F - Erection of two sections of 2300mm high security fencing with brick plinth incorporating sliding gates. (APPROVED 06/06/2013). Intended for use as part of the school.

13/00870/F - Change of use of industrial premises (Class B1/B2/B8) to 600 pupil University Technical College (Class D1); proposed tower and window extensions, alterations to building exterior; changes to external site layout; erection of bus and cycle facilities and 2.4m security fencing and pedestrian gate to parts of site boundaries. (APPROVED - 23/08/2013).

The Planning Committee Report from 15th August 2013, and its supplementary report, can be seen at the following link:

<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=162>

The permission is extant, and can be implemented by 23 August 2016. No works have started on the conversion and no details of conditions have yet been submitted for approval. Within planning permission 10/00870/F a number of cycle network enhancements and vehicle parking restrictions in the area were required by planning conditions. These are specifically detailed at Conditions 6a-6e and 7, which can be seen in the Decision Notice document at: <http://planning.norwich.gov.uk/online-applications/> using the application number 13/00870/F.

Equality and Diversity Issues: There are no significant equality or diversity issues.

The Proposal

4. The proposals seek to change the requirements of certain planning conditions attached to planning permission 13/00870/F. Specifically, the variations are proposed as below:
5. Condition 6a – to not provide a cycle up-ramp link from Ipswoch Road to Fountais Road, and instead provide a new shared-surface cycle link route from Hall Road into Oldhall Rd.

6. Condition 6c – to remove the requirement to provide dropped kerbs on Hall Road opposite Sandy Lane.
7. Condition 6d – to revise the cycle signage and road markings intended for Hall Road / Fountains Road.
8. Condition 6e – to not provide cycle signage or road markings at Bessemer Road, and instead provide a single vehicle direction post at Hall Road / Oldhall Road.
9. Condition 7b – to include a 2hr coach parking zone within full length lining at Neatmarket.

Representations Received

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
11. No letters of representation have been received at the time of writing this Committee Report, but Members should be aware that public consultation runs until 15 January 2014; an update report to Planning Committee will be provided on the day, and a resolution will be dependent on no adverse representations being made to the LPA between the Committee meeting and the expiry of this consultation period.

Consultation Responses

12. **Norfolk County Council as Strategic Highways Authority** – There will be no impact on the strategic highway from this development, and the application can be considered by the local highways authority transport planners.
13. **Transport Planners** – the works are acceptable as described in this report.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

The policies listed below relate only to the changes discussed in the report. The committee report for permission 13/00870/F details the full range of policies taken into account in the original permission.

National Planning Policy Framework:

Paragraphs 203-206 – Planning conditions and obligations

Section 4 – Promoting sustainable transport

Section 8 – Promoting healthy communities

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

Policy 6 – Access and transportation

Policy 7 – Supporting communities

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

TRA3 – Modal shift measures in support of NATS

TRA5 - Approach to design for vehicle movement and special needs

TRA10 – Contribution by developers for works required for access to the site

TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes

TRA15 - Cycle network and facilities

Principle of Development

Policy Considerations

14. The principle of the loss of employment land has already been accepted through the approval of permission 13/00870/F in August 2013. No changes to national or local policy have occurred since then to give cause to reconsider this.
15. In creating a new permission through the Variation of Condition process, the existing conditions and additional material considerations can be re-examined. In this instance, however, it is not considered necessary to make variations to other conditions or impose controls other than those assessed herein. The time limit for commencement of development would be stipulated to remain as per the original latest date to commence.

Highways Design

Road / Junction Layout

16. The proposal to install a new cycle route across the corner of Oldhall Rd and Hall Rd will improve the ease of access to the NUTC college and other business at Yarefield Park, and improve links to Ipswich Road to help cyclists avoid the Hall Rd / Ipswich Rd junction. The design is a simple 3m-wide path with associated bollards and signage, and an additional vehicle direction signpost for drivers to find the college. The route involves a small loss of grass verge but it does not cause a detrimental loss of landscaping.
17. Minor changes to footpaths and relocating new signage will minimise the 'clutter' of signage around Sandy Lane / Bessemer Road and benefit cyclists around Fountain Road.
18. There will be no adverse impact for local residents or businesses from these variations.

Transport and Access

Vehicular Access and Servicing

19. Vehicle access to the NUTC site will be improved by the applicant providing a directional sign at Hall Road, in lieu of signage previously anticipated at Bessemer Road.

Cycle Routes and Pedestrian Links

20. The proposals have been worked-up closely with the local highways authority transport planners to help deliver a scheme which will link directly into the Strategic Cycle Network, benefitting pupils and visitors of the college, and the wider public to access cycle exercise.
21. Condition 6a - The previously-expected direct cycle link from Ipswich Road into the

local cycle network at Fountains Road will not be provided, but it would have served relatively few people and the benefits brought by relocating the new infrastructure to the corner of Hall Road / Oldhall Rd is considered more appropriate.

22. Condition 6b – There is not considered to be a need to amend this condition because the scheme can provide signage to help utilise an existing dropped kerb onto the Hall Road cycle path opposite Fountains Road.
23. Condition 6c – The previous requirement to install a dropped kerb on Hall Road opposite Sandy Lane is considered more complicated to construct than first anticipated, possibly involving loss of landscaping and harm to the tree root protection areas. In the long-term, the Sandy Lane / Hall Road junction should be revised as part of the Asda Hall Road permitted proposals, and the Highway Authority consider it appropriate to wait for this, and therefore remove the condition and obligation on the applicant.
24. Condition 6d - Signage previously required at Bessemer Road is not necessary, and potentially confusing, as the Strategic Cycle Network enhancements will improve signage with bespoke designs along this Yellow Route from Lakenham Way to Ipswich Road. Instead, signage will be used to highlight the Fountains Rd / Hall Road link dropped kerb.
25. Condition 6e – As with Condition 6d, it is considered more appropriate to use Strategic Cycle Network signs than additional signage and potential street clutter. The new vehicle sign will be provided instead.

Vehicle parking restrictions

26. Condition 7b – The existing permission requires double-yellow line signs along the full length of Neatmarket road (leading to the former Livestock market and B&Q), but this would conflict with the accepted area for coach parking on this road. Therefore, it is suggested to include a formal coach parking waiting restriction as part of these works to regularise the existing situation and still prevent any school-related off-site parking here.
27. All details of proposed works can be seen in the appended plans.

Travel Plan

28. The Travel Plan as required in the existing consent will still be required, and may in time be expanded to cover bus stop enhancement and footpath improvement at the Hall Road / Oldhall Road bell-mouth junction, as currently anticipated by Condition 10 of the consent.

Conclusions

29. The package of highways works vary the intended modes of access to the new university technical college but the modifications are relatively minor and beneficial for students and the wider public alike, improving safety and speed of links from Hall Road to Ipswich Road.
30. The wider proposal to change the use of the premises from industrial to a university technical college remains an acceptable proposal and there has been no material change to planning policy or other circumstance to require this to be reconsidered.

As such the works proposed will enhance the NUTC scheme and the application can be approved subject to amended and re-imposed conditions from permission 13/00870/F, as below.

RECOMMENDATIONS

Subject to not receiving any adverse representations or objections from the public or consultees before 16 January 2014:

To approve Application No 13/01963/VC at Unit A, Yarefield Park, Oldhall Road, Norwich, NR4 6FF, and grant planning permission, subject to the following conditions:-

1. Development shall commence by 23 August 2016.
2. The development shall be in accordance with the plans and details within permission 13/00870/F, amended appropriately to include the highways plans detailed on this decision notice.
3. Restrictions on use of site and users of the school – as per Condition 3 of 13/00870/F.
4. Water conservation measures shall be provided – as per Condition 4 of 13/00870/F.
5. Provision of: on-site bus stop; landscaping and servicing areas; fencing and gates; landscaping; car parking and sports area; pedestrian safety markings; and cycle parking – as per Conditions 5a-5g of permission 13/00870/F.
6. There shall be no use until the following features are provided:
 - 6a – provide the Hall Rd / Oldhall Rd cycle link shown on drawings 02 and 03;
 - 6b – undertake signage adjustments shown in drawings 04 and 05;
 - 6c – provide a vehicle direction sign to Oldhall Road on Hall Road as shown on drawing 06 and to the specification shown at plan Appendix 12/1;
 - 6d – provide the pedestrian safety measures at the Oldhall Road junction previously required by condition 6f of 13/00870/F unless otherwise agreed in writing by the Local Planning Authority;
 - 6e – provide the bus stop improvements previously required by condition 6f of 13/00870/F unless otherwise agreed in writing by the Local Planning Authority.
7. No use of the development until the following measures have been provided in general accord with plan PL/TR/3329/738-2, unless otherwise agreed in writing with the LPA:
 - 7a – double yellow lines along the length of Oldhall Road as shown on drawing PL/TR/3329/738-2A.
 - 7b – double yellow lines and 2-hour waiting restrictions for coaches along Neatmarket as shown on drawings PL/TR/3329/738-2B and Appendix 12/1.
 - 7c – double yellow lines within the entrances to access drives / unadopted roads, as shown in the plan PL/TR/3329/738-2.
 - 7d – the application site shall be marked as a ‘no drop off’ zone by using signage as shown in drawings Appendix 12/1.
8. There shall be no use until street lighting is provided to Oldhall Road – as per Condition 8 of permission 13/00870/F;
9. There shall be no use until photovoltaic panels are provided – as per Condition 9 of permission 13/00870/F.
10. Fulfil Travel Plan requirements of Condition 10 of permission 13/00870/F.
11. External lighting details to be agreed - as per Condition 11 of permission 13/00870/F.
12. Servicing and delivery restrictions for HGVs – as per Condition 12 of permission

13/00870/F.

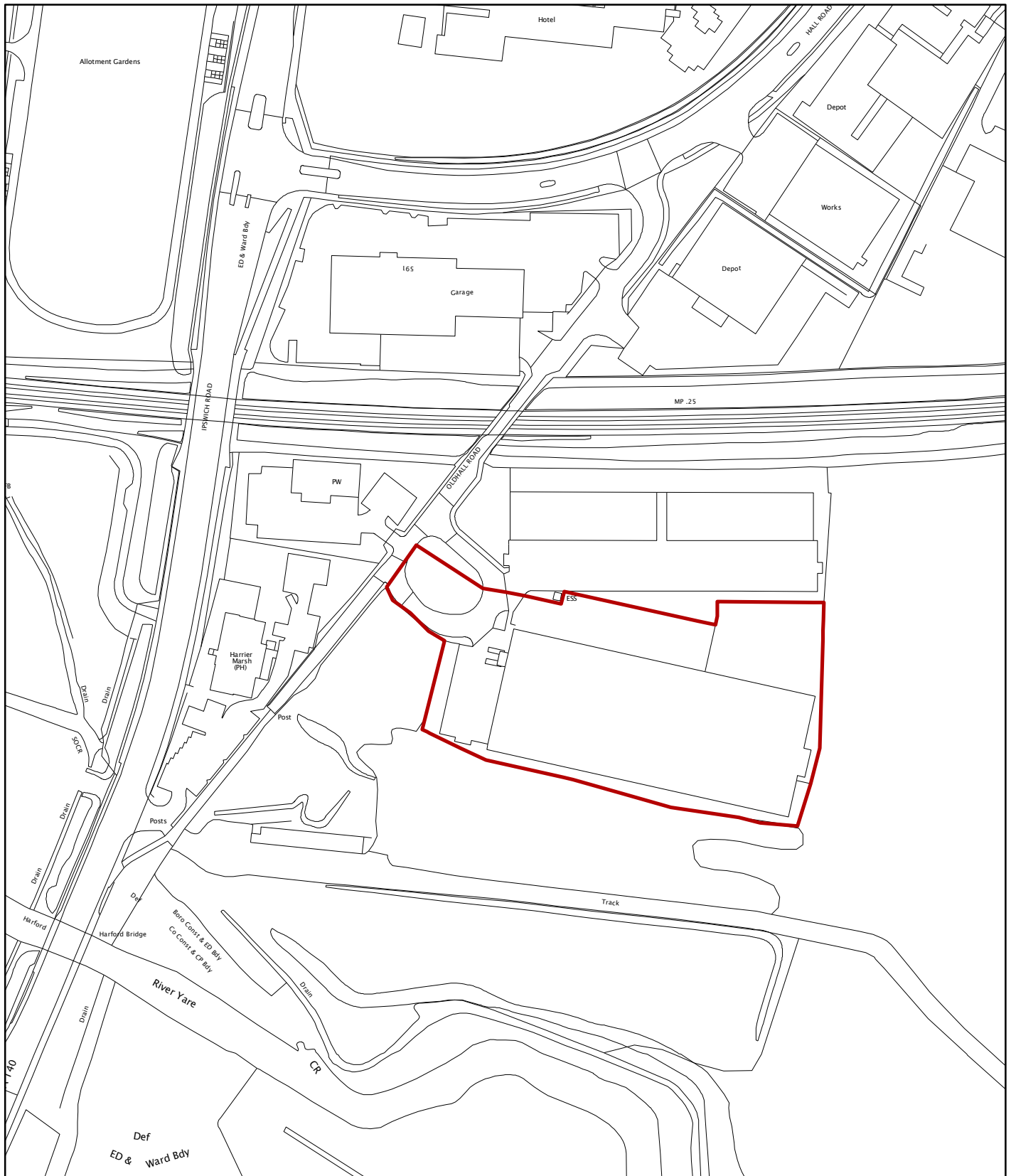
13. Restrictions on installation of plant and machinery – as per Condition 13 of permission 13/00870/F.

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 pre-application discussions and negotiations with the applicant, the proposals have been approved subject to appropriate conditions and reasons as outlined above.

Informative Note:

1. Construction good practice guidance.



© Crown Copyright and database right 2013. Ordnance Survey 100019747.

Planning Application No 13/01963/VC
 Site Address Unit A Yarefield Park
 Oldhall Road

Scale 1:2,000



NORWICH
 City Council

PLANNING SERVICES

